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Driver's Licenses for All? Racialized Illegality and the Implementation of Progressive Immigration Policy in California

### Permalink

<https://escholarship.org/uc/item/1qg3d94h>

### Journal

Law & Policy, 41(1)

### ISSN

0265-8240

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### Publication Date

2019

### DOI

10.1111/lapo.12121

Peer reviewed

# **Driver’s Licenses for All?: Racialized Illegality and the Implementation of Progressive Immigration Policy in California**

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Cite as:

Enriquez, Laura E, Daisy Vazquez Vera, and S. Karthick Ramakrishnan. 2019. “Driver’s Licenses for All?: Racialized Illegality and the Implementation of Progressive Immigration Policy in California.” *Law & Policy* 41(1).

An official version of this paper is available at:

**<https://doi.org/10.1111/lapo.12121>**

# Driver's Licenses for All?: Racialized Illegality and the Implementation of Progressive Immigration Policy in California

Laura E. Enriquez, Daisy Vazquez Vera, and S. Karthick Ramakrishnan

## ABSTRACT:

Progressive sub-federal immigration policy aims to reduce the consequences of illegality for undocumented immigrants. Drawing on interviews with representatives from immigrant-serving organizations in California, we examine the case of Assembly Bill 60 driver's licenses to assess if all Californian undocumented immigrants have equal access to a driver's license. Although AB 60 was race-neutral legislation, we argue that its implementation was shaped by racialized migration histories and reproduces *racialized illegality*. Specifically, the deep history of undocumented Mexican migration to California shaped the institutional capacity of non-profit and community organizations, foreign consulates, and the Department of Motor Vehicles to advocate for, implement, and serve AB 60 applicants. As a result, Spanish-speaking, Latina/o/x immigrants, particularly those of Mexican-origin, experience greater access to AB 60 driver's licenses. To combat this, organizations actively worked to re-racialize illegality as an issue that also affects non-Latino populations. Ultimately, we demonstrate that the construction and experience of illegality are deeply tied to race and place.

## KEYWORDS:

Undocumented immigrants, racialization, illegality, immigration federalism, policy implementation

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We thank David FitzGerald and Monica Varsanyi for their comments on previous drafts. Audiences at the 2018 University of California International Migration Conference and the 2018 Migrant Illegality Across Uneven Legal Geographies Conference offered helpful feedback. Allan Colbern, Rocio Garcia, and Asbeidy Solano provided research assistance. Special thanks to all interview participants.

This research received funding from the California Immigration Research Initiative at the University of California.

Given the current anti-immigrant stance of the federal government, subfederal policies offer a glimmer of opportunity to undocumented immigrants (Varsanyi 2006, 2010; Gulasekaram and Ramakrishnan 2015). California has led the way with state laws that push toward greater immigrant integration. Since the mid-1990s, legislation has provided undocumented immigrants with access to postsecondary education, driver’s licenses, professional licenses, health care, and protection from federal immigration enforcement. Ramakrishnan and Colbern (2015) refer to these policies as the “California Package”: laws that have “significantly expanded the access of unauthorized immigrants to what we call ‘life chances,’ the right of access to an education, health and employment, as well as to what we call ‘free presence,’ the right to freedom of movement into and within the state through access to identification documents and limited state enforcement of federal immigration law.” We focus on the case of California Assembly Bill 60 (AB 60), which allowed undocumented immigrants to receive California driver’s licenses.

An inability to access a state-issued driver’s license contributes to the production of immigrant illegality. Driving without a license increases the risk of contact with immigration enforcement mechanisms that, in turn, increases the risk of detention and deportation (Armenta 2017). Even when police do not cooperate with immigration officials, there are financial consequences if the unlicensed driver is cited and/or has their car impounded (Gabrielson 2010). These risks lead many undocumented immigrants to restructure their lives—driving only at certain times or to fewer places, for instance—limiting their economic, educational, and social participation (Schmalzbauer 2014; Stuesse and Coleman 2014; Lin et al. 2016; Enriquez 2017a). Providing access to driver’s licenses also has broader social benefits, including reducing the number of hit-and-run incidents (Lueders, Hainmueller, and Lawrence 2017). Thus, allowing

undocumented residents to access driver's licenses is an important means of mitigating the consequences of immigrant illegality in everyday life.

Since the 1990s, California had been attempting to establish policies that provide driver's licenses to undocumented immigrants. In 1993, strong anti-immigrant sentiment pushed legislators to pass Senate Bill 976, which prohibited undocumented immigrants from obtaining a driver's license by requiring applicants to prove citizenship or lawful immigration status. In the two decades since, California legislators introduced several bills to re-instate this privilege to undocumented immigrants (Tang 2018). Some stalled in the legislature, and many were blocked by Democratic and Republican governors alike. In 2003, a bill was signed into law, but it was ultimately repealed and never implemented. The battle finally ended in January 2015 with the implementation of California Assembly Bill 60 (AB 60), or the Safe and Responsible Drivers Act. Passed on October 2013, the law "require[d] the department to issue an original driver's license to a person who is unable to submit satisfactory proof that the applicant's presence in the United States is authorized under federal law if he or she meets all other qualifications for licensure and provides satisfactory proof to the department of his or her identity and California residency." However, only a third of the undocumented population applied for a license in the first year, and only about three in four applications led to the successful issuance of a license (DMV 2016b). Three years later, in April 2018, the Department of Motor Vehicles (DMV) announced that one million driver's licenses had been issued; still, this represented only approximately 38% of the state's undocumented population (DMV 2018).<sup>1</sup> While it is to be expected that not all undocumented immigrants would apply for, or would successfully obtain, a license, it is important to consider whether some groups are disproportionately able to access this opportunity, and the reasons for such unequal access.

Our research indicates that institutional support structures, as marked by place and the racialized history of immigration in California, play a critical role in shaping differential access to policies such as AB 60. Organizations, including nonprofit/community organizations, foreign consulates, and governmental offices, are key actors in advocating for, implementing, and promoting the use of integrative subfederal laws and policies (Suro 2015; de Graauw and Gleeson 2016; Pastor 2018). Drawing on interviews with staff members from thirty-two immigrant-serving organizations in California, we find that the state's racialized immigration history shapes the institutional landscape and contributes to a disconnect between "law on the books" and "law in action." We establish that the institutional landscape in California is shaped by historical trends and perceptions that racialize undocumented migration as a Latino, and particularly Mexican, phenomenon.<sup>2</sup> Given their limited institutional capacity, the various organizations that supported AB 60 applicants were best prepared to serve Spanish-speaking Latina/o/x immigrants, particularly those of Mexican origin. Thus, this group experienced greater access to AB 60 driver's licenses. To combat this disparity, organizations actively worked to re-racialize illegality as an issue that also affects non-Latino populations. Ultimately, we argue that subfederal policy implementation is shaped by, and reproduces, *racialized illegality*.

