

A PROPOSED RESOLUTION

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To declare the existence of an emergency with respect to the need to amend the District of Columbia Traffic Act, 1925 to provide an exception to the 6-month residency requirement for a limited purpose credential for applicants who have been determined to have been transported to the District by the executive branch of another state; to amend the Migrant Services and Supports Temporary Amendment Act of 2022 to require the Office of Migrant Services to provide proof of residency for applicants who have had original documents retained by the Department of Homeland Security pending a hearing; and to amend the District of Columbia Municipal Regulations to use a letter provided by the Office of Migrant Services when applying for limited purpose credentials and to make conforming amendments.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Limited Purpose Credential Clarification Emergency Declaration Resolution of 2023”.

Sec. 2. (a) In 2013, the Council approved the Driver’s Safety Amendment Act of 2013, effective January 17, 2014 (D.C Law 20-62; D.C. Official Code § 50-1401.05) to authorize the Department of Motor Vehicles (“DMV”) to issue limited purpose credentials (including driver’s license, permits, and non-driver’s identification cards), which is now available for residents who cannot receive a REAL ID—largely undocumented residents.

(b) Undocumented residents who have encountered the Department of Homeland Security (“DHS”) when entering the country, including asylum seekers who voluntarily report to

38 DHS officials, are frequently required to relinquish all identifying documents to DHS, which
39 DHS uses as an inducement to report to a later hearing before releasing the individual.

40 (c) Residents whose documents have been seized in this way often are left without any
41 documents that they can use to prove identity when applying for a limited purpose credential at
42 the DMV, because DHS is holding the foreign documents that DMV would otherwise accept as
43 proof of identity.

44 (d) Residents whose documents have been seized by DHS include those who have been
45 bussed here by the governors of Texas and Arizona. Currently more than 15,000 migrants have
46 been bussed to the District, though only a relatively small percentage of those who are bussed to
47 the District against their will stay in the District while awaiting a hearing with DHS. For these
48 residents, who did not choose on their own to come to the District, the current requirement to
49 prove residency for 6 months before receiving a limited purpose credential is an additional
50 barrier to settling in the District.

51 (e) Holding a limited purpose credential allows residents to sign leases and access
52 community services like adult education programs, libraries, and community centers. Residents
53 are also unable to obtain a marriage certificate or birth certificate for a child born in the District.
54 And immigrants applying for certain statuses, including asylum, DHS requires a state-issued
55 identification when making the final application.

56 (f) To address these barriers, especially for residents who have been bussed to the District
57 against their will, if an applicant has had documents seized by DHS, DMV is willing to accept a
58 letter from the Mayor's Office of Migrant Services ("OMS"), including to waive the 6-month
59 waiting period for those who have been bussed here by the executive branch of another state.
60 This letter would be similar to documentation that the Court Services and Offender Supervision

61 Agency provides to residents returning from incarceration, and that DMV accepts for purposes of
62 providing identification.

63 Sec. 3. The Council of the District of Columbia determines that the circumstances
64 enumerated in section 2 constitute emergency circumstances making it necessary that the
65 Limited Purpose Credential Clarification Emergency Amendment Act of 2023 be adopted after a
66 single reading.

67 Sec. 4. This resolution shall take effect immediately.

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