

**DMV MEETING**  
**September 28, 2006**

1. Would the DMV give us an updated list of acceptable documents for the issuance of a Driver's License and update its website accordingly? (Please hold on till after our meeting and discussion).

*The current list on the web is updated. It is now in a format called StarNet. I will send you instructions on how to access everything on StarNet soon. It will be further updated based on the discussions today.*

2. A- An individual in removal (deportation) proceedings is entitled by law to a driver's license. When such individuals apply for Adjustment of Status (AOS) before the Immigration Judge (IJ) they should be able to apply for a license with proof of AOS pending and IJ or a hearing date (some don't get it right away). Members report that clients are unable to get a driver's license because they do not have an Employment Authorization from US Citizenship and Immigration Services (CIS). Would you please train your officers and offices accordingly? Please confirm that this includes appeals where the removal of the Respondent is automatically stayed and they are allowed to remain in the U.S. Thank you.

*We will address the training issue. As far as we know, once a petition is denied, the person's status is revoked. However, if the BOIA petition is pending and proof is provided, the customer will be entitled to a 1-year license/ID, as long as the appeal was filed within the last 3 years..*

B- Some members report that some DMV are not accepting as proof of status a Notice of Hearing or Notice to Appear claiming it is not among their list of acceptable documents? Apparently DMV officers in Deerfield Beach, Margate, and Delray Beach are continuing to issue driver's licenses only until hearing date in a Notice to Appear or Hearing Notice. The law requires an issuance for two years. Kindly advise the officers in charge accordingly.

*We will address these offices. However, these documents are listed in the Acceptable Documents list on the web. They will be eligible for a 1 year DL/ID effective October 1, 2006.*

C- Is there a way that all DMV employees could be informed that Board of Immigration Appeal receipts are acceptable to obtain a 2 year driver's license?

*We will update this on the website and send out a bulletin statewide to address this issue. They will be eligible for a 1 year license or ID effective October 1, 2006.*

2. Would clients with backlogged AOS un-adjudicated applications be able to apply for a license with their old AOS receipt and current "case status" update and/or copy of response from USCIS to a recent e-mail AILA (American Immigration Lawyers Association) inquiry? Note: Sometimes these clients do not have current Employment Authorization because of the backlog. This is a recent development and CIS is keeping their applications pending and thus keeping them in lawful status.

*If the I-797 indicates acceptance of a I-485 application for AOS and has not been adjudicated for over 3 years, we will address the cases individually. At this time, we will take AILA's advice into consideration for possible change of policy. The two-year limit will be extended to 3 years. An Employment Authorization Document is not essential at all. It is only one means of showing lawful presence.*

3. Many, if not all, of the DMV offices are not accepting a current receipt of I-765 (Application for Employment Authorization) extension with the expired Employment Authorization card alone. We are aware of the fraud in this area and of those filing for an EAD with no basis. This goes hand in hand with question three where many may have filed for adjustment of status but have been delayed due to visa numbers. Would you comment on what documents in general would the DMV accept with an I-765 receipt in general, but also specifically with those possessing an I-765 under the circumstances stated herein?

*An I-765 application for extension of an existing EAD card will be acceptable. Any document that shows they are currently in status other than the I-797 receipt provided this is the original application. We have not relaxed the rules for not accepting an I-765 receipt if the application is an original application. We have no intention to do so in the near future.*

*Generally the following documents will be acceptable:*

- *Passport and I-94 indicating their current status*
- *I-797 indicating petition filed for other legitimate relief*

- *Any of the documents in the Acceptable documents list on the web*

*Revisions to this will be made and sent to AILA for review and suggestions which will also be included in the documents list.*

4. Why are many DMV offices not accepting the original I-797 Transfer notice when it is over 2 years old even when online case status printout is provided? Some distinction is drawn on approved petitions versus pending petitions. Please advise of the proper policy on this matter.

*A transfer notice from one DHS office to another shall be acceptable, as long as it meets with the 3 year criteria. This will also be posted on the department's web site.*

5. Why is DMV refusing to renew driver's licenses to clients with H-1B status approved in 2004? Members report that DMV officers have stated that only forms I-797 dated 2005 or later would get driver's license renewal. This is related to number five but differs in that H-1s can be obtained for six years and up to nine years in certain situations. Would you agree that an H, E, or L approval coupled with a receipt for an extension should be given a D.L. at least for one year if they still pending a decision on the extension?

*This is a matter of training and I will address this with my training staff to make sure everyone understands the process better.*

6. Is it a new policy to deny a license because there is a Request for Evidence (RFE) pending? RFE can delay the approval of a petition for about four months. What is your policy when and the denial of a petition is denied and the decision is being appealed to BIA?

*For the duration the appeal is pending, we will consider the person lawful but not for more than a year. If the same documents are brought in the following year, it may be bumped up to me at HQ for further verification.*

7. A member reports that a DMV official retained an 'about-to-expire' alien's driver's license and gave them a driving authorization document valid for 1 month instead. The member reports that the applicant had recent (4 months) receipt notices of I-130 and I-485 (US citizen husband petitioning for wife)? Note: After some complaints, she got her driver's

license over the mail a couple of weeks later. Your guidance to offices would be greatly appreciated.

*This should not have happened. If I can know the specific office, I will address this through the respective Chief immediately.*

8. Why are clients who enter in I status and were issued I-94 for Duration of Status unable to renew their driver's licenses being advised by DMV that they do not have a "recent" I-94?

*I personally discussed this at length with the DHS. Unfortunately, we have had instances where people who came in on an I-Visa status claim to be their own bosses and self-employed and show an old I-94. DHS indicated that, if they are no longer employed by their original media company there is no mechanism for the DHS to be informed of this status change. We therefore follow usual procedures. I have made an exception in one or two cases but as a rule we do not issue a license or an ID. Common sense tells us that if a person came from another country as a media rep, they would also return at least for a holiday once every year or two years. Rarely do people stay here indefinitely without ever going back. This also explains why there are only one or two cases which have come to my attention in the last 5 years.*