### **Implementing Subfederal Immigration Policy**

Previous scholarship on subfederal immigration policy has broadly examined the factors that push states to establish immigration-related policies. Extant literature on subfederal immigration policy focused on the precursors that have led to the adoption of restrictive immigration policies (Tichenor 2002; Newton and Adams 2009; Ramakrishnan and Wong 2010; Wallace 2014). More recently, scholars have shifted focus to explain the rise and impact of integrative policies (Provine and Chavez 2009; Gualsekaram and Ramakrishnan 2015;

Ramakrishnan and Colbern 2015; de Graauw 2016). This work has focused on identifying and explaining the factors that contribute to the adoption of state immigration policies, including demographic shifts (Boushey and Luedtke 2011; Marquez and Schraufnagel 2013), partisanship (Gulasekaram and Ramakrishnan 2015; Ybarra, Sanchez and Sanchez 2016), and economic performance (Wallace and Figueroa 2012; Ybarra, Sanchez, and Sanchez 2016). However, little research has examined the implementation and differential uptake of subfederal immigration policies and the extent to which they are able to meet their promise of mediating the consequences of illegality for undocumented immigrants.

In general, there is a large gap between “law in the books” and “law in action,” leaving a disconnect between formal law and the practice and implementation of law (Gould and Barclay 2012). This can result from implicit or explicit bias, such as racial and political biases, or it can be due to structural dilemmas, such as the limited capacity of government agencies to interpret various sets of policies and simultaneously interact with multiple legal and normative systems (Calavita 1992, 2005). Further, this body of literature suggests that rights “on the books” do not always guarantee effective implementation and enforcement because there is a lack of accountability, managerial oversight, and training (McCann 1994; Epp 2009).

Organizations are key actors in this process because they advocate for, implement, and promote immigrants’ use of integrative subfederal laws and policies on the ground. Governmental offices are tasked with implementing subfederal laws, including determining rules and regulations and carrying out implementation. Studies have shown that local bureaucratic discretion can play a significant role in the political incorporation of immigrants on matters like education and policing that have traditionally been local government functions (Lewis and Ramakrishnan 2007; Jones-Correa 2008; Marrow 2009). Less well examined, however, are the

ways in which statewide policies implemented by state government field offices may also experience variation in policy implementation, with nonprofit advocates playing potentially important roles, from issue advocacy and legislative support to providing supplementary as well as subcontracted assistance in policy implementation (Keyes et al. 1996; Bloemraad 2005; Sharp, Daley and Lynch 2011; Pastor 2018). Further, organizations have on-the-ground relationships with affected individuals, enabling them to raise awareness about new and existing policies and to provide services to facilitate access (Bloemraad 2006; Wong 2006; Anderson 2010; Jones-Correa 2011; de Graauw 2008, 2015, 2016). Indeed, having more immigrant-serving organizations in an area increases the chances that immigrants will apply for immigration relief (Wong and Garcia 2016). Similarly, foreign consulates function as strong advocates for their diasporas by providing services and participating in efforts to protect migrants' rights, albeit with the interest of benefiting the home nation-state (González 1996; Délano 2014; Délano Alonso 2018). These organizations effectively transform immigrants' rights on the books into rights in practice.

Importantly, place informs an organization's capacity to meet community needs. Sustained migration to traditional immigrant gateways is responsible for the establishment of immigrant communities, the development of organizational infrastructure, and the emergence of norms that frame immigrants as a deserving constituency that needs to be served (de Graauw, Bloemraad, and Gleeson 2013). This produces significant inequality among immigrant-serving organizations, with those located in cities with established migration histories receiving more funding (de Graauw, Bloemraad, and Gleeson 2013). Further, research on new immigrant destinations, like the South, finds that government offices (e.g., schools, social service providers, and police) lack the infrastructure to serve immigrants and support their integration (Sox 2009;



Marrow 2011; Winders 2012). Migration histories also contribute to the development of foreign consulate presence. For example, long-standing Mexican migration to the United States fostered the establishment of the oldest and most extensive consular network in the United States; Mexican consular presence began in the 1800s and now hosts fifty offices throughout the country (González 1996; Gutiérrez 1999). Given the role of place and migration history in structuring institutional capacity, we consider whether the racialized nature of undocumented migration shaped the implementation and uptake of AB 60 driver's licenses.

### **Racialized Illegality**

We use the concept of *racialized illegality* to capture how the construction and experience of immigrant “illegality” are deeply tied to racial histories and power dynamics. Previous scholarship has successfully combined the concepts of *racialization* and *illegality* to capture how laws and social institutions draw on racial logics and motives to produce and structure immigrant illegality. Theories of immigrant illegality shift focus away from individual-level documentation status to explore how laws and policies make undocumented immigrants’ everyday actions “illegal.” These theories establish that laws produce an undocumented immigrant category and make it a consequential source of social stratification by limiting everyday actions (Menjívar and Kanstroom 2014). Scholars have sought to highlight how other social locations, such as race, gender, and immigrant generation, intersect with immigration status to fundamentally shape experiences of illegality (Abrego 2011, 2014; Cebulko 2018; Enriquez 2017a, 2017b, Forthcoming). Here we focus specifically on race and the racialization of illegality. Omi and Winant (2015, 111) define racialization as “the extension of racial meaning to a previously racially unclassified relationship, social practice, or group.” Combining these two concepts into one of *racialized illegality* allows us to capture how race is extended to

undocumented immigrants. It allows us to envision how Latino is made synonymous with undocumented and undocumented with Latino, examine the consequences of this connection, and highlight how both support larger projects of racist nativism and white supremacy.<sup>3</sup>

Previous work highlights how rhetoric and policy have driven the racialization process through which Latinas/os/xs, particularly Mexicans, are tied to illegality. Pervasive media images link undocumented migration with Mexico and Latin America and stereotype them as “illegal aliens” (Santa Ana 2002; Chavez 2008). This racialization was evident in television advertisements supporting California’s Proposition 187 in 1994, a restrictive subfederal policy that proposed denying undocumented immigrants access to health care, public education, and other state social services. Commercials featured images of Mexican nationals running across a California freeway and an ominous voice intoning that “they keep coming.” The racialization of unauthorized immigration continues to be evident in public discourse today, including calls for a wall along the entirety of the US-Mexico border. This obsession with controlling Mexican border crossers persists despite a decade of net-zero migration from Mexico and the fact that, for over a decade, the number of undocumented immigrants who overstay their visas has been higher than the number of those that clandestinely enter the United States (Warren and Kerwin 2017). The racialization of illegality as a Latino issue also contributed to the differential political engagement of immigrant communities in the 2006 marches. Zepeda-Millán (2017, 131) demonstrates that “immigrant ‘illegality’ is racialized as generally Latino, but more precisely as Mexican, not only by the media, politicians, and the general American public but also by Latinos and other racialized groups.” He contends that this racialization is constructed from above but also from within immigrant communities that recognize and react to the racialized nature of political threats to immigrants. The pervasiveness of racialized illegality is clearly evident in a

2012 national survey, which found that the majority of respondents believed that Latinos are “illegal immigrants” (Barreto, Manzano and Segura 2012).

