



## U.S. Immigration and Customs Enforcement

# Applying for a Driver's License or State Identification Card

This fact sheet provides information to designated school officials (DSOs) and responsible officers (ROs) in order to help F, M or J nonimmigrants obtain a benefit such as a driver's license or state identification (ID) card. DSOs, ROs and F, M and J nonimmigrants should familiarize themselves with the information provided here and with the regulations, policies and other applicable information of the state or territory of residence, as each may have different requirements.

## **Fact Sheet Overview**

- **General Questions** – provides an overview of the general driver's license and ID processes, tips, things to know and special cases and consists of the following sections:
  - **Getting Started**
  - **Documentation**
  - **Errors and Discrepancies**
  - **Miscellaneous**
- **Known Issues** – discusses known problems without a current resolution, the status of fixes and other relevant information
- **Contact Information** – provides contact information for SEVP, information on how to request help for difficult issues and individual state websites

## **General Questions**

### **Getting Started**

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

Any F, M or J nonimmigrant in lawful status may apply for a driver's license or ID card, per state or territorial law. The nonimmigrant must present necessary supporting documents required to verify legal presence in the United States. For a list of required documents, see [What](#)

[documentation must a nonimmigrant present to the DMV?](#) For additional information specifically about accompanying spouses and dependents, see [What are the requirements for an accompanying dependent?](#)

### **What should a nonimmigrant do before applying for a driver's license or ID?**

A nonimmigrant should contact the DSO or RO. The DSO or RO will provide guidance, assist in familiarizing the nonimmigrant with the expectations of the department of motor vehicles (DMV)<sup>1</sup> for that state or territory, and explain the general process for obtaining a driver's license or ID.

### **When can a nonimmigrant apply for a driver's license or ID?**

Please be aware of the following timing requirements before applying for a driver's license or ID:

- The Student and Exchange Visitor Information System (SEVIS) record must be in *Active* status when an F, M or J nonimmigrant applies for a benefit. A nonimmigrant with a record in any other status will not have success applying for a benefit.
- Wait at least ten calendar days from the date of entry into the United States before applying for a driver's license or ID to allow time for arrival data processing. Most states and territories use the Systematic Alien Verification for Entitlements (SAVE) Program to determine a non-citizen's eligibility for many public benefits, including the issuance of a driver's license.<sup>2</sup> The SAVE Program, an intergovernmental initiative that aids benefit-granting agencies in determining an applicant's immigration status, uses an online system to check immigration information against millions of records contained in Department of Homeland Security (DHS) databases. SAVE does not make a determination on whether an applicant is eligible for the underlying benefit; the benefit-granting agency makes that determination. For more information about the SAVE Program, please visit the [SAVE website](#).
- Wait at least two federal business days from the activation date<sup>3</sup> in SEVIS to apply for a driver's license or ID to ensure that the nonimmigrant's *Active* status updates in all relevant databases.
- Several states require that a nonimmigrant have at least six months left on the Form I-20, "Certificate of Eligibility for Nonimmigrant Student Status," or Form DS-2019, "Certificate of Eligibility for Exchange Visitor (J-1) Status," to be eligible for a driver's license. Either consult with the state or territory's DMV or visit its website to see if this is a requirement.

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<sup>1</sup> SEVP uses DMV in this fact sheet as a generic term. Not every state uses this designation.

<sup>2</sup> Please check with your state or territory's DMV to find out if it uses SAVE.

<sup>3</sup> The date the DSO indicated that the nonimmigrant has reported to the institution by updating the SEVIS record from *Initial* to *Active*.

### **What can a DSO or RO do with a nonimmigrant's information to ensure a smooth application process?**

- The nonimmigrant's name must match all supporting documents. See [What documentation must a nonimmigrant present to the DMV?](#)
- The nonimmigrant's status, name, and date of birth must be correct in SEVIS before sending the nonimmigrant to the local DMV office. The nonimmigrant must also have an *Active* SEVIS record before applying.
- The supporting documents must be consistent and reflect the nonimmigrant's proper name, date of birth and nonimmigrant status. Otherwise, the DMV will deny the application. Review all supporting documents before the nonimmigrant applies. For assistance, see [SEVP's FAQ on Data Integrity](#).
- The nonimmigrant must be within the program start and end dates in SEVIS, unless participating in optional practical training (OPT) or the 17-month extension.

