

DC VOLUNTEER LAWYERS PROJECT

A voice for victims and children in the DC metro area since 2008

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**Testimony of Michaela Lovejoy, Supervising Immigration Attorney
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Before the Committee on Transportation and the Environment**

B25-0849, The Limited Purpose Credential Clarification Amendment Act of 2024

Good afternoon, Chairperson Allen and Committee Members. My name is Michaela Lovejoy and I am a Supervising Immigration Attorney at the DC Volunteer Lawyers Project. DCVLP, which was founded in 2008, is a non-profit organization that provides comprehensive pro bono legal assistance to survivors of domestic violence, immigrant survivors of gender-based violence, and at-risk children living with abuse, neglect, and other dangerous circumstances. In 2023, we helped 3,065 domestic violence survivors, immigrant survivors of gender-based violence, and at-risk children to escape violence and establish safe and stable homes. Our immigration team consulted with 350 District residents and staffed 141 immigration cases.

The Limited Purpose Credential Clarification Amendment Act of 2024 proposes several important changes to expand access to ID credentials. DCVLP supports expanding the proof of identity documents applicants can use to apply for a Limited Purpose Credential, or an LPC, and proposes an additional change to make the law more accessible to District citizens who face barriers to obtaining identification.

The LPC was created in 2014 to allow undocumented immigrants the opportunity to obtain an identity credential. While the law was created with admirable intentions and we are grateful to the Council and the DMV for their recognition that immigrants should have access to an ID, the current LPC is inaccessible to many immigrants, including the immigrant survivors of domestic violence that DCVLP serves.

To obtain an LPC, individuals must present proof of identity documents to verify their identities. Currently, applicants are only permitted to present one of the following primary documents:

- Valid foreign passport;
- Consular identification card;
- Military ID card;
- CSOSA-issued ID card; or
- US-issued birth certificate.

Applicants can also present two of the following secondary documents:

- Foreign issued driver's license;
- Certified copy of a foreign issued birth certificate; or

- Certified school record.

Unfortunately, immigrant survivors fleeing abuse are often not in possession of these documents.

An abuser isolates and disempowers a victim by destroying her sense of self. At DCVLP, our attorneys witness a disturbing pattern. Our clients often lose access to their IDs and vital documents as part of their victimization. Their abusers may destroy or confiscate their vital documents in an attempt to create dependence, inflict emotional pain, and exert control. Often, our clients are forced to flee abusive situations quickly. They leave behind passports, birth certificates, and IDs. Once these documents are in the hands of an abuser, it is unlikely our clients will ever see them again.

The current law does not protect survivors of domestic violence who have lost their identity documents. And without identity documents, survivors face enormous barriers to accessing support services that will help them land safely once they leave their abusive situation. Many shelters reject individuals without IDs. They face difficulty applying for public benefits, finding housing, accessing health care, or enrolling their children in a new school. Ultimately, survivors face both the depersonalization inherent in domestic abuse and the indignity of losing the essential documents that can help them rebuild a life away from their abusers.

The experiences of one of DCVLP's clients, who I will call Ms. Doe, illustrate how current policies provide no safety net when survivors are stripped of their identity documents. Ms. Doe fled political persecution and sexual violence in her country of origin as a teenager. She met her husband, a US citizen, after several years of living in the United States. Their relationship rapidly devolved into physical, emotional, and financial abuse. Throughout their decade of marriage, her husband beat, stabbed, and starved Ms. Doe. He constantly threatened to have her deported, so she was too afraid to report the abuse to law enforcement.

Ms. Doe knew that her husband would kill her if their relationship continued. Five years ago, after an attempted sexual assault, she fled with nothing but the clothes on her back, a passport, and a cell phone. Ms. Doe lived on the street for two years because she was unaware that services existed for domestic violence survivors. She connected with DCVLP after a chance encounter with another domestic violence survivor.

Once Ms. Doe became our client, our advocates worked to find her a shelter placement. Sadly, she faced rejection from multiple shelters due to her lack of a DC ID. DCVLP advocates helped her apply for a visa under the Violence Against Women Act, or VAWA. When USCIS sent Ms. Doe a notice of a prima facie determination that her VAWA application met eligibility requirements, I accompanied her to the DMV, hoping that she could at least obtain a six-month LPC. By this time, however, her passport had expired. The DMV rejected her application for an ID. Five years after fleeing her abuser, she is still without identification and faces many barriers to moving forward with her life. Ms. Doe's story illustrates why the expanded list of identity documents proposed in the bill opens the door to IDs for many marginalized individuals, including immigrant survivors of domestic violence.

The Limited Purpose Credential Clarification Amendment Act of 2024 broadens the list of acceptable proof of identity documents and would greatly improve access to IDs for domestic violence survivors like Ms. Doe. The amendments to 18 DCMR Section 114.3 allow applicants for an LPC to present an expired passport as a proof of identity document—something that Colorado,¹ Connecticut,² New Jersey,³ New Mexico,⁴ New York City,⁵ Rhode Island,⁶ Virginia,⁷ and Washington⁸ allow. If the DMV had accepted Ms. Doe’s expired passport, as is proposed in the bill, she would have an ID today.