Racialized illegality subsequently promotes racial stereotypes that inform the on-the-ground implementation of immigration-related policy. Racialized law enforcement practices increase Latina/o/x undocumented immigrants’ risk of interaction with police and immigration enforcement mechanisms and subsequent deportation risks (Armenta 2016, 2017). These enforcement practices feed a raced and gendered deportation system that disproportionately targets Latino men (Golash-Boza and Hondagneu-Sotelo 2013). In the context of higher education, racial stereotypes can structure the implementation of undocumented student support structures such that they focus on Latina/o/x undocumented students and become racialized as Latino spaces (Salinas Velasco, Mazumder and Enriquez 2015; Enriquez Forthcoming).

Scholars have also studied the consequences of racialized illegality for individual and group-level experiences of illegality. One strand of this focuses on racial differences within the undocumented community. For example, Aranda and Vaquera (2015) document how racialized policing practices ensure that Latina/o/x undocumented immigrants and their families disproportionately experience stress, vulnerability, and anxiety about interacting with police and/or immigration enforcement officers. Enriquez (Forthcoming) shows that the racialization of undocumented student support structures is a double-edged sword that places Latinas/os/xs at risk of being presumed undocumented while at the same time making it easier for them to access resources and social support. On the other hand, she finds that, given the racialized nature of illegality, Asian American and Pacific Islander (AAPI) undocumented students are often able to “pass” as documented, but they are also more likely to face barriers when seeking help (see also Do 2016; Hayoun 2017). Research on ethnic media can also be read through a similar lens:

Latino media is more likely to cover and raise awareness about immigrant-related issues (Ayón 2006; Félix, González and Ramírez 2008; Ramírez 2011). Considering employment contexts, Cho (2017) finds that ethnic niches and co-ethnic opportunity structures produce different employment opportunities for Mexican and Korean undocumented young adults; Korean youth have better access to diverse employment options through the Korean ethnic economy, while Mexican youth tend to be employed in the Latino-dominated low-wage service industry or in Latino non-profit organizations. A second strand of this research focuses on how undocumented status is ascribed to citizen Latinas/os/xs by virtue of their race. For example, García (2017) demonstrates that documented and citizen Mexican-origin women are marked as “illegal” in multiple institutional contexts, regardless of their legal status, nativity, race, and generational status.

Overall, the extant research elucidates two aspects of racialized illegality: (1) the process through which race is tied to illegality, and (2) the consequences of racialization for individual and group-level experiences of illegality. We aim to connect these two lines of research to show how previous expressions of racialized illegality shape subsequent productions and experiences of illegality. Specifically, we focus on how the racialized nature of past undocumented migration flows shapes sub-federal policy implementation and (re)produces contemporary racialized experiences of illegality. This is in line with recent research efforts that document historical and demographic change and map them onto consequences for contemporary politics (see de Graauw, Bloemraad, and Gleeson 2013; Pastor 2018).

Demographic trends have fueled racialized differences in the image of undocumented migration and the experiences of undocumented immigrants. Of the 11 million undocumented immigrants living in the United States, 77% are of Latina/o/x. Yet, almost a quarter of

undocumented immigrants are not from Latin America, with approximately 16% coming from Asia, 4% from the Caribbean, 3% from Africa, and 3% from Europe and Canada (Center for Migration Studies 2015). California's unique migration history makes it home to primarily Latina/o/x and Asian American Pacific Islander undocumented immigrants: 65.9% from Mexico, 5.4% from El Salvador, 4.7% from Guatemala, 4% from China, 3.9% from the Philippines, 3.7% from India, 2.3% from South Korea, and 1.1% from Honduras (Center for Migration Studies 2015).<sup>4</sup> These demographic realities feed racialized realities and understandings of undocumented migration.

Latinas/os/xs, particularly Mexicans, have a long-standing history of undocumented migration. Mexican migrants have functioned as an important source of labor in the Southwest since the 19th century. While most other migration streams were allotted restrictive quotas in the Immigration Act of 1924, Mexican migration remained unrestricted. Instead, routine immigration enforcement efforts deported Mexican migrant laborers depending on the labor needs at the time (De Genova 2004; Ngai 2004). The Bracero Program produced a steady stream of documented Mexican guest workers but also fueled undocumented migration from 1942 to 1964; this set up networks to facilitate undocumented migration after the termination of the program (Ngai 2004). As a result, Mexicans have consistently composed a large share of undocumented immigrants, making up 58% of the undocumented population in 1990, 69% in 2000, and 56% in 2013 (Rosenblum and Ruiz Soto 2015). In 2015, one in two Mexican immigrants in the United States were undocumented (Passel and Cohn 2017; Zong and Batalova 2017).

On the other hand, AAPI undocumented migration is becoming more pronounced. There are historical streams of undocumented AAPI migration, including the Chinese paper

sons phenomenon in the early 20<sup>th</sup> century, where Chinese immigrants immigrated by claiming to be the children of US citizens (Ngai 1998). Further, AAPIs have long been the second largest group of contemporary undocumented immigrants, with Asians composing 9% of the undocumented population in 1990 and 7% in 2000 (Rosenblum and Ruiz Soto 2015). However, the number of AAPI undocumented immigrants has risen dramatically since, more than tripling between 2000 and 2015, with the Asian undocumented population growing to approximately 1.7 million individuals. Currently, one in seven Asian immigrants is undocumented (Ramakrishnan and Shah 2017).

Racialized immigration histories are produced by racial logics to hold up white supremacy and (re)produce racial inequalities (Ngai 2004; FitzGerald and Cook-Martín 2014; Molina 2014). Using this as a point of departure, we focus on the long-term impacts of racialized undocumented immigration histories and how these impact contemporary policy implementation. Specifically, we show how the deep history of undocumented Mexican migration to California shapes the organizational landscape encountered by undocumented immigrants seeking to access AB 60 driver's licenses.

### **Methods and Data**

We draw on interviews with thirty-four staff members from thirty-one immigrant-serving organizations and from the Mexican consulate. Given that AB 60 explicitly prohibits the collection and dissemination of applicants' demographic information, staff members from immigrant-serving organizations possess a unique view of the process and its potential racialization. Staff members interact with large numbers of immigrants, putting them in a position to clearly identify the barriers that undocumented immigrants face when applying for AB 60 licenses, and to establish whether incidents appear to be isolated or part of larger trends.

To recruit participants, we developed a list of immigrant-serving nonprofit organizations in the four greater southern California counties of Los Angeles, Orange, San Bernardino, and San Diego. This included organizations that were official members of the Drive CA coalition as well as those that were not. We then contacted each organization and requested to speak to a staff member who was actively engaged in serving undocumented immigrant clients. Interview participants were also asked to refer us to organizations they felt we should talk to.

