

Citizen and Noncitizen Access to the Driver's Licenses Available to Undocumented Residents

Social Security Number Ineligibility and Individual Taxpayer Identification Number Requirements

States have specific authorization under the REAL ID Act¹ to issue non-REAL ID (or "standard") licenses that comply with the act.² Nineteen states plus the District of Columbia and Puerto Rico issue or will soon issue these licenses to otherwise-eligible undocumented residents.³ And many of these states make these non-REAL ID licenses available to U.S. citizens and lawfully present residents as well.

Consistent with the REAL ID Act, states can also ensure that burdensome documentary requirements, such as proof of ineligibility for a Social Security number (SSN), do not pose a barrier to obtaining a license.

The table below shows whether a state that issues licenses regardless of immigration status offers its standard (non-REAL ID) license to U.S. citizen and lawfully present drivers as well. In the states that issue driver's licenses to undocumented immigrants, it indicates whether proof of ineligibility for an SSN or an Individual Taxpayer Identification Number (ITIN) is required.

States that issue driver's licenses to undocumented residents	Citizens or noncitizens who can get the same non-REAL ID license available to undocumented drivers	Is proof of ineligibility for SSN or ITIN required for these licenses?
California	All drivers	Affidavit of ineligibility for SSN (if none)
Colorado	Only temporary noncitizens ⁴	ITIN
Connecticut	Only undocumented noncitizens	No ⁵
Delaware	Only noncitizens without legal status ⁶	No
District of Columbia	Only those without an SSN	Affidavit of ineligibility for SSN
Hawaii	All drivers ⁷	No
Illinois	Noncitizens without legal status and certain noncitizens with legal status. ⁸ Effective July 1, 2024, most drivers. ⁹	Affidavit of ineligibility for SSN
Maryland	All drivers	ITIN
Massachusetts	All drivers	Applicants who lack an SSN must submit an SSA denial letter or self-attestation that have not been issued an SSN

The information included in this table was originally compiled by David Blitzer, a summer 2021 NILC legal intern.

States that issue driver's licenses to undocumented residents	Citizens or noncitizens who can get the same non-REAL ID license available to undocumented drivers	Is proof of ineligibility for SSN or ITIN required for these licenses?
Minnesota	All drivers ¹⁰	Attestation that do not have an SSN
Nevada	All drivers ¹¹	Driver certification that has never been assigned an SSN
New Jersey	All drivers	ITIN or affidavit of ineligibility for SSN (if none)
New Mexico	All drivers	No
New York	All drivers	Affidavit of ineligibility for SSN (if none)
Oregon	All drivers	Affidavit of ineligibility for SSN (if none)
Rhode Island	Drivers unable to establish proof of legal presence get a driver privilege card, which is identical to other non-REAL ID credentials. ¹²	Verification of filing taxes as Rhode Island resident or as dependent of Rhode Island resident in preceding year
Puerto Rico	Unclear	No
Utah	Undocumented drivers, persons who were paroled into the U.S., and certain other noncitizens. ¹³	ITIN
Vermont	All drivers	Letter from Social Security Administration declaring ineligibility
Virginia	Only undocumented noncitizens ¹⁴	ITIN
Washington	All drivers ¹⁵	Signed declaration of no SSN

Notes

¹ Congress passed the REAL ID Act as part of the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Tsunami Relief in 2005 (HR 1268), <https://www.dhs.gov/xlibrary/assets/real-id-act-text.pdf>, (hereinafter "REAL ID Act"). For more details, see *The REAL ID Act: Questions and Answers* (NILC, March 2023), <https://www.nilc.org/issues/drivers-licenses/dlaccess toolkit3b/#realid>.

² Section 202(d)(11) of the REAL ID Act specifically allows states to issue licenses that are not acceptable for official federal purposes.

³ See *State Laws Providing Access to Driver's Licenses or Cards, Regardless of Immigration Status* (NILC, July 2023), <https://www.nilc.org/issues/drivers-licenses/state-laws-providing-dl-access/>, for a full list and summary descriptions of the state, territory, and District of Columbia laws authorizing issuance of licenses regardless of immigration status. For convenience, all of these jurisdictions are referred to in this table as "states."

⁴ Persons considered temporary noncitizen residents of Colorado include people in all immigration categories other than lawful permanent resident, such as refugees/asylees, people with Deferred Action for Childhood Arrivals (DACA), and nonimmigrants.