The amendments also permit an applicant to submit a letter with a picture and an affidavit of identity from a current IJLS grant recipient as proof of identity. DCVLP supports the provision to include an affidavit from an IJLS grant recipient as proof of identity because it provides an opportunity to verify the identity of survivors who have lost all their documents due to domestic violence. If DC adopted such a provision, it would not be the first jurisdiction to do so; New York City has recognized the importance of accepting photocopied foreign passports, and permits its citizens to utilize these documents combined with additional proofs of ID when applying for its credential.⁹

DCVLP also supports amending 18 DCMR Section 114.4 to create nine additional categories of secondary proof of identity documents. These categories of documents were carefully selected because they are noted by USCIS to be verifiable by SAVE and/or bear a stamp from DHS or a photograph, which heightens their integrity and gives them indicia of reliability.¹⁰

Another critical amendment can be found at Section 114.4(l), which would allow the DMV to accept legible photocopies of documents set forth in Subsections 114.3 and 114.4 and obtained in a Freedom of Information Act request. While an abuser may confiscate a survivor’s documents, the government may still possess photocopies of an immigrant survivor’s vital documents that are accessible to an attorney through a FOIA request. If Ms. Doe had been permitted to apply for an ID with documents obtained through a FOIA request I submitted on her behalf, she would have an ID today.

¹ Undocumented Residents Identification Checklist, Colorado Dep’t of Revenue (2022)

https://dmv.colorado.gov/sites/dmv/files/documents/DR_2300C_2022.pdf.

² Drive Only Document Checklist, Connecticut DMV (last accessed Dec. 15, 2024) <https://portal.ct.gov/-/media/dmv/20/29/di4pdf.pdf>.

³ New Jersey Standard License & Non-Driver ID Requirements, New Jersey Motor Vehicle Commission (2022) https://www.nj.gov/mvc/pdf/license/Standard_License_Sheet_Engl.pdf.

⁴ List Of Acceptable Documents for Standard Driver's Lic/Id Issuance, New Mexico MVD (March 10, 2024) <https://www.mvd.newmexico.gov/wp-content/uploads/2023/05/RevisedStandardacceptabledocs3.10.23.pdf>.

⁵ IDNYC Applicant Document Guide, IDNYC (2018) https://www.nyc.gov/assets/idnyc/downloads/2018-pdfs/document-guides/idnyc_applicant_document_guide.pdf.

⁶ DPC/IDPC Document Checklist English, Rhode Island DMV (last accessed Dec. 15, 2024), <https://dmv.ri.gov/licenses-permits-ids/drivers-privilege-card-identification-privilege-card-faqs>.

⁷ Getting a Virginia Driver Privilege Card or Identification Privilege Card, Virginia DMV (Sept. 25, 2024), <https://www.dmv.virginia.gov/sites/default/files/forms/dmv309.pdf>.

⁸ Identification Requires, Washington State Dep’t of Licensing (last accessed Dec. 15, 2024), <https://dol.wa.gov/media/96/download?inline>.

⁹ *Supra* note 5.

¹⁰ Commonly Used Immigration Documents, USCIS (Nov. 7, 2024), <https://www.uscis.gov/save/current-user-agencies/commonly-used-immigration-documents>.

Finally, DCVLP would like to voice its support for an additional amendment to the Limited Purpose Credential Clarification Amendment Act of 2024. DCVLP serves survivors of domestic violence regardless of their immigration status and we believe that access to identification is a fundamental human right. We propose that the Council consider expanding the Limited Purpose Credential Clarification Amendment Act's eligibility criteria so that it offers an alternative identification credential to **all** District residents who are unable to meet the onerous requirements of a REAL ID. Minnesota,¹¹ Massachusetts,¹² Hawaii,¹³ New Jersey,¹⁴ New Mexico,¹⁵ New York,¹⁶ Vermont,¹⁷ and Washington¹⁸ offer non-REAL ID licenses to their citizens regardless of immigration status. Most of these states also allow residents to present a broader list of proof of identity and proof of residency documents. These states can provide a road map for the District as it crafts a more expansive identification policy that is equitable for all its citizens.

I would like to thank the Council for considering the Limited Purpose Credential Clarification Amendment Act of 2024. The proposed amendments in this bill will lead the District closer to protecting the rights of survivors of domestic violence. DCVLP is grateful for the opportunity to provide testimony and we welcome any further questions.

¹¹ FAQs: Driver's Licenses for All, Immigrant Law Center of Minnesota (March 28, 2023), <https://www.ilcm.org/latest-news/frequently-asked-questions-drivers-licenses-for-all/>.

¹² Standard Class D or Class M Driver's License Checklist, Massachusetts Registry of Motor Vehicles (last accessed Dec. 15, 2024), <https://www.mass.gov/doc/standard-drivers-license-acceptable-id-checklist/download>.

¹³ About Hawaii's Limited Purpose Instruction Permit, Limited Purpose Provisional Driver's License and Limited Purpose Driver's License, Hawaii Dep't of Transportation (Nov. 13, 2019), <https://hidot.hawaii.gov/highways/files/2019/11/Limited-Purpose-DL-Info-and-FAQ-Pamphlet-2019-11-13.pdf>.

¹⁴ *Supra* note 3.

¹⁵ *Supra* note 4.

¹⁶ *Supra* note 5.

¹⁷ Application for License/Permit, Vermont DMV (July 2024), https://dmv.vermont.gov/sites/dmv/files/documents/VL-021-License_Application.pdf.

¹⁸ *Supra* note 8.