### **Documentation**

#### **What documentation must an F, M or J nonimmigrant present to the DMV?**

For specific requirements for your state, please refer to the DMV website or contact a local DMV office. In general, the nonimmigrant should present the following:

- Valid passport with visa (if applicable)
- Form I-94, "Arrival/Departure Record"
- Form I-20 (for an F or M student) or Form DS-2019 (for a J exchange visitor)
- EAD card (Form I-766 "Employment Authorization Document"), if on post-completion OPT
- Form I-797, "Notice of Action," in cases of a change of status (e.g., from F-1 to H-1B)
- Social Security number (SSN) on a Social Security card or a Social Security Administration (SSA) [Form SSA-L676, "Refusal to Process SSN Application."](#) Please visit this [SSA website](#) for more information.

#### **Does an F, M or J nonimmigrant need an SSN to apply for a driver's license or ID?**

No, a nonimmigrant does not need an SSN. In most states, however, the nonimmigrant will need to apply for an SSN. Follow the instructions on how to apply for a Social Security card as described on this [SSA website](#).

#### **What if the SSA refuses to give an F, M, or J nonimmigrant an SSN?**

A nonimmigrant who is ineligible for an SSN will receive a [Form SSA-L676](#). The nonimmigrant may have to present this letter when applying at the DMV office to fulfill the SSN requirement, if any.

**What documents should a nonimmigrant on the cap gap extension present to verify legal presence?**

A nonimmigrant should inform the DSO immediately after receiving an approval notice from USCIS for a change of status to H-1B. The DSO will print a new Form I-20 and give it to the nonimmigrant. In the comments section on Page 3 of the Form I-20, SEVIS will automatically update and will insert new language in the nonimmigrant's SEVIS record indicating the following:<sup>4</sup>

- The student's F-1 status and employment authorization, if applicable, have automatically extended to September 30, 20XX<sup>5</sup>.
- The student has authorization to remain in the United States and continue employment, if applicable, with an expired EAD.

The local DMV office will use the information on Page 3 of the Form I-20 to validate the nonimmigrant's duration of status through September 30.

Upon receiving approval for H-1B status, the nonimmigrant should wait 10 days and then return to the DMV to present the Form I-797 or Form I-797A and request that the DMV extend the driver's license expiration date for a period of one year. The nonimmigrant must return to the DMV every year to extend the license for the period of stay in the United States, unless otherwise stated by the local DMV office.

**What are the requirements for an F or M nonimmigrant on post-completion optional practical training (OPT)?**

F or M nonimmigrants on post-completion OPT should present their Form I-766, "Employment Authorization Document," (EAD) for verification, as this is the most recent immigration document with the current information.

While the DMV uses the EAD card's A number (USCIS number) for verification rather than the Form I-20's SEVIS ID, the DMV still requires an endorsed Form I-20 with OPT authorization on Page 3.

**What are the requirements for an accompanying dependent?**

An accompanying dependent who applies for a driver's license or state ID should present supporting personal status documentation as well as status documentation of the primary status

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<sup>4</sup> According 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 is available on the SEVP website at [www.ice.gov/sevis](http://www.ice.gov/sevis).

<sup>5</sup> USCIS will amend this date for the following year at the beginning of each fiscal year (i.e., October 1).

holder. Information on a practical training period or cap-gap period reflects the duration of status.

The DMV will look for consistency between the dependent's duration of status and that of the primary status holder.

Sometimes DMV offices have difficulty when verifying dependents. The best way to alleviate this problem is for all nonimmigrants in this position to do the following:

- Always go to the DMV office with the primary (F-1, M-1 or J-1) status holder
- Bring the following paperwork:
  - The primary and dependent's most current Form I-94
  - The primary and dependent's valid passport with visa (when applicable)
  - Proof of identity (per state requirements)
  - Proof of relationship (e.g., marriage certificate)
  - The primary and dependent's most current Form I-20 or Form DS-2019 (This is critical when the primary F-1 or M-1 is on OPT)
  - EAD if on post-completion OPT (for F or M only)

### **Errors and Discrepancies**

#### **What should an F, M or J nonimmigrant do if there is an error on the passport?**

A nonimmigrant with a passport error should consult the home country's embassy or consulate to find out how to correct, update or renew the passport. Most embassies and consulates have a website with information regarding this issue.

