

Testimony in SUPPORT of HB23

Personal Information - State and Local Agencies - Restriction on Access

George Escobar, on behalf of CASA

Judiciary Committee & Environment and Transportation Committee

January 27, 2021

Dear Chairman Clippinger, Chairman Barve, Members of Judiciary Committee, and Members of the Environment and Transportation Committee:

CASA is pleased to provide favorable testimony of House Bill 23, Personal Information - State and Local Agencies - Restriction on Access. CASA is the largest immigrant services and advocacy organization in the mid-Atlantic region and in Maryland, with a membership of over 100,000 black and brown immigrants and working families. CASA provides a variety of services for immigrants across the state.

HB23 is critical to fulfill the Maryland General Assembly's promise to undocumented Marylanders that they could safely get a driver's license. In 2013, the Maryland legislature passed the Maryland Highway Safety Act that allowed undocumented residents of Maryland to obtain a driver's license. This critical bill allowed for undocumented immigrants to obtain a driver's license to be used for limited purposes. The Maryland Highway Safety Act made it possible for the Motor Vehicles Administration to administer written and road tests to undocumented drivers, allowing for insurance companies to issue them liability coverage. In addition to purposes of public safety, the allowed for undocumented residents to drive to work, drop their kids off at school, go to the doctor, and navigate the responsibilities of everyday life that require driving, without being forced to break the law.

After the Maryland Highway Safety Act¹ was passed, with the promise from legislators that undocumented immigrants would be able to get a license safely, CASA began working with our membership and the broader undocumented community to support with applying for driver's licenses through our driver license and tax program. Our programs have led to hundreds undocumented immigrants sharing their personal information with the MVA.

Considering CASA's deep history and involvement in both pushing efforts for legislation to allow undocumented immigrants to obtain a license and leading programming to see it through in practice, news that ICE has been using drivers license data to target and deport immigrants has been extraordinarily painful. CASA members that have trusted that their personal information would not be shared, have found themselves targeted, arrested, detained and deported by ICE. While stories began rolling from CASA members, reports began to appear about ICE agents harassing and detaining undocumented residents in Catonsville. The agents were pulling over vehicles near an apartment complex, already knowing the name of the registered driver. The only time these residents had provided their name or address to a government system was when registering for a Maryland driver's license.²

¹ <http://mgaleg.maryland.gov/2013RS/bills/sb/sb0715T.pdf>

² <https://perma.cc/S7V9-SS56>

The unfathomable decision for ICE to exploit Maryland's efforts to increase community safety by mining the information that the MVA collects about registered drivers to find people to detain and deport has lasting impacts on the immigrant community as a whole. As this legislature well knows, the impact of ICE enforcement is often catastrophic not only for the person being deported and their loved ones, but for the extended community to which that family belongs. Those who are detained and deported will often be forced to return to countries that they left to escape violence, or where they have no ties. Detention and deportation take children away from their parents, workers from the economy, and sense of safety and security from the entire community.

275,000 undocumented immigrants comprise of 29 percent of the immigrant population and 5 percent of the total state population in Maryland.³ ICE's ability to use data from the MVA and other local agencies has forced this large group of Maryland residents to once again be left in the unfortunate position that they were in before the Maryland Highway Safety Act was passed - and for those with licenses, an even worse position that puts them at risk of deportation. Since arrests started happening several years ago, CASA's membership has consistently identified driver privacy protections as a top priority that would transform their lives.

This bill would remove the hesitation that prevents some undocumented Marylanders from obtaining a drivers license. A large number of CASA members and the broader undocumented community in Maryland that are eligible for a license want to get one. These people want to follow the rules and are in need of a form of identification, but they are rightfully hesitant to obtain their license because they are aware that ICE has unfettered access to the MVA database. As long as the Maryland legislature allows this to continue, undocumented immigrants are forced between two terrible choices: driving without a license or knowingly provide their name, photo and address to an agency that may track and deport them, a risk most are not willing to make.

This bill would significantly build trust between the immigrant community and the MVA and other government agencies. Undocumented drivers that trusted that their information was safe with the MVA and proceeded to get their licenses feel betrayed. Many agree that they would not even apply for a license, if they knew that ICE had access to their names, photo, and address. Some families have gone so far as to leave their homes and relocate so that their addresses did not match what they had submitted to the MVA.

Two undocumented CASA members, Douglas and Kevin, whose full names will not be disclosed for privacy purposes, are among the thousands of undocumented drivers who got their licenses. The two brothers escaped horrible violence in their home country and came to the United States for safety, choosing Maryland as their home. The brothers had endured terrible beatings from gang members and survived years of physical torture that were visible on their bodies. Like many other undocumented immigrants fleeing violence and extreme hardship, they did not have any way to obtain legal status once they arrived despite their efforts. After filing taxes for several years, both were eligible for a license and moved forward with getting one. They both viewed their drivers license as a source of pride and belonging. Then, in 2019, the brothers were driving together on their way to work when they were stopped for no reason and arrested by ICE. Both ended up being detained in a local jail that incarcerates ICE detainees on ICE's behalf. Neither of them has committed a criminal offense - they were simply

³ https://www.americanimmigrationcouncil.org/sites/default/files/research/immigrants_in_maryland.pdf

arrested for being undocumented and getting a driver's license. Kevin ended up being detained for over six months, which had an excruciating mental and physical impact on him. He eventually won his immigration case and was released. The ICE agent told them they found them by searching for Douglas in the MVA database.

Unfortunately, Douglas' and Kevin's story are just two of the thousands of undocumented Marylanders who have been and are at risk of being tracked down by ICE without a warrant. The Maryland legislature should be saddened and outraged that experiences like Kevin's and Douglas' were enabled by existing policy that allows data sharing. This bill will take tremendous strides in restoring the true spirit and desired outcome of the Maryland Highway Safety Act that was passed in 2013 - and would unquestionably restore trust between the immigrant community and Maryland government at a time when it is more necessary than ever.

For questions, please contact Cathryn Paul at cpaul@wearecasa.org.

For the reasons outlined above, CASA urges a favorable decision on House Bill 23.

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