



PRACTICE ADVISORY¹

November 15, 2016

DACA AND CALIFORNIA DRIVER'S LICENSES

What will happen to my driver's license while I wait for my DACA renewal or if the DACA program ends?

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.

If your current DACA expires before USCIS processes your renewal or if the DACA program ends, 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 or is terminated, your AB 60 license is still valid and unaffected.

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

If your DACA expires before it is renewed or if the DACA program ends, then your standard Class C driver's license will also expire. You will not be able to renew your driver's license unless you can renew your DACA or gain other lawful immigration status.

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 or if you are concerned about the DACA program ending, you can apply for an AB 60 license. You can then switch it back to a standard license if the DACA program is extended or you gain other 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.

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: https://www.dmv.ca.gov/portal/wcm/connect/11a86d62-f848-4012-bc7d-4192bdef4f00/doc_req_matrix.pdf?MOD=AJPERES). You will not have to re-take the physical driving test.

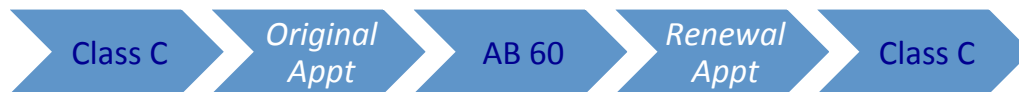
Step 3: Wait and see what happens with the DACA program. In the meantime, you can use your AB 60 license to drive in California and as a form of ID for state purposes in California.

¹ 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. For questions regarding the content of this advisory, please contact Alison Kamhi at akamhi@ilrc.org or Nikki Marquez at nmarquez@ilrc.org.

Step 4: If you are able to renew your DACA or if you gain other 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 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, should I switch to a standard Class C license?

It is your decision. If you choose to switch to a standard Class C license and have 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. However if your driver's license is tied to your DACA, it will expire when your DACA expires or if DACA is terminated. At that point, you would need to switch back to an AB 60 license unless you have obtained other lawful immigration status.

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 if 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 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.

	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	2 years (renew with your DACA) or until the DACA program is terminated (whichever is sooner)
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.