



Councilmember Charles Allen

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, and to clarify that a limited purpose credential issued to an applicant who claims the exception to the 6-month residency requirement cannot be used to apply for Continuum of Care Services under the Homeless Services Reform Act of 2005; to require, on an emergency basis, the Office of Migrant Services to provide proof of identification and residency for applicants who have been transported to the District by the executive branch of another state, have had original documents retained by the Department of Homeland Security pending a hearing, and have provided the Office with certain immigration documents if the applicant has not received such proof of identification and residency from a nonprofit organization, and to clarify that proof of identification and residency provided under these circumstances cannot be used for a purpose other than to confirm eligibility for services provided by the Office of Migrant Services or to apply for a limited purpose credential; 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

42 license, permits, and non-driver’s identification cards), which is now available for residents who
43 cannot receive a REAL ID—largely undocumented residents.

44 (b) Undocumented residents who have encountered the Department of Homeland
45 Security (“DHS”) when entering the country, including asylum seekers who voluntarily report to
46 DHS officials, are frequently required to relinquish all identifying documents to DHS, which
47 DHS uses as an inducement to report to a later hearing before releasing the individual.

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

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

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

64 (f) To address these barriers, especially for residents who have been bussed to the District
65 against their will, if an applicant has had documents seized by DHS, DMV is willing to accept a
66 document from the Mayor’s Office of Migrant Services (“OMS”), including to waive the 6-
67 month waiting period for migrants who have been bussed here by the executive branch of
68 another state. This document would be similar to documentation that the Court Services and
69 Offender Supervision Agency provides to residents returning from incarceration, and that DMV
70 accepts for purposes of providing identification, and DMV would work closely with OMS to
71 determine the format of the document.

72 (g) Receiving an limited purpose credential, or the document from OMS that would allow
73 an applicant to apply for a limited purpose credential, through the process provided for in the
74 Limited Purpose Credential Clarification Emergency and Temporary Amendment Acts of 2023
75 would not allow a migrant to access Continuum of Care services, or any other District services,
76 that they would not otherwise be eligible for, but it would allow migrants to settle and integrate
77 into their community while awaiting a hearing. Treating all migrants with humanity is consistent
78 with the District’s public policy goals, and this emergency measure would further that policy
79 goal.

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

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