⁵ An applicant for a license who does not have an SSN must sign an affidavit of intent to apply for immigration status as soon as eligible to do so. "Issuance of operators' licenses to applicants unable to establish legal presence in the United States and applicants without Social Security numbers" (Chapter 246: Motor Vehicles, Sec. 14-36m, Connecticut General Assembly), https://www.cga.ct.gov/current/pub/chap_246.htm#sec_14-36m.

⁶ Delaware's definition of legal status excludes a few groups that are lawfully present, such as representatives of foreign governments. "Driver's License/Identification Cards" (Delaware Dept. of Motor Vehicles webpage), https://www.dmv.de.gov/DriverServices/drivers_license/index.shtml?dc=dr_lic_gen_req.

⁷ "State of Hawaii Limited Purpose Instruction Permit; Limited Purpose Provisional Driver's License; and Limited Purpose Driver's License: Information and Frequently Asked Questions" (State of Hawaii Department of Transportation, Nov. 13, 2019), <https://hidot.hawaii.gov/highways/files/2019/11/Limited-Purpose-DL-Info-and-FAQ-Pamphlet-2019-11-13.pdf>.

⁸ There are currently two types of Illinois Temporary Visitor Driver's Licenses, one for drivers with immigration status but who do not have an SSN ("Illinois Temporary Visitor Driver's License (TVDL) Flyer," Office of the Illinois Secretary of State, Sep. 2021, https://www.ilsos.gov/publications/pdf_publications/dsd_tvdl21.pdf) and one for undocumented drivers who do not have an SSN ("Temporary Visitor Driver's License (TVDL) for Undocumented (Non-Visa Status) Individuals," Office of the Illinois Secretary of State, <https://www.ilsos.gov/departments/drivers/TVDL/tvdl.html>). State residency requirements differ; however, each group receives an identical physical card.

⁹ Effective July 1, 2024, a standard non-REAL ID license will be available to most drivers, regardless of immigration status. People without Social Security numbers will be eligible for a standard license if they 1) have a valid nonimmigrant visa (in which case the license expires with the visa) or 2) do not have a visa but can document one year of Illinois residence and have a passport or consular ID card that either is current or within two years of expiration.

¹⁰ Minnesota licenses will be available to drivers regardless of their immigration status beginning October 1, 2023.

¹¹ "Driver Authorization Cards" (Nevada Dept. of Motor Vehicles webpage), <https://dmvnev.com/dac.htm#laws>.

¹² The front and back of a driver privilege card or permit in Rhode Island shall be identical in appearance to a driver's license or permit, that is not a REAL ID credential.

¹³ According to the Utah Dept. of Public Safety website, drivers would need to obtain a driving privilege card (DPC) if they can't establish lawful presence, are ineligible for an SSN, and must obtain an ITIN. "Driver License: Adult Driving Privilege Card (DPC) Original" (Utah Dept. of Public Safety webpage), <https://dld.utah.gov/adult-dpc-original/>. Driving privilege cards also are available to persons paroled into the U.S. and other lawfully present individuals whose status is not listed in the REAL ID Act. [Adult Advance Parolee, Humanitarian Parolee, and Parolee | DPS - Driver License](https://dld.utah.gov/adult-advance-parolee-humanitarian-parolee-and-parolee-j-dps-driver-license) (utah.gov). Utah offers a limited-term license for some noncitizens who can establish lawful presence. "Driver License: Adult Limited-Term Original" (Utah Dept. of Public Safety webpage), <https://dld.utah.gov/adult-limited-term-original/>.

¹⁴ Under Virginia SB 34, the front of a driver privilege card available to undocumented drivers must be the same in appearance as other non-REAL ID licenses, and the back must be identical in appearance to limited-term licenses. "Driver privilege cards and permits" (SB 34 sec. 46.2-328.3 B.1), <https://lis.virginia.gov/cgi-bin/legp604.exe?201+ful+SB34ER2+pdf>.

¹⁵ In Washington, an enhanced driver's license (EDL), which is available only to U.S. citizens, is the REAL ID license. U.S. citizens, lawfully present noncitizens, and undocumented noncitizens may obtain a standard license. "Frequently Asked Questions: REAL ID" (Washington State Dept. of Licensing webpage), <https://www.dol.wa.gov/about/real-id-faq.html>.