

Obtaining a Drivers' License in New York

NELP

Fact Sheet for Workers

Advocating for the working poor and the unemployed

The National Employment Law Project

55 John St., 7th Fl.
New York, NY 10038
(212) 285-3025
www.nelp.org

Contact the following organizations with questions about obtaining a New York State Drivers' License:

Asociación Tepeyac de New York provides a broad range of social services for Latino immigrant communities in New York City.

251 West 14th Street
New York, NY 10011
Ph. (212) 633-7108

The New York Immigration Coalition an umbrella organization of over 150 groups in New York, advocates on behalf of all immigrants to create favorable policies and provides training and technical assistance to community based organizations.

275 Seventh Ave., 9th Fl.
New York, NY 10001
(212) 627-2227

The New York Taxi Workers Alliance organizes taxi cab and livery drivers in New York City.

122 W. 27th Street, 10th Floor
New York, NY 10001
Ph. (212) 627-5248

The Workplace Project/Centro de Derechos Laborales organizes low-wage immigrant workers on Long Island.

91 N. Franklin Street, Ste 207
Hempstead, New York 11550
Ph. (516) 565-5377

Driving is an essential part of the job for many workers. This fact sheet explains the basic requirements for obtaining a New York State drivers' license.

New York recognizes drivers' licenses from other states and countries.

Therefore, the Department of Motor Vehicles (DMV) recommends that you only apply for a New York State license if you plan to make New York your permanent residence. Once you become a resident, you must apply for a new license within 30 days.

What are the Social Security number and Visa requirements?

Only people who are lawfully present are eligible for a drivers' license. Applying for a drivers' license requires either:

- a valid Social Security number, or
- documents establishing valid legal status that was issued for one or more years and have at least 6 months of lawful status remaining and a letter from the Social Security administration saying you are ineligible for a Social Security number.

Should I apply for an ineligibility letter from the Social Security Administration?

You should only apply for a social security number ineligibility letter if you have documents establishing valid legal status that were issued for one or more years and have at least 6 months of lawful status remaining. If you have concerns about applying for an ineligibility letter, contact a trusted community group, advocate or attorney.

How do I get an ineligibility letter from the Social Security Administration?

To obtain an ineligibility letter, you must apply for a social security number and be found ineligible. You can apply for a social security number at your local social security office. You will need to bring your passport showing an unexpired visa (I-94). You must bring original documents.

If you do not qualify for a social security number, the office will issue an ineligibility letter. This is the letter you should take to the DMV to obtain your license. DMV will only accept this letter within 30 days of the date it was issued.

There are many social security offices in the New York area. Call 1-800-722-1213 to find the office closest to you. Forms are available in English and Spanish.

What are the general requirements for getting a license?

If you do not already have a New York State License or Learner's Permit or a license from another state or Canadian province, you first apply for a Learner's Permit. When you apply for a New York State Learner's Permit, you must:

- Be at least 16 years old;
- Complete an application form, available at the Department of Motor Vehicles;
- Provide identification showing proof of name and date of birth;
- Show a valid social security card or a letter from the Social Security Administration within the last 30-days explaining your ineligibility for a social security number;
- With the SSA letter, you must also be able to present an I-94 that was issued for more than one year and with 6 or more months of valid legal status remaining and one of the following codes: B-1, B-2, E-2, F-2, H4, L-2, M-2, O-3, P-4, Q-3, R-2 or TD.
- Pay a \$10 license fee.
- Pass a written permit test and vision exam. The written test is offered in both English and Spanish.

After you obtain a permit, you must take a 5-hour pre-licensing course (or drivers' education). After you complete this course, you may schedule a road test. If you pass a road test, you will receive your license.

What are Acceptable Documents to Prove My Identity?

The DMV accepts many different kinds of identification. A complete list of acceptable documents is available at <http://www.nydmv.state.ny.us/idlicense.htm>. DMV assigns each form of identification a specific number of points. You must provide 6 points worth of documents that prove identity. Below are just a few examples of acceptable documents.

Examples of Acceptable Identification and Their Point Value:

- Foreign Passport with a Valid I-551 stamp except with status code CR. (If it has status code CR, it must have been issued by the INS for at least one year and have 6 or more months of validity remaining). (3 pts)
- Foreign Passport with a Visa and I-94 attached. Passport must be in English or translated by an embassy. (Visa must have been issued by the INS for at least one year and have 6 or more months of validity remaining). (3 pts)
- Unexpired re-entry permit (I-327) (Must have been issued by the INS for at least one year and have 6 or more months of validity remaining.) (3 pts)
- Employment Authorization Card INS I-688B or I-766 with photo. (Must have been issued by the INS for at least one year and have 6 or more months of validity remaining). (3 pts)
- US High School ID or College ID with Transcript (2 pts)
- Union Card (1 pt) or Utility Bill (1 pt)
- Computer Printed Pay stub (must have your name) or Employee ID Card (1 pt)

Can the Bureau of Immigration and Customs Enforcement (formerly the Immigration and Naturalization Service) access information from the NYS DMV?

The Federal Driver's Privacy Protection Act allows driver information to be released for use by any government agency, including any court or law enforcement agency, in carrying out its functions. This means that New York can share information with the INS, but at this time there have been no reports of such information sharing. If you are concerned about your information being shared, consult with a trusted community group or advocate.