Interviews took place in two waves: from August to October 2016, and from July to August 2017. They lasted approximately one hour and followed a semi-structured interview guide. For this article, we focus on the part of the interview where staff members discussed the barriers that their clients faced when applying for AB 60 licenses and the advocacy and/or services they provide(d) around AB 60. Data analysis involved open and discrete coding to identify barriers. We then compared across racial groups to see how these varied.

The organizations we drew participants from had various focus areas and served different populations. All organizations served immigrant communities: ten focused on the AAPI community, five on the Latino community, eleven on the immigrant community generally, and five on the surrounding neighborhood and community residents. Most AAPI- and Latino-serving organizations also served other racial groups. Most of the organizations that focused on the immigrant community or the surrounding neighborhood primarily served Latinas/os/xs. Of the thirty-one organizations, fourteen were members of the Drive CA coalition. Table 1 has additional details.

[TABLE 1 ABOUT HERE]

We interviewed thirty-two organization staff members who served as policy coordinators, immigrant services directors, legal representatives and caseworkers, organizers, and program

directors. The majority of staff members began as volunteers, either with the same or another immigrant-serving organization. There was variation in the length of time staff members had been with their organizations: four had served for under a year, thirteen for one to five years, seven for six to ten years, four for eleven to fifteen years, and four for over fifteen years. Interviews were richer when staff members had served for over five years because they were able to provide an overview of the organization's efforts over a longer period of time. We also interviewed two staff members from the Mexican consulate who had been active in coordinating AB 60 implantation with the DMV.

We also conducted participant observations at twelve DMV offices in southern California from August to September 2016. Three offices were selected in both Los Angeles and Orange counties: one in a predominantly white area, one in a predominantly Latino area, and one in a predominantly AAPI area. Two offices were selected in both San Bernardino and San Diego counties, one in a predominantly white area and one in a predominantly Latino area. We also observed two Driver License Processing Centers, offices dedicated exclusively to driver's license transactions. We conducted two hour-long observations at each of the offices, one in the morning and one in the afternoon. Observations focused on observing advertising for AB 60, client experiences, and staff and applicant demographics.

### **Limited Capacity: The Institutional Consequences of Demographic Realities**

Latinas/os/xs, particularly Mexicans, have a long-standing history of large-scale undocumented migration, with California being a primary destination. This demographic reality has contributed to the racialization of institutional structures and has shaped the service capacity of community organizations, foreign consulates, and the DMV. We found that all three types of organizations were primarily prepared to serve the leading group of



undocumented immigrants; as a result, Spanish-speaking Mexican immigrants to were best supported in their pursuit of AB 60 licenses.

***Organizational Infrastructure: Underserved Non-Latina/o/x Undocumented Immigrants***

The nonprofit infrastructure in southern California is solidly grounded in a racialized understanding of illegality that centers Latina/o/x, and primarily Mexican, undocumented migration. Social movement resource mobilization theories suggest that older, more established organizations are best poised to meet organizational goals (McCarthy and Zald 1977). In this context, Latino-serving nonprofits are more likely to have an established history and capacity to advocate for and serve undocumented immigrants, while nonprofits that primarily serve other racial groups tend to be less steeped in this policy area.

Several Latino-serving organizations had a well-established history of advocating for progressive immigration policy. We spoke to representatives from three organizations that had historical and prominent involvement in advocating for the provision of driver's licenses to undocumented immigrants: the Coalition for Humane Immigrant Rights (CHIRLA), the Council of Mexican Federations (COFEM), and Hermandad Mexicana. All three indicated that undocumented immigrant advocacy and service provision was at the center of their work. A representative from Hermandad Mexicana, an organization established in 1960 that primarily serves Mexican immigrants, reflected on their history of advocating for undocumented immigrants: "In the beginning, our director helped with Gil Cedillo for pushing the [California] DREAM Act [which provided financial aid for undocumented college students] and AB 540 [which provided in-state tuition for undocumented college students] . . . and finally DACA [which provided select undocumented youth with access to a work permit and protection from deportation]. So we helped along the way. That was almost a twenty-year fight. And that's, that's

one aspect of what our organization does. And the other aspect of what we do is we do immigration services.”

These organizations’ commitment to serving the undocumented immigrant community extended to taking an active role in advocating for driver’s licenses for undocumented immigrants. A CHIRLA representative, who has served the thirty-two-year-old organization for over ten years, explained how years of sustained and active involvement in advocating for such a bill enabled CHIRLA to take an active role in advocating for AB 60 specifically: “We have always worked with coalitions when we need to. But also we have our own brand and we have our own force. When people don't agree with us, we move our agenda.” This becomes clearest when considering their decision to accept the fact that AB 60 licenses would be distinctively marked to indicate “federal limits apply.” The representative stated,

Close allies did not agree with us. And our ongoing conversation with them is like we don't want to let perfection be the enemy of progress. What we did is we allowed the Senate to move on the bill that many folks were opposed to because we provided the legitimacy to move forward. . . . If CHIRLA was saying no, it would’ve been more tough for members to move because they didn’t have a lot of backing from immigrant rights organizations. So we decided to say yes with the caveat that we were going to be working on language and trying to fix it as much as we could.

With the backing of established immigrant-rights organizations like CHIRLA, AB 60 moved forward in the legislative process and was eventually passed and signed into law. The established political influence of long-standing Latino-serving organizations gave them the unique ability to

advocate for the passage of AB 60 and ensure that it met the needs of the primarily Latino population that they serve.

On the other hand, AAPI organizations tended to focus on broader issues that would advance the AAPI community. Their work included immigrants but did not necessarily center the needs of undocumented immigrants. For example, a representative from Filipino Advocates for Justice, which was established in 1973, recalled focused campaigns around domestic workers, youth empowerment, affordable housing, naturalization, and voter registration. They explained that as part of this work they tend to serve a substantial number of undocumented immigrants: “Among the caregivers that we work with, probably about sixty-five percent, sometimes seventy percent are undocumented. Among the youth that we work with, maybe about twenty percent of their families might be undocumented.” Like Latino-serving organizations, AAPI-serving organizations were committed to advocating for key social justice issues affecting their communities such as affordable housing, workers’ rights, and economic development. On top of this work, they tried to provide relevant services to their membership, when they had the capacity and funding; this included Know Your Rights workshops, naturalization support, DACA clinics, legal representation, and English language education programs.

Smaller organizations had less capacity to be involved in improving the implementation and promoting the uptake of AB 60. While all organizations we spoke to were supportive of the bill, many were not activated until the law was implemented. A representative from the Korean Resource Center-Los Angeles, established in 1983 and primarily focused on providing direct services and outreach, explained their role:

We do defer a lot of the policy work to organizations like CIPC [California Immigrant Policy Center] because that's their specialty. . . . [We were] more doing outreach, making sure that people got accurate information. We were doing workshops and education sessions, a lot of time over the phone.

