

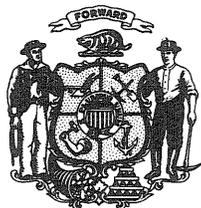
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## MEMORANDUM

February 26, 2002

TO: Senate Committee on Insurance, Tourism and Transportation  
FR: Senator Roger Breske, Chair  
RE: Proposed Clearinghouse Rule 02-005; *relating to the issuance of driver's licenses and identification cards.*

Clearinghouse Rule 02-005 was recently referred to the Senate Committee on Insurance, Tourism and Transportation. For your reference, I have included the analysis by the Department of Transportation below. If you have questions or concerns, please contact Beth in my office before **Friday, March 15<sup>th</sup>, 2002.**

*Analysis Prepared by the Wisconsin Department of Transportation*

STATUTORY AUTHORITY: s. 343.14(2)(f), Stats.  
STATUTES INTERPRETED: s. 343.14(2)(f), Stats.

General Summary of Proposed Rule. This rule amends s. Trans 102.15(3)(a)8. to require additional proof of identification documents from persons using a "parolee" or "refugee" version of the federal I-94 arrival departure record. The "parolee" or "refugee" version of the federal I-94 document is a standard I-94 document that is hand-stamped to indicate the possessor's parolee or refugee status. The document is not secure identification and can be easily forged.

Under the current regulation, such an I-94 document is accorded the same veracity as proof of identity as a passport or certified birth certificate. Refugees and parolees often leave their countries without passports or other identification documents, making it difficult for them to document their identities to the satisfaction of driver licensing agencies. The Department proposes to require persons having these types of I-94 documents as their sole source of identification to also provide the Department with a letter from their immigration sponsor and a copy of their Reception and Placement Program Assurance Form, which bears a photograph of the person. Applicants who are unable to provide a copy of this form may be issued an ID or driver license, but only after the U.S. Immigration and Naturalization Service verifies their identity, which can take up to 60 days.

These rules are proposed in response to the September 11, 2001, terrorist hijackings in the United States, and are intended to help uncover any possible terrorist attempting to obtain identification documents through the Wisconsin Department of Transportation. The Department expects it will need to make significant revisions to existing s. Trans 102.15, which specifies what documents the Department will accept for identification purposes when issuing driver licenses or identification documents. This rule making is intended to immediately interrupt the possible use of forged federal I-94 documents as identification documents. The Department has no evidence of past improper use of these documents by terrorists.

Officials have confirmed that 15 of the 19 suspected hijackers involved in the September 11, 2001, incidents obtained US visas in Saudi Arabia. Saudi officials have insisted that the men who obtained the visas likely engaged in identity theft, and that there is no way of knowing if they really were Saudi citizens. These men would not have entered the U.S. as "parolees" or "refugees" and this rule making would not have any effect on terrorists attempting to obtain Wisconsin identification documents with Saudi passports or other official entry documents.

On November 21, 2001, the New York Times reported that to support their terrorism, terrorists have committed crimes including skimming money from a charity for Muslim orphans in Albania and robbing an Italian diplomat's home in Jordan. They acquired or forged seals from universities, border guards and the Saudi Arabian Interior Ministry. According to the Times, these extremists used the Muslim pilgrimages to Islamic holy sites in Saudi Arabia as a cover for recruiting new members or passing cash from one member to another. They moved money around the globe to bail members out of jail in Algeria or Canada, and to finance applications for political asylum and thus implant terrorist cells in Western Europe. This rule change could interrupt the mechanism for terrorists who have applied for or received asylum in the United States to obtain Wisconsin identification documents.

Accordingly, this rule is proposed as a mechanism to avoid issuing identification documents to any terrorist who has applied for asylum in the United States.

**Fiscal Effect.** The Department estimates there will be no direct fiscal estimate from this rule.