

## **09/08/16 Update**

### **CA DMV's Licensing Programs and How They Impact Foreign Nationals**

*Source: Shannon Barnes, San Diego Chapter Vice-Chair & Chair of the SSA/DMV/SAVE Taskforce for AILA National*

There are essentially two licensing programs in California: 1) Full Privilege DL; and 2) AB60 Driver's Privilege Card.

- Full Privilege DL is only available to those with a lawful immigration status. In California, under state law this does not include persons with a timely filed change of status, extension of stay, AOS applicant, etc. because a state regulation prohibits the use of the I-797C as a status document.
- AB 60 Driver's Privilege Cards were designed for those without any immigration status to obtain privileges to drive a car in the state only. Identity and California residency are the primary requirements for this license.

The CA DMV is aware that a huge class of persons is impacted by the state regulation that prohibits the I-797C as a status document. However, the agency has confirmed repeatedly that it does not have the bandwidth to amend the existing regulation at this time, especially in light of the fact that the regulation would need to be amended yet again when the state converts to RealID.

The "temporary fix" for those who have a timely filed extension of stay, change of status, pending AOS, etc. (i.e., for whose only proof of status is a I-797C receipt notice), is that they may apply for the AB60 Driver's Privilege Card.

- Caveats:
  - In order to apply for the AB60 conversion the current status (I-94) must have already expired. The AB60 conversion cannot be applied for in advance.
  - The applicant will have to return to the DMV to apply for the Full Privilege DL once the pending benefit is approved and the individual is "back in status."

If there are issues at the Field Offices with respect to AB60 conversions, your chapter's DMV liaisons can escalate these through DMV HQ in Sacramento. There are issues with these applications at times because of training issues at the field offices. The basic information needed is:

- Full legal name of driver's license applicant
- Prior CA DL number (if any)
- Date of Birth
- Applicable DMV Field Office
- DMV Official name (if known)
- Copies of the identity and CA residency documents presented and/or identity and lawful presence documents presented to DMV at the time of application
- Specific reference to what the individual was told by the DMV official and reason for denial of AB 60 license