U.S. Department of Homeland Security
Student and Exchange Visitor Program
500 12th Street, SW
Washington, DC 20536

U.S. Immigration and Customs Enforcement

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Fact Sheet

Applying for a Driver's License or State Identification Card

Introduction

This Fact Sheet is intended to provide F, M or J nonimmigrants and their respective school/program officials with basic information on obtaining a driver's license or a state identification (ID). It is not intended to be a comprehensive guide to the driver's license or state ID application process. Because each state has unique requirements and processes, nonimmigrants should familiarize themselves with the regulations, policies and other applicable information of the state where they reside. For your reference, below are Web site addresses for state department of motor vehicles (DMV) offices.

State DMV Offices

Alabama	http://www.dps.state.al.us/
Alaska	http://www.state.ak.us/local/akpages/ADMIN/dmv/
Arizona	http://www.azdot.gov/mvd/index.asp
Arkansas	http://www.arkansas.gov/dfa/driver_services/ds_license.html
California	http://www.dmv.ca.gov/
Colorado	http://www.revenue.state.co.us/mv_dir/home.asp
Connecticut	http://www.ct.gov/dmv/site/default.asp
Delaware	http://www.dmv.de.gov/
Florida	http://www.flhsmv.gov/
Georgia	http://www.dds.ga.gov/
Guam	https://www.guamtax.com/about/mvd.html
Hawaii	http://www.co.honolulu.hi.us/csd/
Idaho	http://itd.idaho.gov/dmv/driverservices/ds.htm
Illinois	http://www.sos.state.il.us/services/services_motorists.html
Indiana	http://www.in.gov/bmv/
Iowa	http://www.dot.state.ia.us/mvd/index.htm
Kansas	http://www.ksrevenue.org/vehicle.htm
Kentucky	http://www.kytc.ky.gov/drlic/
Louisiana	http://omv.dps.state.la.us/
Maine	http://www.maine.gov/sos/bmv/licenses/getlicense.html
Maryland	http://www.mva.state.md.us/
Massachusetts	http://www.mass.gov/rmv/
Michigan	http://www.michigan.gov/sos/0,1607,7-127-1627---,00.html
Minnesota	http://www.dps.state.mn.us/dvs/index.html
Mississippi	http://www.dps.state.ms.us/dps/dps.nsf/divpages/hp2dlinfo?OpenDocument

Missouri	http://dor.mo.gov/mvdl/
Montana	http://doj.mt.gov/driving/default.asp
Nebraska	http://www.dmv.state.ne.us/
Nevada	http://www.dmvnv.com/nvdl.htm
New Hampshire	http://www.nh.gov/safety/divisions/dmv/
New Jersey	http://www.state.nj.us/mvc/
New Mexico	http://www.idnm.us/idnm/index.html
New York	http://www.nydmv.state.ny.us/
North Carolina	http://www.ncdot.org/DMV/
North Dakota	http://www.dot.nd.gov/
Ohio	http://www.bmv.ohio.gov/
Oklahoma	http://www.dps.state.ok.us/dls/
Oregon	http://www.oregon.gov/ODOT/DMV/
Pennsylvania	http://www.dmv.state.pa.us/centers/licenseIDCenter.shtml
Rhode Island	http://www.dmv.state.ri.us/
South Carolina	http://www.scdmvonline.com/DMVNew/default.aspx
South Dakota	http://www.state.sd.us/dps/dl/
Tennessee	http://www.state.tn.us/safety/
Texas	http://www.txdps.state.tx.us/administration/driver_licensing_control/dlindex.htm
Utah	http://publicsafety.utah.gov/dld/
Vermont	http://www.aot.state.vt.us/dmv/dmvhp.htm
Virginia	http://www.dmv.state.va.us/
Washington	http://www.dol.wa.gov/
Washington, DC	http://dmv.dc.gov/main.shtm
West Virginia	http://www.wvdot.com/6_MOTORISTS/DMV/6g1_licenses.htm
Wisconsin	http://www.dot.state.wi.us/drivers/index.htm
Wyoming	http://www.dot.state.wy.us/

Who is eligible for a driver's license or ID?

