



CALIFORNIA DRIVER'S LICENSES ONCE DACA EXPIRES

Options for DACA holders whose driver's licenses expire when their DACA expires

I. Introduction¹

On September 5, 2017, President Trump announced that the Deferred Action for Childhood Arrivals (DACA) program would be phased out over the next two and a half years.² This means that, as of September 5, 2017:

- All pending initial DACA applications accepted as of September 5, 2017 will be processed.
- All other new initial DACA applications will be rejected.
- All pending renewal DACA applications accepted as of September 5, 2017 will be processed.
- Renewal DACA applications received by October 5, 2017 will be accepted and processed only for cases where DACA expires between September 5, 2017 and March 5, 2018, inclusive.
- DACA recipients whose DACA already expired before September 5, 2017 are no longer eligible to renew.
- All DACA recipients may still file to replace (not renew) a lost, stolen, or destroyed EAD by filing Form I-765.
- All initial and renewal DACA applications received after October 5, 2017 will be rejected.

For more details, please see the ILRC community advisory, available at <https://www.ilrc.org/advisory-daca>; DHS's memorandum on the rescission of DACA, available at <https://www.dhs.gov/news/2017/09/05/memorandum-rescission-daca>; and DHS's Frequently Asked Questions (FAQ) on the end of DACA, available at <https://www.dhs.gov/news/2017/09/05/frequently-asked-questions-rescission-deferred-action-childhood-arrivals-daca>.

The end of the DACA program has drastic consequences for DACA holders across the United States. One area of concern is around whether DACA recipients will still be eligible for driver's licenses, and thus authorized to drive lawfully. Currently, DACA recipients are eligible for driver's licenses in all 50 states. Those licenses are often tied to DACA status, however, so as DACA expires, so might those licenses. This practice advisory will address the driver's license options for DACA holders in California,

with information on what will happen when DACA expires, and step-by-step instructions on how to switch licenses if necessary.

I. What will happen to my driver's license when my DACA expires?

In California, if you have DACA you are eligible to apply for either a standard Class C license or an AB 60 driver's license. An AB 60 driver's license is a license issued by the Department of Motor Vehicles (DMV) to any California resident who is eligible, regardless of immigration status. More details about the AB 60 license are available at: https://www.ilrc.org/sites/default/files/resources/ab_60_4_27_15.pdf.

When your DACA expires, the status of your driver's license will depend on what type of license you have.

AB 60 license:

If you have an AB 60 license, it will not be affected by a change in your DACA or any other immigration status. If your DACA status expires or is terminated, your AB 60 license is still valid and unaffected.

Standard Class C license:

If you have DACA and a Class C license, your Class C license expiration date is likely tied to the expiration date of your DACA; when your DACA expires, so will your license. If the expiration dates are different, your Class C license is valid until the expiration date on the license. Once your Class C driver's license expires, you will not be able to renew your driver's license unless you can show lawful immigration status.

II. Can I switch my standard Class C driver's license to an AB 60 license?

Yes. When your standard Class C driver's license expires, you can apply for an AB 60 license. You can then switch it back to a standard Class C license if you gain lawful immigration status. Here's how to switch licenses:

Step 1: Schedule an in-person appointment for an *original* (new) driver's license, even if you already have a driver's license. You can do this by calling the DMV at 1-800-777-0133 or scheduling an appointment online at www.dmv.ca.gov.³ You will only be able to receive an AB 60 license once your regular license expires, although you can start the process beforehand.

Step 2: Attend your appointment where you will have to pay the current fee (\$33). You will need to bring the required documents for an AB 60 license (see DMV's guide: https://www.dmv.ca.gov/portal/wcm/connect/11a86d62-f848-4012-bc7d4192bdef4f00/doc_req_matrix.pdf?MOD=AJPERES). In most cases, you will not have to re-take a vision test, written test, or driving test. However, in some cases there may be something in your driving record or file that

causes the DMV to ask you to re-take one or more of the tests. For more information, see the DMV's Frequently Asked Questions on licenses for lawful immigrants:

<https://www.dmv.ca.gov/portal/dmv/detail/daca>.

Step 3: If your Class C license has not yet expired when you have your appointment, you may qualify for an extension that will allow you to drive while waiting for the AB 60 license. If your Class C license has expired while you are waiting for the AB 60 license to be issued, you may be given a permit that will allow you to drive if accompanied by a licensed driver.

Step 4: You can use your AB 60 license to drive in California and as a form of ID for state purposes in California.

Step 5: If you are able to gain lawful immigration status, you can continue to use your AB 60 license or you can switch back to a standard Class C license. To switch back to a Standard Class C license, make a *renewal* appointment at the DMV.

Step 6: Attend your renewal appointment. Bring documentation showing your immigration status. At this appointment, you will not have to pay a fee and you will not have to re-take the written test. The DMV will process your renewal and switch your license from an AB 60 to a standard Class C license.

To change between an AB 60 and Class C Driver's License the first time you must apply for a new license. To change a second time or switch back to the type of license you had before is a renewal.



III. Can I switch to an AB 60 license before my Class C license expires?

You can start the application process for an AB 60 license (see steps 1-3 above) before your Class C license expires, but you will not be able to obtain an AB 60 license until the Class C license expires. We recommend beginning the process before your Class C license expires so that there is no gap between the two licenses.

IV. I have DACA. Is it better for me to apply for an AB 60 license or a standard Class C license?

It is your decision; however the AB 60 license will continue to be valid even after the DACA program ends. Both driver's licenses are valid in California. An AB 60 license has some restrictions, but it is valid for five years. A standard Class C license's validity is tied to your DACA grant and will expire with it. The chart on the next page compares the two types of licenses.

	AB 60	Standard Class C
How much does it cost?	\$33	\$33
Can I drive in CA	Yes	Yes
Can I drive outside of CA?	No	Yes
Can I use it as an ID?	Yes in CA for state purposes. No outside of CA. No for Federal purposes (even in CA).	Yes
How long is the license good for?	5 years	usually until your DACA expires (check the license to be sure)
Do I need to take a written test?	Yes	Yes
Do I need to take a driving test?	Maybe. If you had a valid driver's license within the past 10 years you might not have to take the driving portion of the exam.	Maybe. If you had a valid driver's license within the past 10 years you might not have to take the driving portion of the exam.

End Notes

¹ Thank you to ILRC intern Elisa Vari for her research assistance. For questions regarding the content of this advisory, please contact Alison Kamhi at akamhi@ilrc.org or Nikki Marquez at nmarquez@ilrc.org.

² DHS, *Rescission of Deferred Action for Childhood Arrivals (DACA)*, (Sept. 5, 2017) available at <https://www.dhs.gov/news/2017/09/05/rescission-deferred-action-childhood-arrivals-daca>.

³ DMV, *Driver's Licenses for Individuals with Lawful Presence Frequently Asked Questions*, available at <https://www.dmv.ca.gov/portal/dmv/detail/daca>.



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