

Overview of State Driver’s License Requirements for Individuals Granted Deferred Action under the Deferred Action for Childhood Arrivals (DACA) Policy

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In general, applicants for a driver’s license must provide documents to establish four types of eligibility criteria: a Social Security number (SSN), evidence demonstrating lawful or authorized presence in the U.S.,¹ identity, date of birth, and state residency. All states require an SSN, although many allow alternatives, e.g., for those who are ineligible for an SSN.² All states require proof of identity,³ date of birth, and state residency. The definitions of these criteria, the documents needed to satisfy them, and any exceptions or flexibility in meeting the requirements differ from state to state.

This overview reviews these eligibility requirements as they pertain to individuals granted deferred action under the Deferred Action for Childhood Arrivals (DACA) policy. Since these policies are evolving, the information in this table is subject to change. Please send any corrections or updates to Tanya Broder, broder@nilc.org.

<p>States where officials have confirmed (through statements or the granting of licenses) that DACA recipients will be eligible for a driver’s license or where individuals are eligible for a driver’s license or driver’s privilege card, regardless of their status, if otherwise eligible.</p>	<p>AL, AR, CA, CO, CT, DE, DC, FL, GA, HI, ID, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, MT, NV, NH, NJ, NM, NY, NC, OH, OK, OR, PA, RI, SC, TN, TX, UT, VA, VT, WA, WI, WY (45)</p>
<p>States that recognize deferred action (either through explicit inclusion or by accepting documents showing a grant of deferred action) as meeting a lawful presence requirement.</p>	<p>AR, CA, FL, GA, IN, KS, ME, MO, OK, PA, TX, UT, VT, VA, WI (15)</p>

¹ Two states, New Mexico and Washington, provide driver’s licenses to eligible applicants regardless of their immigration status. Utah offers a driver’s license for those who can prove citizenship or lawful immigration status and a driver’s certificate for those who cannot. Some states do not have lawful presence requirements per se but impose document requirements that accomplish the same result.

² As an alternative to an SSN, some states require a “proof of ineligibility” letter from the Social Security Administration; others may require proof of lawful status or, as in New Mexico, proof of identification, such as a *matrícula consular* card, valid passport, or Individual Taxpayer Identification Number (ITIN).

³ Virtually all states accept a work authorization document as proof of identity, but may also require additional documents.

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<p>States that specifically list an employment authorization document (EAD) as meeting a lawful presence requirement (whether the requirement is explicit or is implemented via document requests).⁴</p>	<p>AL, CA, CO, CT, DE, DC, FL, GA, HI, ID, IL, KS, KY, LA, ME, MD, MA, MI, MN, MO, MT, NH, NJ, NY, ND, OR, PA, RI, SC, SD, TN, UT, VT, WI, WY (34)</p>
<p>States that list I-797 notice of action or that generally accept any verifiable immigration document as meeting (in whole or in part) a lawful presence requirement.</p>	<p>AL, CA, CT, DC, HI, IN, MS, NC, OH, VA, WV (11)</p>
<p>States where officials have announced an intent to deny driver’s licenses to DACA recipients.</p>	<p>AZ, NE (2)</p>

⁴ Arizona and Nebraska also list EADs as meeting an eligibility requirement but have announced that DACA recipients will not be eligible, even if they have an EAD.