Any F, M or J nonimmigrant may apply for a driver's license or ID as long as he or she is in lawful status and presents the necessary supporting documents required to verify legal presence in the United States. For information specifically about accompanying spouses and dependents, see the section titled, *What requirements exist for an accompanying spouse and/or dependent*?

What should an F, M or J nonimmigrant do before applying for a state driver's license or ID?

A nonimmigrant student or exchange visitor should:

- Become aware of the appropriate state requirements.
- Contact a designated school official (DSO) or responsible officer (RO) as applicable. The DSO or RO will provide guidance and assist in familiarizing the nonimmigrant with the expectations of the DMV, as well as explain the general process for obtaining a driver's license or ID.
- Wait a minimum of 10 calendar days from the date of entry into the United States before applying for a driver's license or ID.

What can DSOs and ROs do to help?

A number of states use the Systematic Alien Verification for Entitlements (SAVE) program to determine nonimmigrant eligibility for many public benefits, including obtaining a driver's license. Current arrival information, taken from the Form I-94, *Arrival/Departure Record*, is essential to this verification process and it takes time for information to be distributed from the

port-of-entry information system to SAVE. Encourage students to wait a minimum of 10 days from the date of entry into the United States before applying for a driver's license.

Most states require a nonimmigrant to have a Social Security number (SSN) or Social Security Administration (SSA) letter of ineligibility prior to applying for a driver's license or ID. See the section titled, *Does a nonimmigrant need an SSN to apply for a driver's license or ID?* Check your state's requirements and, if necessary, ensure the nonimmigrant receives the appropriate documentation prior to going to DMV.

Several states require that a nonimmigrant have at least 6 months left on the Form I-20, *Certificate of Eligibility for Nonimmigrant (F-1 Student Status – For Academic and Language Students,* or Form DS-2019, *Certificate of Eligibility for Exchange Visitor(J-1) Status,* to be eligible for a driver's license. Consult with your state's DMV or its Web site to see if this is required.

Be sure the nonimmigrant's information is entered correctly in the Student and Exchange Visitor Information System (SEVIS), including nonimmigrant status, name and date of birth (DOB), before sending the nonimmigrant to the DMV office.

The nonimmigrant's name must match on all supporting documentation. See the section titled, *What documentation must a nonimmigrant present to the DMV?*
The DMV will deny any nonimmigrant's application if the supporting documents are inconsistent or do not reflect the proper name, DOB and nonimmigrant status. Review all supporting documents before the nonimmigrant applies.

The nonimmigrant's SEVIS information must be *Active* before applying.

What documentation must a nonimmigrant present to the DMV?

In general, the nonimmigrant should present:

- Passport
- Form I-94
- Form I-20
- Form I-766, *Employment Authorization Document (EAD)*, if applicable
- Form I-797, *Notice of Approval,* if applicable
- Social Security number or Social Security Administration letter of ineligibility. Please see the Social Security Administration Web site at http://www.ssa.gov/pubs/10096.html for more information.

The Student and Exchange Visitor Program (SEVP) also recommends that the nonimmigrant student or exchange visitor refer to the DMV Web site or contact the DMV office with questions about required documentation.

Does a nonimmigrant need an SSN to apply for a driver's license or ID?

No. A nonimmigrant does not need an SSN; however, the nonimmigrant will need to apply for a social security number. Follow the instructions on how to apply for a social security card as described on the SSA Web site at http://www.ssa.gov/pubs/10096.html#3. If the nonimmigrant is ineligible for an SSN, he or she will receive a decision letter stating that ineligibility. The nonimmigrant must present this SSA letter when applying at the DMV office to fulfill the SSA requirement.

What should a nonimmigrant do if there is an error on the passport?

The nonimmigrant should consult his or her embassy to find out how to correct, update or renew the passport. Most embassies have a Web site with information for its citizens.