#### **What should an F, M or J nonimmigrant do if the name on the passport does not match the name on the Form I-20 or Form DS-2019?**

Prior to applying for a driver's license at a DMV, the nonimmigrant should consult with the DSO to correct the Form I-20 or with the RO to correct the Form DS-2019 to reflect the name on the passport.

#### **What should a nonimmigrant do if the DMV denies the nonimmigrant a driver's license because of a discrepancy on the Form I-94?**

CBP reviews requests for corrections and, if appropriate, issues the necessary replacement documents to remedy the following errors made on the Form I-94 at the time of entry into the United States:

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

Officials at any [designated deferred inspection location](#) or CBP office located within an international airport can help, regardless of the location of the document's actual issuance. See the [CBP website](#) for more detailed information.

**Can an F or M nonimmigrant apply for a driver's license if the Form I-20 is expired?**

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

**Miscellaneous**

**Will all states add the 30 or 60-day grace period to a driver's license validity period?**

No. Not every state adds the 30 or 60-day period after the program end date to the driver's license for an initial applicant and/or an applicant renewing a driver's license. While the SAVE system automatically accounts for grace periods, many states choose to issue a benefit that is valid until the program end date listed on the Form I-20 or Form DS-2019. Furthermore, the 60-day period allowed at the end of post-completion OPT does not apply to an applicant's driver's license validity period by any state or territory. A nonimmigrant should consult with the local DMV office before applying for a state driver's license or renewing a driver's license.

**Which J exchange visitor classes have work authorization?**

Officials at most DMV offices recognize that J exchange visitors in the following classes of admission have work authorization and may receive an SSN:

- Alien physician
- Au pair
- Camp counselor
- Government visitor
- Intern
- Professor
- Research scholar
- Short-term scholar
- Specialist
- Summer work/travel
- Teacher
- Trainee

These classes of J-1 exchange visitor admission require a sponsor letter in order to receive an SSN:

- Student at a college or university
- Student intern
- International visitor

The sponsor letter must be on the sponsoring organization's letterhead and include an original signature of the RO. The letter must show the name of the J-1, indicate the J-1 has work authorization and show a recent date within the program start and end dates listed on the Form DS-2019.

Some states require a J exchange visitor to apply for an SSN even if ineligible. In such a case, the SSA will issue a [Form SSA-L676](#). The J exchange visitor should take this form to the DMV office when applying for a driver's license.

### **I am having a problem not listed here. What do I do?**

In general, as long as the nonimmigrant's record is in *Active* status in SEVIS, the design of the SAVE system allows it to handle these issues by performing an additional verification.

This means that if SAVE cannot initially verify an applicant's status, the DMV office should institute an additional verification request either electronically or by submitting a Form G-845 "Document Verification Request," for a manual review of the applicant's immigration records.

In cases in which an applicant's status was not verified on initial verification and the agency instituted an additional verification, as required, the SAVE Program responds in 3-5 federal work days if the additional verification is automated and 10-20 federal work days if the verification is paper-based.

If the additional verification does not resolve the issue, please see the [Contact Information section](#) below on contacting SEVP for assistance.

## **Known Issues**

### **Background**

SEVP, in conjunction with USCIS, actively collects data from stakeholders to identify problematic trends and patterns. In 2011, SEVP assisted in developing a system enhancement to provide for F, M, and J nonimmigrants transferring or changing education levels to receive verification based on their current *Active* record rather than last record updated. Please note that this is not the same issue as the program gap issue listed below.

### **Program Gap Issue**

A program gap exists for an F student in the following circumstances:

- Completes an undergraduate program of study
- Has a *Completed* and/or an *Initial* SEVIS record
- Is waiting to attend a graduate program
- Is in the United States more than 30 days before the new program start date

While still legally present in the United States, this nonimmigrant has no active record in SEVIS and cannot receive a SAVE verification for a benefit such as a driver's license or Social Security card.

This issue will also affect nonimmigrants transferring or changing education levels (without graduating) during a long break and having an *Active* SEVIS record. DMVs in many states cannot use SAVE to verify a nonimmigrant in between programs. There are two reasons for this:

1. SAVE can only verify an F, M or J nonimmigrant in *Active* status and before a program end date.
2. Many states have specific length requirements (e.g., a nonimmigrant must have six or more months remaining in a program in order to receive a benefit) or do not recognize the 30 or 60-day grace period.