Even at the awareness-raising stage, smaller organizations were limited in their involvement.

They tended to join coalitional advocacy efforts for AB 60 when approached and mostly sought to raise awareness about the law and support clients interested in applying for AB 60 licenses as they presented themselves. A representative from the Thai Community Development Center, a community organization established in 1995 and focused primarily on advocating for economic development and mobility for the Thai community, shared how their limited capacity of ten staff restricted the support they could offer to applicants:

I would have my social service clients, some of which are victims and don't speak English. So I actually went to the DMV with them to try to apply for the license. . . . One of the things we do for our victims of crime is we also help them apply for public benefits. So with the driver's license, I see it as one of those key identification documents too. And so we're able to help them by accompanying them to go and do things like that. And if it's a member of the public that we don't have enrolled in any of our social services, then we would just kind of inform them and guide them in the process. And if we heard about any cases that seem really bad, that took way too long or had a really strange secondary review, we would then bring it back to our collaborative with ACLU of Northern California, CIPC, Asian Americans Advancing Justice and kind of story bank it.

Though smaller organizations were able to provide support to enrolled clients, they were not able

to provide the same level of support to community members looking for guidance. In most cases, these organizations supported the passage and implementation of AB 60, but they did not have the capacity to lead the charge.

The one exception to this was Asian Americans Advancing Justice-Los Angeles (Advancing Justice-LA), founded in 1983 as a chapter of the nation's largest legal and civil rights organization for Asian Americans, Native Hawaiians, and Pacific Islanders. Advancing Justice-LA has established itself as a leading immigrant-rights organization committed to large-scale policy advocacy. A representative said, "We supported the [AB 60] bill when it was kind of moving up the legislature to the governor's desk. And then when he signed it in 2013 . . . we kind of pivoted from kind of the more typical legislative advocacy into doing administrative advocacy." Focusing on the implementation of the policy, they worked with the DMV "around a time when they were kind of crafting the regulations." Recognizing that there may be country of origin differences for immigrants trying to access AB 60 licenses, Advancing Justice-LA "helped facilitate an API specific coalition as well as being part of the larger Drive CA coalition, which is the statewide coalition that would help pass AB 60. And to ensure the smooth implementation of AB 60."

Once AB 60 had passed, AAPI- and Latino-serving organizations reported holding community forums, distributing information at other community events, putting on workshops, and designing infographic roadmaps describing the application process and requirements. These efforts received some limited funding from the ACLU, small private grants, and collaborations with DMV and the Drive CA coalition. Latino-serving organizations' longstanding work on undocumented immigrant issues ensured that they had the institutional capacity to quickly disseminate information about AB 60 to their clients. For example, COFEM incorporated these

materials into their existing community outreach presentations, “giving them little roadmaps of how they can apply, telling them where to go if they have unpaid tickets or things of that nature that would hinder their ability to apply. . . . There’s not that excuse of, oh, I don’t have time to go to the DMV to get a booklet; we have it there for them.” These efforts persisted even up to our interview in 2016. For the first year, CHIRLA had the capacity and clientele interest to run a pilot program that helped applicants study for the exams.

Smaller, newer, and primarily AAPI-serving organizations faced several challenges in implementing AB 60 programming and serving potential applicants due to their limited history of working on undocumented immigrant issues. A representative from Asian Americans Advancing Justice-Orange County (Advancing Justice-OC), an office established by Advancing Justice-LA in 2006, explained, “I think specifically for the API group, it’s so hard to compare to the Latino serving organizations because that history of social services and the history of trust with a lot of those organizations have already been built.” Without an established history of serving and advocating for undocumented populations and immigration-related policy, non-Latino organizations were not prepared to serve potential applicants. A representative from the Council on American-Islamic Relations (CAIR), an organization founded in 1996 to serve the Arab, Middle Eastern, Muslim, and South Asian community (AMEMSA), shared that prior to the establishment of their Immigrant Rights Center in 2014, “there weren’t that many organizations that were offering that [pro-bono legal] service. And so a lot of people in the AMEMSA community that were affected by these issues didn’t really know where to turn.” Although the number of AAPI undocumented immigrants has been growing, their relatively short history of contemporary undocumented migration and smaller numbers meant that organizations dedicated to serving this group had not developed institutional structures, a strong

reputation, or a client base around undocumented immigrant issues and services. As a result, staff members primarily recounted providing information and resources to clients on a one-on-one basis or through a few dedicated information sessions.

Non-Latino organizations also encountered the reality that the communities they served may not necessarily perceive themselves as affected by undocumented immigration. The same CAIR representative continued,

It's kind of a newer issue for us and something that we found is a little bit more difficult to get people mobilized behind because even people within our community don't understand the issues that undocumented individuals are having and feel that it might not be an issue that affects their community. [They think] this is a Latino issue rather than this is an immigrant issue that affects individuals across different segments and across different geographic issues and races and nationalities.

This lack of visibility of non-Latino undocumented immigrants contributes to social perceptions that undocumented immigration only affects Latinas/os/xs and thus is not an issue with which non-Latino organizations need to be involved. This reflects work by Zepeda-Millán (2017), who finds that the racial diversity of New York's immigrant community limited organizations' ability to successfully mobilize a constituency with disparate motives during the 2006 immigrant rights marches. Alternatively, he finds that places with large Latina/o/x immigrant populations, such as Los Angeles, saw higher turn out due to the racialized nature of the political threat that inspired the marches.

The invisibility of AAPI undocumented immigrants can also serve to demobilize non-Latina/o/x undocumented immigrants from seeking services. As the CAIR representative

explained, “With the AMEMSA community, we're unique in the sense that a lot of our community members don't feel comfortable discussing those issues. It's still something taboo. It's still something where I think they feel somewhat marginalized and they're still in the shadows.” While this sense of shame, stigma, and pressure to hide one's undocumented status is also present within Latino communities, activism and institutional structures have sought to destigmatize and serve this racial group (Abrego 2011; Enriquez and Saguy 2016). Recognizing this, a representative from Advancing Justice-LA suggested how different levels of fear about revealing one's status when seeking services may be connected to the history of immigrant rights organizing: “There's been a cultural shift that has happened within the Latino community that hasn't happened yet within API communities.”

Finally, non-Latino organizations were more likely to report challenges meeting the diverse language needs of the heterogeneous populations they serve. A representative from Advancing Justice-OC explained that it is difficult to meet their goal of providing “culturally competent and linguistically accessible services. So for us to be a Pan-Asian [legal] clinic, to bring all the interpreters and to have the material printed in every single language, it's like, I don't think we would've—I think we all would've quit.” With limited funding and capacity, they tailored their services to serve the largest sub-groups. Thus, lack of institutional capacity made it more difficult for AAPI pan-ethnic organizations to effectively meet the needs of ethnic groups who make up a smaller portion of the undocumented population. While Latino-serving organizations are generally able to serve a broader Latino community due to shared Spanish language, the growth of indigenous Latina/o/x undocumented populations is now raising similar issues of inclusive services within Latino-serving organizations.