What should a nonimmigrant do if his or her name on the passport does not match the name on the Form I-20 or Form DS-2019?

The nonimmigrant should consult with the DSO to correct the Form I-20 or with the RO to change the Form DS-2019 to reflect the name on the passport prior to applying for a driver's license or state ID.

- When a DSO creates the Form I-20 or an RO creates the Form DS-2019, he or she should enter the name in SEVIS exactly as it appears on the nonimmigrant's passport or national identification card. If no passport is available, use the name contained on the national identification card.
- If the nonimmigrant has only one name, it must be used as the last name. Use the letters **FNU** (**F**irst **N**ame **U**nknown) in the First Name field. Nonimmigrants with one name should be aware that some government officials are not familiar with the FNU acronym and may look for the nonimmigrant to show that his or her first name is FNU. The nonimmigrant should be able to explain the acronym if it is causing validation problems with any government process.
- **Spacing** is as important as spelling and must be consistent. For instance, systems will not read Mc Millan and McMillan as the same name.
- **Hyphens** must NOT be used.
- Consistency with **capitalization** is helpful, but not critical.
- Name entries must be in English and **must use standard United States characters**. Letters like ñ, é, ü, ç are not recognized by U.S. data systems. Enter names like Muñoz and Sémonin as Munoz and Semonin. Do not change spellings to reflect sounds of the language of origin.
- F/M/J nonimmigrants must be consistent in how they enter last, first and middle names. For example: some Hispanic nonimmigrants use their mother's maiden name as part of their name. Sometimes it is given as a middle name and other times as part of a hyphenated last name. Either usage is acceptable. However, one version must be used consistently and no hyphen must be used when two last names are used.

If a nonimmigrant has a number of government records where the spelling of the name is inconsistent, government officials are likely to interpret the errors as a deliberate attempt at misrepresentation.

What should a nonimmigrant do if a DMV office denies his/her application for a driver's license because of a discrepancy on the Form I-94? How can I-94 data be corrected?

U.S. Customs and Border Protection (CBP) reviews requests for corrections and, if appropriate, issues the necessary documents to remedy errors made on the Form I-94 at the time of entry into the United States relating to:

- Improper nonimmigrant classification
- Inaccurate biographical information
- Incorrect period of admission

Any designated deferred inspection location or CBP office located within an international airport can assist, regardless of where the actual document was issued. See the CBP Web site at http://www.cbp.gov/xp/cgov/travel/id_visa/i-94_instructions/ for details. In particular, review the

frequently asked questions segment titled, *FAQs on the Arrival-Departure Record (I-94 Form) & Crewman Landing Permit (I-95 Form).*

What should a nonimmigrant do if a DMV office denies issuing a driver's license because his/her Form I-20 is not stamped?

There is no federal requirement that a nonimmigrant student maintain a stamped Form I-20. It is common for a student to have a current Form I-20 that does not contain a stamp. For example: a nonimmigrant student who has transferred between SEVP-certified schools will not have a stamped Form I-20 that contains current school/program information.

While there is no requirement that a nonimmigrant student maintain a stamped Form I-20, SEVP recommends that all nonimmigrants have their most recently stamped Form I-20 available, as well as their transfer documentation, to prove status while in the United States.

Can a nonimmigrant apply for a driver's license if his or her Form I-20 has expired?

Yes. However, the nonimmigrant should consult with the DMV office and DSO before applying for a driver's license. The DMV requires a nonimmigrant to present supporting documentation, such as an EAD, validating the duration of stay in the country. All documents should reflect the nonimmigrant's program start date and end date in the United States or practical training period.

What documents should a student on the cap-gap extension present to verify legal presence?