SEVP is currently working with USCIS and SAVE to find a work-around for this issue until the launch of SEVIS II, with which this will no longer be a concern.

### **Change of Status Issue (Commonly known as the "H-1B Issue")**

SEVP, SAVE and USCIS are aware of an issue affecting some former F and J nonimmigrants who have changed status, specifically to H-1B status, and are unable to receive a valid initial verification response when applying for a benefit.

Based on the dynamic nature of the different data sources, SAVE can verify changes in status either in real time or in daily uploads, depending on the database. It is important to note that SAVE is reliant on the source databases, as well as the accuracy of that data.

If there is an instance when a SAVE response does not match the information on the applicant's immigration documents or there is a material discrepancy between information on an applicant's immigration documents and the SAVE response, the DMV should initiate an additional verification request.

Affected former F or J nonimmigrants should contact SEVP using information in the [Contact Information](#) section.



## **F-2 Dependents Issue When F-1 is on Post-Completion OPT or the 17-Month Extension**

SEVP is aware of an issue which inhibits F-2 dependents from receiving a valid initial verification response when the primary F-1 is on post-completion OPT or the 17-month extension. SAVE and SEVP are currently working on a permanent solution. Until that time, please follow these suggestions:

1. The F-1 nonimmigrant should accompany the F-2 nonimmigrant when applying for a benefit (e.g., a driver's license or Social Security card).
2. Bring all documents, including, but not limited to, the primary and dependent's most recent Forms I-94, Forms I-20, the F-1 nonimmigrant's EAD card, any other required documents, etc. to the DMV office.
3. Explain to the DMV representative that this is a known issue and, if necessary, ask to speak with a supervisor. If there is an instance when a SAVE response does not match the information on the applicant's immigration documents or there is a material discrepancy between information on an applicant's immigration documents and the SAVE response, the DMV should initiate an additional verification request in SAVE.

If the suggestions above do not work, please see the Contact Information section below in order to request assistance.

## **Contact Information**

- **Contacting SEVP**

An F, M, or J nonimmigrant, DSO or RO with further questions about driver's licenses not addressed in this document should contact SEVP at [dmvssa.sevp@ice.dhs.gov](mailto:dmvssa.sevp@ice.dhs.gov). For questions about a specific state's motor vehicle policy, please [contact that state directly](#).

For general SEVP policy questions, contact the SEVP Response Center at 703-603-3400 or [sevp@ice.dhs.gov](mailto:sevp@ice.dhs.gov).

- **SEVP Websites**

[www.ice.gov/sevis](http://www.ice.gov/sevis) – SEVP's official website.

[Study in the States](#) – SEVP's new website with useful information for F and M students, prospective students and DSOs.

- **Problem Resolution Requests**

If an F, M or J nonimmigrant applies for a driver's license or ID and officials at the DMV are unable to issue a product, the DSO or RO should e-mail SEVP ([dmvssa.sevp@ice.dhs.gov](mailto:dmvssa.sevp@ice.dhs.gov)) for assistance. In the e-mail's subject line, enter "DMV Issue

– (name of the state).” In the body of the e-mail, please provide all of the following information unless otherwise noted:<sup>6</sup>

1. SEVIS ID
2. Family name
3. First name
4. Date of Birth
5. Form I-94 admission number (11 digits)
6. Applicant's physical address
7. Applicant's phone number
8. Applicant's e-mail address (not required but helpful)
9. Address of the DMV office where problem occurred
10. Date of the latest DMV office visit
11. SAVE case number (if available)
12. Current driver's license/ID/customer number and/or DMV receipt number (if available)
13. Explanation of the problem

Note: If this is for a change of status case, for example an F-1 becoming an H-1B, please include a scan of the Form I-797 or Form I-797A.

Once SEVP receives the e-mail, a representative will review the case. Based on the information in SEVIS, the representative may contact the DSO directly and explain why the nonimmigrant cannot receive a driver's license or state ID card. In all other cases, the SEVP representative will send an e-mail to a state DMV and request a review of the case. Officials at the state DMV office generally contact the nonimmigrant directly with further information upon case resolution. If, however, the DMV contacts SEVP, SEVP will contact the stakeholder directly.

- **State and Territorial DMV Website Information**

As information often changes for state or territorial DMV websites, please search online for your specific state or territory's information.

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<sup>6</sup> For problem resolution of accompanying dependent applications, also include information of the primary visa holder.