

Senator White, Commissioner Collier:

Thank you for this opportunity to share my lived and professional expertise on the subject of photo identification accessibility. I write in my constituent capacity as a nonbinary Trans Vermonter of Cuban descent with eternally misspelled Spanish last names, and also an experienced administrative benefits attorney who directs Vermont's leading immigration technical assistance organization, Vermont Asylum Assistance Project (VAAP). I appreciate the urgency with which Senator White is prioritizing these concerns for our most marginalized Vermonters. I write to offer some case studies from my own life experiences, as well as from my work with VAAP and the Vermont Queer Legal Professionals (VQLP) network.

As a litigator, I am not often in the position of being talked about and advocated for in a government proceeding. It was surreal sitting in the Transportation Committee on Tuesday while people with more relational power than me debated the cost-benefit analysis of administrative burdens versus my ability to show up in public life as a whole person. I resonated deeply with the urgency of Senator White's call to action, not only as an impacted person who advocates on behalf of comparatively more impacted people, but as a seasoned attorney who is deeply concerned about eroding rule of law. To Senator White's point in Committee about this being "our moment," marginalized communities are under national attack, yes, but so are all of the fundamental rights and freedoms our system of laws theoretically offers to everyone regardless of their identities. Proactively securing our rights and freedoms in seemingly small but available ways now is the surest action we can take to prevent from being in a higher stake, reactionary, and surely costlier position later this biennium. [Vermont has always capitalized on the opportunities of New Federalism to secure the rights and freedoms of its people](#), no matter what is being taken away at the federal level. **I hope the DMV, and every agency in the position to do so, will seize every opportunity to secure Vermonters' rights and freedoms this year and in the years to come. Every state and local agency and legislative committee has a role to play in securing the rule of law for all.**

My own Vermont-issued X-marker REAL ID removes one of the many barriers I face to showing up in the world as a whole person. It allows me to move through public life with a little more comfort and confidence knowing there is government authority behind the true me I am asking the world to reflect back to me when I interact with it. It helps me advocate for myself with health care providers, other human services institutions, financial and educational institutions, and beyond, and removes the compounding fear I would face interacting with law enforcement or the courts as a Trans person—on top of the baseline anxiety those interactions induce for most people. Social and legal transition including through updating my gender marker with the DMV and Department of State were just some of the ways I worked to make society's reflection of me to me more congruent with the me I feel and see. Without social and legal and, yes, insurance-provided medical transition, I would not be here today [helping to expand Vermont immigrants' access to justice](#).

As a DMV customer, accessing ID has proved challenging at times, even for me as a benefits lawyer. There is the mental and emotional hurdle of the covert or overt discrimination I experience in virtually every customer service interaction (everywhere), which has the impact of being harmful even when stemming from unintentional, good-faith

mistakes. There is the intractability of government websites, information lines, and the frontline workers themselves who are under resourced and overextended being asked to address issues of first impression (to them) with little training or supervision. To this day, my Vermont driver's license misspells my Spanish last names, such that I am often required to present my name change court order and my passport in order to establish my identity. This means revisiting my dead name and pronouns with institutions on a regular basis. The cumulative negative impact is measurable, and I am someone with access to job security, insurance-provided gender-affirming mental and physical health care, and disposable income to support a gym membership. I often wonder how much more impossible accessing identification would feel for fellow Latine folks who are English learning or under-documented, and fellow gender nonconforming folks who don't have my access to wealth, or unsheltered folks who don't have reliable access to technology.

This year, the barriers to accessing ID are compounding at alarming rates. Almost 100% of Vermont exists with the 100-mile border zone of CBP jurisdiction, and even lawful permanent residents are ending up frivolously detained and relocated to ICE detention facilities nationwide. Every day, state and nonprofit human service providers are calling me for help convincing their immigrant clients that it is indeed legally safe to continue sending their kids to school and traveling to their local health care appointments. People are reporting food insecurity given their inability to drive on the highways comfortably or visit supermarket shopping centers safely for fear of ICE interactions, and many are sheltering in place as if it were April 2020. Trans people are already asking immigration lawyers like me to help them understand Canadian asylum law and international refugee law in case they need to flee the U.S. for safety elsewhere. My community and I talk regularly about who has what resources and skills and access to land or status pathways in other countries, and what contingency plans we can support each other to have in place as chosen families should anti-trans violence escalate. I am a celebrated U.S. asylum lawyer who, for the first time in my practice, realistically see myself having to flee my own country and need to seek refuge elsewhere. My community and I are struggling to dream for my futures like we could before, if we were privileged enough. In short, my communities and clients are not wondering how we'll board flights to other states, or easily cross borders for leisure during this time; many of us just want to be able to stay safe while hunkering down in Vermont until the federal vitriol passes.

We immigration lawyers know more than most how critical access to photo identification is to full and safe participation in the regulated economy and public life. Our client communities typically lack this and are [relegated to unsafe working conditions, discriminatory and substandard housing](#), and [lack of access to their basic needs or the confidence to seek emergency care or protection in times of need](#). Government-issued photo ID is the key to my clients' access to schooling, banking, working, financing, studying, professional licensing, and, of course, safe driving. In just these first 50 days of the Trump administration, the act of driving even briefly around our rural border state to access fundamental needs has transformed into a life-threatening activity. **Routine traffic violations—including those resulting in dismissal or diversion—are the fastest pipeline to ICE encounters this time** (since ICE monitors FBI databases, which the FBI requires VT to notify after making stops and arrests (requests VT cannot refuse to comply with per 8 U.S.C. 1323)).

The Trump Administration is successfully robbing marginalized Vermonters of whatever vestiges of trust they had left in any government and government-adjacent service providers who are here to help them meet their needs and access safety (including VAAP). We are moving through public life with fear of violence from hateful people emboldened by institutionalized hate, let alone our fear of direct attacks by those explicitly empowered by institutionalized hate. The reality is that anything the DMV can do to minimize user access to photo identification, whatever version they are eligible for, is helpful. If the DMV chooses a waiver-based approach at the frontline level, then I would suggest making the process for seeking and adjudicating and obtaining review of individual waiver requests as minimally burdensome on people as possible including by minimizing unnecessary trips to DMV storefronts and making sure processes are accessible across languages, disability needs, literacy levels, technology access, and economic class.

My fear is that DMV encounters can be burdensome, hostile, and risky at the best of times, and if we burden immigrants by forcing more frequent DMV visits during this period, we will incentivize unauthorized driving and increasing my client communities' risk of ICE arrest. Making routine traffic infringements or "driving while brown" deportable "offenses" is antithetical to the rights and values enshrined in the Vermont Constitution.

I'll close with a personal story about a conversation I had with my mom (hands-free, of course) while driving home from testifying in [House Government Operations last month](#). She lives in Plattsburgh, as Vermont has become unaffordable for her and her husband, and she sheepishly primed me for a question she had been sitting on since January, as she's watched me put my name and identities out in the public eye for the sake of my advocacy goals during this terrifying time. Did I manage to renew my passport before the inauguration, in case I need to run? Yes, I reassured her but only by coincidence. Like many legal aid lawyers, I am famously terrible at taking care of myself the way I can my client communities. She was barely able to get out a "thank god" before bursting into tears.

Grateful for your care and attention during this terrifying time. If there is additional information I can share or connections I can help make to support the great work happening at the agencies and State House in support of fundamental freedoms and rule of law for all, please never hesitate to reach out. To my mom's point, thank god, it's safe for me to continue sharing my expertise in a public way on behalf of those who can't.

With care,
Jill

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