

News & Types: Immigration Update

State of Illinois Issues Preliminary Guidance on Temporary Visitor Driver's Licenses for Undocumented Individuals

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Practices: Immigration

This week the Illinois Secretary of State has issued initial guidance on how undocumented individuals ("non-visa status") can apply for an Illinois Temporary Visitor Driver's License ("TVDL"). This version of the TVDL is valid for three years, not valid as a form of identification, only valid with liability insurance and will begin to be issued in early December 2013. Employers are cautioned that since this version of the TVDL is not valid as a form of identification, it cannot be accepted as a document to establish an employee's identification for the Employment Eligibility Verification, Form I-9 process. This version of the TVDL is distinguishable from the TVDL for "visa status" individuals in that it indicates on the front of the card "Not Valid for Identification." Applicants are reminded that the new version of the TVDLs may not be accepted as a valid driver's license in other states.

As of mid-November (date to be determined), applicants will make an appointment online at www.cyberdriveillinois.com or by calling 855-236-1155 in order to appear and present their documents at one of twenty-five designated TVDL facilities in the State of Illinois. At the time of the appointment, the applicant must provide several types of documents to demonstrate: name and date of birth, written signature, twelve-month residency in the State of Illinois and current address. The specific documents that can be presented are listed at: <http://www.cyberdriveillinois.com/departments/drivers/TVDL/home.html>. Importantly, the individual will not have to obtain a letter from the Social Security Administration to document their ineligibility for a Social Security Number. At the time that an individual appears for his or her appointment, the individual will take the same driver's exams that are required for other driver's licenses, will have to certify under penalty of perjury that they are not eligible for a Social Security Number, and must provide their address information for the last twelve months. Applicants will receive their TVDL via mail about 15 to 20 days after their appointment assuming they passed the required driving exams.

Applicants who previously used a false social security number to obtain a driver's license will be given an opportunity to correct their identity for TVDL issuance. Applicants are instructed to call the Secretary of State's Fraud Division 217-782-7604 in order to begin the correction process. The Secretary of State will refer the applicant's information to the Illinois State Police for identification verification. Once the applicant's identity has

been verified, a new driving record will be created for the applicant. Any sanctions on the old, false record will be transferred to the new record. This includes citations, suspensions, DUI's, etc. Furthermore, these individuals will be subject to a twelve-month fraud suspension. The Illinois Secretary of State has noted that it will not voluntarily provide an applicant's information to the U.S. Department of Homeland Security or other federal agencies without a subpoena or court order.

The Illinois Secretary of State will continue to issue TVDLs for individuals who are in valid status (immigration categories: H-4, TD, F-2 and O-3) but are ineligible for a Social Security number pursuant to the current process, with the exception that a letter from the Social Security Administration documenting the individual's ineligibility for a Social Security Number will no longer be required. As of October 8, 2013, the Illinois Secretary of State's website continues to list the SSA ineligibility letter as a documentary requirement and we have not received information on when this will become effective. Individuals in valid visa status applying for a TVDL will continue to visit, on a walk-in basis, one of the eight driver services facilities designated for these types of driver's licenses. This includes Bloomington, Carbondale, Champaign, Chicago North, Chicago West, Macomb, Rockford, and Springfield (Dirksen Parkway).