***Foreign Consulates: Non-Mexicans Stalled in Secondary Review***



AB 60 requires the DMV to identify acceptable identification documents to confirm an applicant's identity and create a procedure to verify the authenticity of these documents. To date, approved identity documents are limited to official identification documents issued by the country of origin, including passports and consular identification cards. Within the United States, these documents are issued by each country's foreign consulate. In preparing to implement AB 60, "DMV representatives invited and met with a wide variety of foreign consulates from 37 countries. During these consular meetings, DMV representatives discussed maintaining a high level identity document issuance process, including identity validation processes, and document's security standards. Once satisfied that a document met both the validation and security standards, DMV added it to the list of acceptable documents" (Shiomoto 2015). As a result, the capacity of each foreign consulate to provide secure identification documents plays a direct role in determining how smooth the process will be for their foreign nationals. We find that the Mexican consulate was particularly responsive, thus facilitating greater access to AB 60 for Mexican immigrants.

When AB 60 was first implemented, the DMV had only approved Mexican identification documents as acceptable alternative identification. The DMV (2014) even highlighted this fact when they released the list of acceptable identity documents in November 2014 leading up to AB 60 implementation: "the Mexican Passport (issued 2008 or later), Mexican Electoral Card (2013 version), or the Mexican Consular Card (2006 and 2014 versions) are each very secure and electronically verifiable and thus any one of those documents can be used to prove identity." All three of these identification documents are readily available via same-day processing at one of the ten Mexican consulates across California.<sup>5</sup> Mexican nationals were then, and still are, the only group that can use a single identification document for their AB 60 application.

Mexican-origin undocumented individuals have the most straightforward access to and use of identification documents due to the Mexican consulate's involvement in the implementation process. According to a representative from the Mexican consulate in San Bernardino, this unique opportunity to provide a single identification document resulted from close collaboration: "The DMV worked very close with the government of Mexico in order to have a system." Another consular representative shared that "the government of Mexico itself advocated to have that [consular identification card] as a form of [acceptable] ID at the DMV." The Mexican consulate even changed their consular card in November 2014 to incorporate new safety features such as encrypted data and biometric measures to meet DMV requirements (Secretaria de Relaciones Exteriores 2014). Another representative recounted, "I went directly to the DMV offices to show them the security measures of this *matrícula* [consular identification card] because they accepted the old *matrícula* and the new *matrícula* and we had to elaborate some brochures for the civil servants . . . to make them understand the security measures of our documents."

All of this active collaboration suggests that the Mexican consulate was committed to facilitating Mexican immigrants' access to AB 60 licenses. One consulate representative further explained that the Mexican government invested substantial resources to facilitate immigrants' access to Mexican identification documents:

The government of Mexico itself, knowing the impact that having a driver's license was going to have, they extended their hours too and opened a second shift. . . . There was also more staff. There was more resources put into this. And the reason why is because there's a lot of individuals that needed to either get their updates [because they had expired passports or consular cards] or needed to

get either a birth certificate or some sort of ID to get a *matrícula*. Just to let you know, getting a *matrícula* isn't easy. There's a lot of documentation that's needed from us, in order for us to submit a *matrícula* or passport [application].

During the preparation period leading up to the implementation of AB 60, the Mexican government and consular staff worked closely with the DMV and with their clients to ensure that they would be able to have a more straightforward AB 60 application process.

Aside from Mexicans, a select group of foreign nationals are able to provide *two* approved identification documents: a valid passport *and* an approved national and/or consular identification card. While most passports were acceptable, consulates often had to work to get the identification card(s) approved, sometimes altering their cards to include additional security features. Initially, nationals from only six Latin American countries could submit two documents: Argentina, Brazil, Chile, El Salvador, Guatemala, and Peru. By June 2015, Colombia and Ecuador's identification cards joined this group of approved documents. In 2016, Nicaragua and South Korea obtained approval for their identification documents (DMV 2016a; Kim 2016), and in 2017, Honduras' and Paraguay's consular cards were approved (La Tribuna 2017).

These identification requirements force almost a quarter of undocumented immigrants who are not from these thirteen approved countries into the drawn-out secondary review process. As a representative from the Thai Community Development Center explained, "There was that issue and the fact that our folks couldn't present their Thai national ID card. So they would [only] have their passport. And everyone was basically getting pushed into secondary review because they didn't have the appropriate IDs that the DMV was looking for." The secondary review process requires an applicant to submit as many supplementary documents as possible to verify their identity. Suggested materials include birth certificates, school documents, documents issued

or filed with the US government (e.g., income tax returns), marriage licenses, divorce decrees, foreign passports, and consular identification (DMV 2017b). These documents are sent to a special investigative office that reviews the materials, interviews the applicant, and verifies their identity.<sup>6</sup>

Organizations found that many applicants lost the desire to pursue their license because of this delayed process. As a representative from COFEM explained, “The secondary review was taking a year, a year and a half, and in that time, you did your written test, you paid your fees. But that permit you get, same rules apply as anyone, it’s only valid for a year. . . . So their permits were expiring and that was kind of demotivating them. [They would say,] ‘Well, I already took it, and they never got back to me.’ Or, ‘They got back to me already and they said I could apply, but now I have to do this process all over again.’” In other cases, applicants were essentially being turned away because they did not want to pursue the complicated secondary review process. “So they already spend a whole day at the DMV and got denied,” a representative from the Korean Resource Center-Orange County explained, “and they just have to move on with their lives, continue to work. Those are the people that I’m afraid we’re losing.” The same representative explained how this leaves out a large group of individuals who are not connected to organizations that have the capacity and relationships to broker the application process:

Some people . . . will give us a call and say, “You guys said I was able to get my driver’s license, what’s going on?” Those cases, we’re able to help until the end. . . . The DMV is now pretty responsive. . . . If you tell them what the issue was, they’re able to accommodate that certain client. But that’s not a good way to

handle the situation. There are far more people who are being turned away than those who call us and actually I can connect them with the DMV.

Although their organization had worked closely and successfully with the DMV around specific cases, this is unsustainable in the long run and only helps a select group of potential applicants. The secondary review process also discouraged applicants from continuing because they feared that this would get them in trouble with immigration authorities.

