

Frequently Asked Questions:

Driver's Licenses For Non-Citizens

Each state makes its own rules and regulations about which noncitizens may obtain state-issued driver's licenses and identification cards. In order to determine whether you are eligible to get a driver's license, you will need to check the laws of your state or contact the department of motor vehicles.

Can noncitizens with lawful immigration status obtain a driver's license?

All states permit lawful permanent residents (LPRs) to apply for driver's licenses. Most states also permit noncitizens who are in the United States temporarily in a lawful non-immigrant status (such as temporary workers, students, and other visitors) to apply for a license. Applicants will need to provide documentation from the Department of Homeland Security (DHS) that shows they are lawfully present in the U.S. Some states will not provide a driver's license of long duration to such individuals. Instead, they will provide a license that expires at the end of the individual's authorized stay in the U.S. All states also grant licenses to noncitizens who have been granted deferred action. This is not an immigration status but a form of lawful presence which provides the recipient with an Employment Authorization Document (EAD) and a Social Security number (SSN).

Can undocumented individuals get a driver's license?

Currently, 10 states and the District of Columbia grant driver's licenses to all qualified drivers regardless of immigration status. It is important to understand that most of the driving privileges available to undocumented drivers are distinguished in some way from the standard driver's license in the state. In addition, these licenses are not accepted for federal identification purposes, meaning they may not be used to board a plane or enter a federal building.

What documents will I need to show to obtain a driver's license in my state?

Again, the requirements are different in every state. Generally, noncitizens should be prepared to present their foreign passport as well as documents that verify their immigration status or legal presence such as a permanent resident card, an unexpired Form I-94 Arrival/Departure Record, an Employment Authorization Document (EAD), and/or a Form I-797 "Notice of Action." Immigration status documents will likely be verified through a federal system called the Systematic Alien Verification for Entitlements (SAVE) Program. Most states require applicants to provide proof of their Social Security number (SSN) or an official denial letter from the Social Security Administration specifying the reason why the individual cannot obtain an SSN. In addition, almost all states require applicants to prove their age and identity, show proof of residence in the state, pay a fee, and pass a written knowledge test and driving skills test.

Remember that immigration law is complicated and applies differently to people in different situations. When you have an immigration law question, check with an immigration lawyer or BIA accredited representative.

Visit www.cliniclegal.org/affiliates/directory to find one near you.

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