



January 24, 2021

Re: Testimony in Support of the Maryland Driver Privacy Act (SB234/HB23)

Dear Chair Clippinger, Vice-Chair Atterbeary and Members of the Judiciary Committee:

Asian Americans Advancing Justice | AAJC writes to express our strong support for the Maryland Driver Privacy Act (SB 234/HB23) and urge you to pass the bill out of committee. Advancing Justice | AAJC works to advance the human and civil rights of Asian Americans through advocacy, public policy, public education, and litigation. Founded in 1991, Advancing Justice | AAJC is one of the nation's leading experts on civil rights issues of importance to the Asian American and Pacific Islander (AAPI) community including immigration and immigrants' rights, census, hate incidents, language access, technology, and telecommunications, and voting rights.

Immigration is an important issue to Asian Americans. 92% of Asian Americans are immigrants or the children of immigrants. Maryland is home to over 415,000 Asian Americans making up 7% of the population. Around 266,000 of them are immigrants and around 39% of Maryland's Asian American population are limited English proficient. Overall, 15 percent of Marylanders are immigrants, and nearly 275,000 Marylanders are undocumented.¹ The issue of so many undocumented immigrants and immigration enforcement is often thought of only as a Latino issue. **In fact, there are around 35,000 undocumented Asian immigrants living in Maryland.**

As a civil rights organization, Advancing Justice | AAJC generally supports robust due process protections and transparency requirements as necessary to protecting the civil and human rights of Asian Americans and other minority communities. We commend the Maryland Legislature on extending driver's licenses to all Marylanders regardless of immigration status. However, ICE's unfettered access to MVA's database undermines that law and discourages undocumented people from obtaining licenses. A warrant requirement is reasonable and not overly burdensome. Reporting requirements are important for legislative oversight and public accountability.

¹ All data in this testimony related to Asian Americans residing in Maryland can be found at aapidata.com.

In addition to the obvious need for a check on this access, we add a note of caution around the use of facial recognition software. Studies and tests have shown that facial recognition technology has higher rates of error for people of color, including Asian Americans.² It is imperative that legislatures provide robust oversight on the use of this technology.

As elaborated in our statement in support of the Maryland Trust Act, communities are safer when there is trust and cooperation between local law enforcement and residents. SB234/HB23 is a simple and sensible due process bill that would protect the rights of immigrants and people of color against unchecked surveillance and encourage all Marylanders to safely access driver's licenses. We thank you for holding a hearing on this important bill and urge you to vote for it. Please feel free to contact me with any questions at messahab@advancingjustice-aaajc.org.

Sincerely,

Megan Essaheb
Director of Immigration Advocacy
Asian Americans Advancing Justice | AAJC

² See our blog on facial recognition technology. <https://medium.com/advancing-justice-aaajc/u-s-lawmakers-must-continue-to-scrutinize-facial-recognition-technology-649858b9c726>