Unlike the Mexican consulate, other national governments and non-Latino serving organizations were less proactive in addressing the risk of not having DMV approval for their identification documents. As a representative from Advancing Justice-LA, explained, “I think most, each consulate functions in a different way where, like, they might only provide services in a way for . . . some consulates aren’t as friendly to undocumented people as, like, other consulates.” Essentially, certain consulates did not have the capacity or were less immediately invested in supporting their undocumented nationals’ awareness of AB 60 and access to identification documents to acquire driver’s licenses. Some had to spend time developing relationships with the DMV and making changes to their identification cards so that they could get their identification cards approved. Other consulates did not facilitate access to identification documents for their undocumented nationals. A representative from Korean Community Services mentioned a challenge Korean nationals faced when attempting to obtain their passport: “It is mandatory to serve in the military. So the Korean consulate, they do not issue [passports to men between the ages of 18 and 35]. Because they want them to go back to Korea to complete [their] duty in Korea.”

Other groups do not have access to consulates or ways to get identification documents. According to a representative from the Korean Resource Center-OC, “The problem with the

consular ID is that some nations don't have it. And that creates inequities between immigrants. [For] some African nations, their government isn't functional so there's no way they're going to get national ID. Some countries don't even have consular offices nearby so they have to travel to Washington DC, which is not possible." Similarly, a representative from CHIRLA shared, "Someone was organizing the African immigrants. Because some of their countries, they're going through a lot of political turmoil and civil war. So the state department does not recognize them as countries or does not recognize some of those."

Faced with these institutional barriers, many organizations turned to the Mexican consulate due to their expertise in undocumented issues and strong presence across southern California. A representative from Advancing Justice-OC explained that their organization tended to collaborate with the Mexican consulate in Santa Ana because it is nearby and is, at present, the only country with consular presence in Orange County: "I think we're kind of riding that wagon of the API-Mexican alliance. And so the Mexican consulate has been great supporters of us. They were actually there for one of our first events." This representative recalled an event to raise awareness about DACA that targeted AAPI groups but featured a presentation by a Mexican consulate official.

### ***Department of Motor Vehicles: Language Minorities Lost in Translation***

As applicants negotiate the DMV and complete the written and driving tests, they face potential language barriers. The DMV is required by law to provide adequate language access to all immigrants. However, their limited institutional capacity means that they are not able to provide services and materials in all languages. Instead, their language offerings mirror the most common languages spoken in California: 28.8% of Californians live in a Spanish-speaking household. The next largest language groups are Chinese (3%), Tagalog (2.2%), Vietnamese

(1.5%), and Korean (1.1%). All other languages are spoken in 0.5% or less of households (Statistical Atlas n.d.). As a result, the DMV tends to meet the language needs of larger immigrant populations, particularly Spanish-speaking immigrants.

When seeking out information or interacting with DMV officials, Spanish is often the only non-English language available. As a representative from the Thai Community Development Center explained:

There's a lot of language access barriers in all levels. Getting information. If they actually call the DMV, they only greet you in Spanish and English, so if I was a monolingual non-English, non-Spanish speaking person, how would I navigate a telephone system that I can't understand? Even though the DMV has interpretation services available, how are you able to get through [to] that when you can't even understand what you're being told?

Our observations at twelve DMV offices also revealed that most DMV resources, such as forms and booklets, as well as AB 60 specific information, such as posters, were almost always only available in English and Spanish. This is also true of the DMV's website, which only provides official translations in Spanish for a few pages, including an information page on AB 60.<sup>7</sup>

Further, our DMV observations suggest that, regardless of the racial demographics of the area, there was often at least one DMV employee available who spoke Spanish, but there were not necessarily employees who spoke other languages. This disadvantaged groups that did not speak English or Spanish, including AAPIs, Africans, and indigenous Latinas/os/xs.

Our DMV observations suggest that non-Spanish speaking applicants navigate their limited English language skills by bringing someone to serve as their interpreter; however, study materials and knowledge tests remain unavailable in many languages. Knowledge tests are

available in thirty-one languages, but study materials are only available in fourteen non-English languages (DMV 2017a). At the beginning of this project in 2016, DMV study materials were only available in eleven languages: Arabic, Armenian, Chinese, English, Farsi, Korean, Punjabi, Russian, Spanish, Tagalog, and Vietnamese. Since then, four new languages were added to the list: Hindi, Japanese, Khmer, and Thai. A representative from the Thai Community Development Center remembered how these additions were the result of community organizations' advocacy. The representative remembered meeting with DMV officials to advocate for the recognition of the Thai consular card and, "while we were at that meeting, I was advocating for Thai language study materials at the same time. So one thing [that] came out of it was the Thai language study materials." Still, significant gaps in language offerings remain.

It is important to note that all groups share concerns that the translations provided are too formal or lack cultural competency. Many representatives expressed concerns that the DMV was translating materials verbatim and not including any cultural context. A representative from Advancing Justice-LA explained, "Certain words exist in English but it might not exist in Filipino, in Korean, in Thai, in Swahili, in different languages." A representative from the Long Beach Immigrant Rights Coalition believed that this issue also impacts Spanish speakers since the majority use colloquial Spanish and the DMV's Spanish translation includes more difficult and technical terms that cause confusion. Thus, even when translated materials are provided, language barriers can still contribute to failing the knowledge exam and struggling with the behind-the-wheel exam.

### **Re-imagining Illegality: Advocating for Race-Conscious Implementation**

As barriers revealed themselves, immigrant-serving organizations took note of how these barriers were leading to diverging access to AB 60 licenses. They began to ascribe race



to the issue and actively sought to re-racialize illegality as an issue that affected broader immigrant communities. For example, when describing the barriers to AB 60 licenses, a representative from Advancing Justice-LA quickly invoked racial differences: “You see more hurdles from API and independent African immigrants trying to apply for the driver’s license.” When we raised questions about potential barriers, the representatives we spoke to made similar comments that racialized the issue. A representative from Korean Resource Center-LA shared that this racialization also occurred among members of the Korean immigrant community: “It was really tricky because in the beginning, they saw, because the Mexican ID was good . . . [and] they were saying, ‘Oh my gosh, this AB 60 helps only Mexican nationals.’”

Recognizing these differential experiences, a coalition of organizations wrote an open letter to the DMV Director outlining the unique barriers faced by African and Asian American, Native Hawaiian, and Pacific Islander (AANHPI) undocumented communities and advocating for policy changes to increase their access (Drive CA 2015). The letter racialized the issue by highlighting the “numerous systematic problems in the implementation of AB 60 that has resulted in African and AANHPI facing discriminatory impact of not being able to successfully obtain an AB 60 license to date.”

The letter detailed many of the same individual-level barriers discussed above, including continued challenges with language access and culturally competent service, obtaining required documents for identification requirements, and inconsistent application of existing policies in the secondary review process. In the end, they observe that, “these issues create challenges to the State’s mission of licensing all Californian drivers under AB 60, increase costs, and are creating undue barriers to obtaining AB 60 licenses particularly for African and Asian immigrant

communities.” They contended that the “barriers and concerns articulated below represent a discriminatory impact in the implementation of AB 60 in California.” The letter was co-signed by 49 organizations, including the ACLU of California, Advancing Justice-LA, the African Advocacy Network, the California Immigrant Policy Center, the Drive CA Coalition, and the AANHPI AB 60 Coalition.

