



AB60 IN AN ERA OF RESISTANCE: **KNOW YOUR RIGHTS**

Donald Trump has proposed sweeping changes in immigration policy during his first two weeks in office. It is unclear how these changes will play out in practice. Many may be held unconstitutional; others will take Congressional or other government action to implement. In the meantime, AB 60 remains in effect, and each applicant should make their own decision about whether to apply.

Making the best decision for you

AB 60 has changed lives across California. As of December 2016, **822,000 people have received** AB 60 licenses. That's almost as many people as the population of San Francisco! Many Californians are now driving with an AB 60 license to meet their basic needs, like driving their children to school, driving their loved ones to the hospital, and going to work.

Q: Is AB 60 still law, now that Donald Trump is President?

A: Yes, AB 60 is still law, and the Department of Motor Vehicles (DMV) will continue to process AB 60 license applications.

Q: I already have an AB 60 license. Is my information safe?

A: There are confidentiality and anti-discrimination protections in place through existing state laws. Within the California driver's license database, AB 60 licenses are not marked differently from other California driver licenses. This means that ICE or law enforcement cannot look for the records for AB 60 license holders based *only* on the fact that you have an AB 60 license.

Advocates and organizers are also working to see if additional protections could be added to further safeguard driver's license information.

Q: Is the information I provide to the DMV confidential?

A: The documents you provide to the DMV to prove your identity, name, residency, and age are not a public record. The DMV may not disclose this information, except when requested by a law enforcement agency as part of an investigation, including potentially Immigration and Customs Enforcement (ICE). DMV would only provide this information to ICE if the federal agency is already looking for a particular person as part of an investigation. Moreover, AB 60 licenses are not marked differently from other licenses within the DMV database.

Q: Does the risk of deportation change under the Trump administration?

A: There are still many unknowns about how these Executive Orders will be implemented in practice, but Trump does seem to be making deportations a priority of his administration. One Executive Order greatly expanded the "immigration enforcement priorities," which are the categories the government is targeting for deportation. The current enforcement priorities are extremely broad, further criminalizing immigrants and militarizing the border. Therefore, any undocumented community



member is potentially at risk, especially those who have had prior contact with law enforcement. These enforcement priorities include those who:

- Have any criminal conviction;
- Have a pending criminal charge that has not been resolved;
- Have done something that could lead to a criminal charge;
- Have engaged in fraud or misrepresentation before a governmental agency;
- Have “abused” public benefits;
- Are subject to final order of removal, but have not left the United States;
- Are deemed by an immigration officer to pose a risk to public safety or national security.

Moreover, undocumented immigrants and refugees are at greater risk of detention and expedited removal if they have been in the U.S. for less than two years.

Q: Am I more at risk for applying for an AB 60 license now that Donald Trump is President?

A: Whether to apply for an AB 60 license or not is a personal decision. More than ever, new AB 60 applicants will need to weigh the benefits and risks of not driving, driving without a license, and applying for an AB 60 license. This is because applying for and obtaining a license will place your name and address in the DMV records, which U.S. Immigration and Customs Enforcement (ICE) is able to access when it is looking for a particular person. ICE must enter a specific query and cannot freely scroll through the database.

However, driving without a license now poses a greater risk than before, since “committ[ing] acts that constitute a chargeable criminal offense” can make someone an enforcement priority. While any undocumented immigrant is potentially at risk, those who have had prior contact with law enforcement are at greater risk. You may wish to consult with an immigration attorney to talk about your options.

Q: Does AB 60 contain protection from discrimination? Since AB 60 license has a mark, could this be a risk for those who want to present the AB 60 license to law enforcement?

A: The law prohibits state or local government agencies, officials, or programs that receive state funds from discriminating against someone because he or she holds or presents an AB 60 license. This includes state and local law enforcement officials. Additionally, AB 60 specifies that it shall be a violation of law, including, but not limited to, a violation of the Unruh Civil Rights Act, to discriminate against an individual who holds or presents an AB 60 driver’s license. To monitor potential discrimination, AB 60 requires the California Research Bureau to compile and submit a report to the Legislature and the Governor about any incidents of discrimination perpetrated on holders of marked licenses.

If you think you have been discriminated against by law enforcement because of your AB 60 license, please call 415-621-2488 to report it.



These anti-discriminatory laws apply to state and local government officials. They do not prohibit discrimination from federal officials. Because of this, an AB 60 license could be used against you if you present it to a federal official, such as an ICE officer or a TSA officer.

Q: What “Know Your Rights” tips do you have for AB 60 license holders?

A: You may be at risk when presenting your AB 60 license to a law enforcement officer in another state, depending on the laws and policies of that state.

Do not attempt to use your AB 60 to enter restricted areas of federal facilities, pass through TSA screening at airports, or verify your identity to federal law enforcement officers, including Immigration and Customs Enforcement (ICE) and Customs and Border Patrol (CBP).

When talking to or in front of local or state law enforcement including police, sheriffs, and highway patrol officers, anything you say can be used against you – don’t talk about your immigration status, citizenship, when or you came to the US, or where you were born.

For a more complete Know Your Rights information related to AB 60 licenses, [please read this document](#).

We invite you to join the Drive CA coalition by emailing driverslicense@caimmigrant.org or visiting www.driveca.org. You can find resources to educate yourself and your community about AB 60 at the Drive CA website and at the DMV.