



## PRACTICE ADVISORY<sup>1</sup>

November 1, 2016

### DACA RENEWALS AND CALIFORNIA DRIVER'S LICENSES

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#### **I applied to renew my DACA on time, but it hasn't been renewed yet. Why not?**

USCIS announced that many requests for renewal of DACA are delayed because of technical difficulties. As a result, renewals are taking longer to process. Even if you submitted your renewal on time, you may not receive your renewal before your current DACA expires. Please refer to the following resource for steps on how to follow up on these delayed cases:

[https://www.ilrc.org/sites/default/files/resources/2016-09\\_advisory\\_-\\_daca\\_renewal\\_delays.pdf](https://www.ilrc.org/sites/default/files/resources/2016-09_advisory_-_daca_renewal_delays.pdf).

#### ***What will happen to my immigration status?***

Unfortunately, as a result of these delays there may be a gap in your DACA status and benefits, such as work authorization, any scholarship tied to DACA, and your driver's license. If your DACA expires before the renewal is approved, you will be unlawfully present and not legally authorized to work during that gap. However, this gap in status does not mean there is a significant increase in the risk of arrest or deportation by ICE.

#### **What will happen to my driver's license while I wait for my DACA renewal?**

##### **What can I do about it?**

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](https://www.ilrc.org/sites/default/files/resources/ab_60_4_27_15.pdf).

If your current DACA expires before USCIS processes your renewal, the status of your driver's license will depend on what type of license you have.

##### ***I have an 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, your AB 60 license is still valid and unaffected by the delays in processing your DACA renewal.

##### ***I have a standard Class C license that I got because of DACA...***

If your DACA expires before it is renewed, then your standard Class C driver's license will also expire before you can renew it. You will not be able to renew your driver's license until your DACA has been renewed.

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<sup>1</sup> The Immigrant Legal Resource Center is a national, nonprofit resource center that provides legal trainings, educational materials, and advocacy to advance immigrant rights. The mission of the ILRC is to work with and educate immigrants, community organizations, and the legal sector to continue to build a democratic society that values diversity and the rights of all people. For the latest version of this practice advisory, please visit [www.ilrc.org](http://www.ilrc.org). For questions regarding the content of this advisory, please contact Alison Kamhi at [akamhi@ilrc.org](mailto:akamhi@ilrc.org) or Nikki Marquez at [nmarquez@ilrc.org](mailto:nmarquez@ilrc.org).

***If I have DACA, can I switch my standard Class C driver's license to an AB 60 license?***

If your standard Class C driver's license expires, you can apply for an AB 60 license while you wait for your DACA renewal to be processed. You can then switch it back to a standard license once your DACA application has been renewed (if desired). 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.

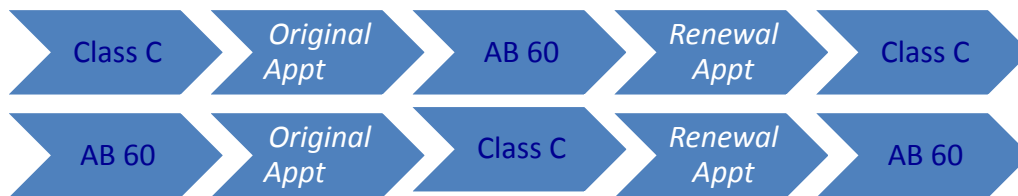
**Step 2:** Attend your appointment where you will have to pay the current fee and will likely have to take the writing test. You will need to bring the required documents for an AB 60 license (see DMV's guide here: [https://www.dmv.ca.gov/portal/wcm/connect/11a86d62-f848-4012-bc7d-4192bdef4f00/doc\\_req\\_matrix.pdf?MOD=AJPERES](https://www.dmv.ca.gov/portal/wcm/connect/11a86d62-f848-4012-bc7d-4192bdef4f00/doc_req_matrix.pdf?MOD=AJPERES)). You will not have to take the physical driving test again.

**Step 3:** Wait for your DACA renewal to be processed. In the meantime, you can use your AB 60 license to drive in California and as a form of ID for state purposes in California.

**Step 4:** Once your DACA has been renewed, 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 5:** Attend your renewal appointment. Bring your DACA renewal or other 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.**



***I have DACA but I am worried it will expire before USCIS renews it. Before it expires, can I switch my standard Class C license to an AB 60 license?***

Yes, but you will need to apply for a new or "original" AB 60 license. See Steps 1-3 above.

***I have an AB 60 license. Now that I have DACA, how do I switch to a standard Class C license?***

If you never had a standard Class C license before, you will need to apply for a new or original standard Class C license. You will be required to pay the fee and may have to take the written test. See Steps 1-3 above.

***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. Both are valid driver's licenses in California. An AB 60 license has some restrictions, but it is valid for five years. A standard Class C license is unrestricted and may be used outside of California, but its validity is tied to your DACA grant and you will have to renew it every 2 years or until you have a more permanent form of immigration status. The chart below compares the two types of licenses.

	<b>AB 60</b>	<b>Standard Class C</b>
How much does it cost?	\$33	\$33
Can I drive in California?	Yes	Yes
Can I drive outside of California?	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	2 years (renew with your DACA)
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.