In addition to this coalition-based advocacy, organizations and consulates worked closely to ameliorate the racialized nature of access, particularly around access to identification documents that do not require secondary review. A representative of the Korean Resource Center-LA recalled how they helped to mobilize community members to push the Korean consulate to get their consular card approved:

It was very tricky because in the beginning they [community members] were saying, “Oh my gosh, this AB 60 helps only Mexican nationals.” But we quickly changed that to it’s because the Mexican consulate, the Mexican government made their ID cards according to the DMV regulation and the Korean consulate refused to do so. . . . So they got really, really upset at the consulate. . . . They yelled and screamed and some people protested. It was a big stress for the Korean consulate here in LA especially. That was the key that I think actually turned things on that side.

A representative from Advancing Justice – LA added, “A lot of the work that we’ve focused on is one, influencing kind of the regulation when it was still being shaped and when it was being changed. It’s currently kind of evolving every year. So they changed it 2015 to add more passports, countries to the passports.” In all, this work actively highlighted racial differences in hopes of ameliorating inequities. In effect, these efforts countered popular perceptions of

racialized illegality in order to re-racialize illegality as an issue that affects broader immigrant communities.

### **Conclusion**

It is not a simple matter to know whether undocumented immigrant communities in California have equal access to driver's licenses. California's driver's license law was outwardly race-neutral in the legislation stage, making no mention of race or ethnicity in either its justification or its design. Further, it was designed and implemented in a manner that explicitly prohibited the collection and dissemination of data on applicants' race, ethnicity, and national origin. Despite this race-neutral policy intent and design, we find that its implementation and uptake has been *de facto* racialized due to the racialized nature of illegality as a Latino issue. As a result, not all undocumented immigrants have been able to equally avail themselves of this integrative subfederal immigration policy.

Previous work has highlighted the racialized production of undocumented migration (De Genova 2004; Ngai 2004; Molina 2014) and the racially diverging experiences of undocumented immigrants (Cho 2017; Enriquez forthcoming). We contend that racialized illegality also sets the stage for subfederal policy implementation and uptake. The institutional capacity of these various types of organizations reflect the racialized migration histories of the places in which they operate. Specifically, the longer history and larger size of Mexican undocumented migration has shaped the development of organizations that are invested in and have the capacity to advocate for Latina/o/x, particularly Mexican, undocumented immigrants. As a result, policy implementation is shaped by racialized histories of illegality and also simultaneously produces divergently racialized experiences of illegality. Specifically, during the course of our study, Spanish-speaking Latina/o/x immigrants were best positioned to access AB 60 driver's licenses,

which could dramatically reshape their experiences of illegality and the consequences it holds in their everyday lives. Alternatively, AAPI, Muslim, and African undocumented immigrants did not have the same access to this opportunity. It is important to recognize that this does not mean that Latinas/os/xs or Mexicans have it “easy,” but rather that, at the time of this study, they faced a more straightforward path that increased their chances of successfully acquiring a driver’s license. Though racialized illegality facilitated this access, this is the same force that ensures that undocumented Latino/a/x immigrants bear the brunt of anti-immigrant sentiment and racist nativism.

It may be that other aspects of policy implementation are also racialized. Organizational representatives reported that some potential AB 60 driver’s license recipients were not applying for their licenses because they feared revealing their immigration status to a government entity and the possible sharing of that information with immigration enforcement officials. This represents a risk for potential applicants who have prior deportation orders and/or criminal histories, and it is possible that these risks are also racialized due to policing practices that disproportionately target Latinas/os/xs (Armenta 2016, 2017). Therefore, future research should explore individuals’ experiences of the implementation process to see how the racialization of policing and immigration enforcement contributes to the (re)production of racialized illegality. This is particularly important with regard to subfederal policies dictating access to driver’s licenses/IDs and outlining the scope of police collaborations with immigration officials.

Given the influx of subfederal immigration policies across the United States, undocumented immigrants face varying legal landscapes and have divergent experiences across local contexts. Previous work demonstrates how the context of reception and political environment impacts undocumented immigrants’ decisions to apply for federal immigration

relief programs like DACA (Wong and Garcia 2016). As states establish more integrative immigration policies on their own, it is crucial to consider the barriers and challenges to implementing such initiatives. As de Graauw (2016) shows, local nonprofit organizations play a significant role in shaping subfederal immigration policy and its implementation. Our analysis extends this to consider how racialized illegality intervenes in this process by shaping the institutional context and capacity to meet the needs of increasingly diverse undocumented populations. States and localities need to consider these factors when preparing legislation and planning implementation in order to ensure equal access for all eligible immigrants.

Our analysis has focused on the implementation of driver's licenses for undocumented immigrants in California and the differences in access encountered by members of different racial and ethnic groups and the organizations serving them. We hope that future studies can shed light on how racialized illegality shapes access to other important statewide benefits for unauthorized immigrants, including child health insurance, in-state tuition, state-based financial aid, and labor force protections. We anticipate that racialized illegality will likely play a greater role in shaping access to benefits for policies that have more onerous documentation requirements for program eligibility than those with less onerous documentation requirements. We also anticipate that racialized illegality will play a less prominent role in shaping immigrant access to benefits in states such as New York and Maryland, which have greater racial and national-origin diversity than California in their unauthorized immigrant populations. Given the proliferation and deepening of state policies that aim towards immigrant integration, comparative studies of the racialized implementation of such policies remain more critical than ever.

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<sup>1</sup> In 2015, an estimated 2,598,870 undocumented immigrants lived in California (<http://data.cmsny.org/>).

<sup>2</sup> We use "Latino" to refer broadly to populations of Latin American origin; we do not mean this to be exclusive by gender. We use "Latina/o/x" to inclusively describe individuals racial/ethnic background.

<sup>3</sup> For a theorization of racist nativism, see Perez Huber, Lindsay et al.(2008).

<sup>4</sup> Of the top twenty-five countries of origin in California, the remaining seventeen each represent less than 1% of the undocumented population (in alphabetical order): Argentina, Brazil, Canada, Colombia, the Dominican Republic, Ecuador, Ethiopia, Ghana, Haiti, Jamaica, Nicaragua, Nigeria, Pakistan, Peru, Poland, Venezuela, and Vietnam.

<sup>5</sup> Mexican-origin immigrants in more rural areas of California may struggle to travel to a consulate to obtain this document.

<sup>6</sup> At this time no other state had provided a secondary-review process (DMV 2014); California's implementation was progressive in that it did establish one.

<sup>7</sup> Since we conducted this study, the DMV added a Google Translate feature to their website that allows the user to translate most pages into a variety of languages. However, these translations are not guaranteed to be accurate.