

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 Currently, sixteen states plus the District of Columbia and Puerto Rico 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	Affidavit of ineligibility for SSN
Maryland	All drivers	ITIN
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)

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?
Nevada	All drivers ⁹	Driver certification that has never been assigned an SSN
Oregon	All drivers	Affidavit of ineligibility for SSN (if none)
Puerto Rico	Unclear	No
Utah	Only undocumented drivers ¹⁰	ITIN
Vermont	All drivers	Letter from Social Security Administration declaring ineligibility
Virginia	Only undocumented noncitizens ¹¹	ITIN
Washington	All drivers ¹²	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, July 2021), <https://www.nilc.org/wp-content/uploads/2015/11/REAL-ID-Act-Q-and-A.pdf>.

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, Sep. 2021), <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 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. "Drivers 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 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 "Driver Authorization Cards" (Nevada Dept. of Motor Vehicles webpage), <https://dmvnev.com/dac.htm#laws>.

¹⁰ 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/>. While this does not specifically exclude citizens and lawfully present noncitizens, advocates report that only undocumented drivers obtain a DPC. Utah also offers a limited-term license for 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/>.

¹¹ 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>.

¹² 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>.