
The Wisconsin Department of Transportation adopts an order to amend TRANS 102.15(3)(a)8., Wisconsin Administrative Code, relating to the issuance of driver's licenses and identification cards.

ORDER ADOPTING RULE

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 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 adopted 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 adopted 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.

Final Regulatory Flexibility Analysis. The provisions of this emergency rule have no effect on small businesses.

Copies of Rule. Copies of the rule may be obtained upon request, without cost, by writing to Phil Alioto, Division of Motor Vehicles, Hill Farms State Transportation Building, Room 255, Madison, WI 53707, or by calling (608) 266-0978. Hearing-impaired individuals may contact the Department using TDD (608) 266-3096. Alternate formats of the rule will be provided to individuals at their request.

TEXT OF RULE

Under the authority vested in the state of Wisconsin, department of transportation, by s. 343.14(2)(f), Stats., the department of transportation hereby amends a rule interpreting s. 343.14(2)(f), Stats., relating to the issuance of driver's licenses and identification cards.

SECTION 1. Section Trans 102.15(3)(a)8. is amended to read:

Trans 102.15(3)(a)8. A federal I-94 "parole edition" or "refugees version" arrival-departure record, together with a certification, on the department's form, by the person, of the person's name and date of birth, a copy of a U.S. department of state refugee data center reception and placement program assurance form and a letter from the person's sponsoring agency on its letterhead, supporting the person's application for a Wisconsin ID or driver license and confirming the person's identification. Applicants who are unable to provide a reception and placement program assurance form may be issued a license, but only after their identification has been confirmed by the U.S. immigration and naturalization service;

(END OF RULE TEXT)

Effective Date. This rule shall take effect on the first day of the month following publication in the Wisconsin Administrative Register as provided in s. 227.22(2), Stats.

Signed at Madison, Wisconsin, this ____ day
of April, 2002.

GENE E. KUSSART
Secretary
Wisconsin Department of Transportation