

H.R. 418

The REAL ID Act of 2005

Introduced by Rep. Sensenbrenner (R-WI) on January 26th, 2005

H.R. 418 would deter illegal immigration by making it more difficult for illegal aliens to enter and to remain in the United States. It also would reduce significantly the risk that terrorists will be able to game our asylum system or avoid removal because of loopholes in our immigration laws.

“Secure identification should begin in the United States. The federal government should set standards for the issuance of birth certificates and sources of identification, such as drivers licenses.” (9/11 Commission Report, p. 390)

The fact that illegal aliens and terrorists are able to obtain driver’s licenses and identification cards in 10 states is a monumental gap in the national security policy of the United States. That the 19 terrorists who murdered 3,000 Americans on September 11, 2001, had dozens of state-issued driver’s licenses and identification cards speaks to the urgency of this matter. The hijackers used these IDs to rent cars and apartments, open bank accounts, take flying lessons, and otherwise blend into American society while they planned their attacks. They also used these IDs to board the airplanes they turned into weapons that morning.

While the 9/11 terrorists were issued visas to enter the United States, at least two of them overstayed their visas and obtained licenses and IDs despite their unlawful status. As we tighten our visa and entry systems, terrorists increasingly will resort to illegal entry to gain access to our country. Illegal entrants are, by definition, aliens who have not undergone either criminal or terrorist screening and whose identity has not been firmly established by federal authorities. Ensuring that illegal aliens are not issued licenses is, therefore, of the utmost importance to homeland security. H.R. 418 establishes minimum standards for the issuance of driver’s licenses and ID cards that states must meet within three years if these documents are to be recognized by the federal government as reliable proof of identity.

Among the minimum standards set forth in H.R. 418 are requirements that:

- The expiration date of a license or ID card issued to a temporary foreign visitor match the expiration date of the visa..
- If there is no expiration date on the visa, the license or ID card must expire in one year.
- Only U.S.-issued documents and valid foreign passports may be used to establish the identity of applicants.
- Each applicant provide proof of U.S. citizenship or lawful presence in the United States.
- Documents presented during the application process must be independently verified.

In addition to establishing standards for the issuance of licenses, H.R. 418 includes provisions to prevent terrorists from gaming our asylum system. Court decisions in recent years have so distorted the asylum process that terrorists are now able to claim asylum specifically *because they are terrorists* (they assert this is a political opinion). H.R. 418 also would ensure that terrorists may be denied entry to the United States and that they may be removed if located within the country. Finally, H.R. 418 would deter illegal immigration by allowing the construction of physical barriers along the border.

H.R. 418 represents a critical first step toward gaining control over our borders and protecting American lives. These are common-sense measures that should be implemented immediately.