A student on the cap-gap extension should present an updated Form I-20 that shows the extension of stay. If eligible for the cap-gap extension, a student's SEVIS record should be updated with the extension (either through an interface with a U.S. Citizenship and Immigration Services (USCIS) database or by a DSO) when a cap-subject H-1B petition is filed on the nonimmigrant student's behalf. Once SEVIS is updated, the DSO can print the updated Form I-20 and provide it to the nonimmigrant. If the nonimmigrant has received an extension of F-1 status *and* OPT, the updated Form I-20 should contain the following language on page 3:

> "F-1 status and employment authorization for this student have been automatically extended to [extension end date]. The student is authorized to remain in the United States and continue employment with an expired employment authorization document. This is pursuant to 8 CFR 214.2(f)(5)(iv) and 8 CFR 274a.12(b)(6)(iv), as updated April 8, 2008, in a rule published in the Federal Register (73 FR 18944). Additional information about the automatic extension can be found on the Student and Exchange Visitor Program Web site at www.ice.gov/sevis."

Alternatively, if the nonimmigrant has received an extension of F-1 status only (no OPT), the updated Form I-20 should contain the following language on page 3:

> "F-1 status for this student has been automatically extended to [extension end date]. The student is authorized to remain in the United States. This is pursuant to 8 CFR 214.2(f)(5)(iv) and 8 CFR 274a.12(b)(6)(iv), as updated April 8, 2008, in a rule published in the Federal Register (73 FR 18944). Additional information about the automatic extension can be found on the Student and Exchange Visitor Program Web site at www.ice.gov/sevis."

The DMV will use the information on page 3 to validate the student's duration of status through the end of the cap-gap extension.

When the student receives the approval notice for the H1-B petition, he or she should return to the DMV to present the Form I-797, *Notice of Approval,* and request that the DMV extend the driver's license expiration date for a period of one year. The student must return to the DMV every year to extend his or her license for the period of stay in the United States, unless otherwise stated by the DMV office.

For additional information on the cap-gap extension, please see SEVP's guidance titled, *SEVP Policy Guidance for DSOs on the OPT Extension*.

What are the requirements for an accompanying spouse and/or dependent?

The accompanying spouse and/or dependent applying for a driver's license or state ID should present supporting documentation from the principal nonimmigrant (F-1, M-1 or J-1) to reflect the duration of status, as well as their own. The DMV will look for consistency between the spouse/dependent duration of status and that of the primary visa holder. It is advisable (and, in some states, required) that the principal nonimmigrant accompany his or her spouse and/or dependent applying for a driver's license and present supporting documentation to validate the duration of status. The DSO should ensure that the principal nonimmigrant's documents, as well as those of the spouse and/or dependent, reflect the appropriate duration of status, including practical training or cap-gap extension.

Consult with the DMV for requirements related to primary visa holder accompaniment.

What are the information requirements for problem resolution requests?

If a nonimmigrant applies for a driver's license or ID and the issuing DMV is unable to issue it, the DSO or RO should e-mail SEVP for assistance at sevis.source@dhs.gov. In the e-mail's subject line write the following: DMV Issue – (Name of the state). Also provide the following information[1]:

1. Applicant's name
2. Nonimmigrant's Form I-94 admission number (11 digits) or alien registration number (9 digits)
3. SEVIS number
4. Date of birth
5. Address of the DMV office where the person experienced the problem, and a receipt number (if available)
6. Date the applicant visited the DMV office
7. Contact address and phone number or e-mail address for the applicant (in case the DMV office needs to contact the person)
8. Explanation of the problem

Once SEVP receives the e-mail, a representative will review the case and enter the student's SEVIS ID number into SEVIS. Based on the information in SEVIS, the representative may contact the DSO directly and explain why the student cannot receive a driver's license or state identification card. In all other cases, the SEVP representative will send an e-mail to the appropriate DMV state representative and request the case be reviewed. The representative

[1] For problem resolution of accompanying spouse/dependent applications, include information of the primary visa holder.

reviews the case within one or two business days. When the case is resolved, SEVP notifies the DSO or RO immediately.

Contact Information

Should a nonimmigrant, DSO or RO have further questions, please contact SEVP at sevis.source@dhs.gov and/or the USCIS Verification Program at save.help@dhs.gov. For questions about a specific state's policy, please contact that state.