

FACT SHEET

Introduction

- Legal presence means that a person is either a U.S. citizen or is legally authorized to be in the United States.
- Effective January 1, 2004, Virginia law will require all applicants for an original Virginia driver's license or for a DMV-issued photo identification card to show proof of their legal presence.
- The 2003 Virginia General Assembly passed the law that requires applicants for driver's licenses and ID cards provide proof of legal presence. Legislators supported the measure as part of homeland security.
- In the past, the sole purpose of a driver's license was to provide proof that a person had the knowledge and skills to safely operate a motor vehicle. Now, driver's licenses and ID cards are widely used to verify a person's identity and often are required for everything from opening a bank account to cashing a check. In essence, driver's licenses and ID cards provide individuals the ability to function in American society.
- DMV wants to ensure that the legal presence law is implemented equitably, fairly and in a cost-effective manner. The agency intends to minimize the negative impact that the law may have on customers.
- Customers can make their driver's license or ID card transactions a success if they plan ahead and know what to bring to DMV. Come prepared!

Legal Presence Affects Everyone

- Legal presence requirements apply to U.S. citizens as well as foreign-born individuals. It affects teenagers applying for their learner's permit or first driver's license. It affects anyone who has just moved to Virginia from another state or country. It affects senior citizens and anyone else applying for an ID card.
- Specifically, legal presence affects:
 - **Applicants applying for an original Virginia driver's license.**
Anyone who has never held a Virginia driver's license for the first time must show proof of legal presence in the U.S.
 - **Applicants for a DMV-issued photo identification card.**
Anyone applying for a DMV-issued photo identification card must show proof of legal presence. However, if the customer has permanent status in the U.S. and has once proven legal presence, he will not be required to submit proof of legal presence for subsequent ID card applications.
 - **Drivers reinstating their driver's license because of a license suspension, revocation or cancellation.**
Anyone whose driver's license has been suspended, revoked or cancelled must show proof of legal presence to reinstate driving privileges. Although the driver's license may have been suspended, revoked or cancelled before January 1, 2004, drivers will be required show proof of legal presence for reinstatement.
 - **Drivers who have allowed their license to expire.**
Anyone who lets their driver's license expire, even by just one day, must show proof of legal presence to renew.
- Drivers who currently hold a valid driver's license will not have to show proof of legal presence to renew. However, if the license expires before renewal, the driver will be required to prove legal presence.
- If a driver loses his driver's license, he will not need to prove legal presence as long as he requests a duplicate while his license is still valid, before the expiration date.



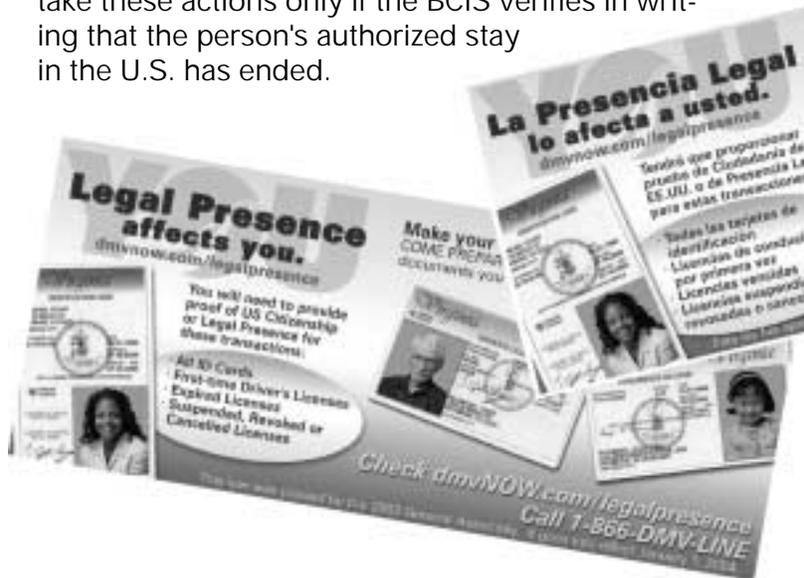
Requirements for Obtaining a License or ID Card

- Effective January 1, 2004, to obtain a Virginia driver's license, applicants must provide documents proving the following:
 - Identity
 - Legal presence
 - Virginia residency
 - Social security number, if the person has one
- To obtain a Virginia ID card, applicants must provide documents proving:
 - Identity
 - Legal presence
 - Virginia residency
 - (Proof of social security number is not required for ID cards)
- Complete lists of documents accepted for proof of identity, residency and social security number are available on the DMV web site at www.dmvNOW.com.



- Legal presence may be proved using documents such as a U.S. birth certificate or U.S. passport. For individuals not U.S. born, legal presence can be proved using a variety of other documents, such as a Certificate of Citizenship or naturalization, Resident Alien Card, or a valid foreign passport with a visa, I-94 or an I-94W with a participating country. DMV will publish a complete list of documents that will be accepted as proof of legal presence no later than December 1, 2003.

- If an applicant meets all of the requirements for a driver's license or ID card, DMV will issue the driver's license or ID card.
- For individuals temporarily authorized to be in the U.S., a driver's license or ID card will be valid only for the amount of time that an individual is legally present in the U.S. The expiration date on the driver's license or ID card will be the same as the expiration date shown on the document used to prove legal presence.
- Driver's licenses issued for less than the standard five-year cycle will display an indicator that they are valid for a limited duration.
- If an applicant is authorized to be in the U.S. for an indefinite period of time, DMV will issue a driver's license or ID card valid for one year.
- Even if an individual's stay in the U.S. will be very short, DMV will issue a driver's license or ID card for the amount of time that the individual is authorized to remain in the U.S.
- The driver's license will cost \$4 per year. A partial year will be rounded to the next full year. So, if the driver's license is issued for less than one year, the cost is \$4. An ID card costs \$10.
- If DMV receives notification from the Bureau of Citizenship and Immigration Services (BCIS), law enforcement or another agency that an individual's authorized stay in the U.S. has been terminated, DMV will cancel the individual's driver's license or ID card. The agency will also place an indicator on the person's record prohibiting renewal of a driver's license or issuance of an ID card. DMV will take these actions only if the BCIS verifies in writing that the person's authorized stay in the U.S. has ended.



Implementation Process

- As soon as the legislature passed the legal presence law, DMV began planning for implementation, effective January 1, 2004.
- To ensure public input, the agency and the Secretary of Transportation developed a 10-member policy panel chaired by the DMV Commissioner. Panel members came from a diverse array of organizations, such as state and local government and the private sector, as well as from different geographic regions of the state.
- Throughout the process, DMV posted Panel meeting updates on the DMV web site, as well as news releases and frequently asked questions.
- This summer, the agency held 16 public meetings around the state to educate Virginians about the legal presence law, solicit suggestions for implementation and receive feedback on the agency's efforts so far.
- DMV has met with nearly 30 state agencies to discuss the impact of legal presence on other agencies' clients and constituents.
- Throughout the fall, DMV representatives will speak about legal presence to as many group meetings as possible.
- DMV plans to work with statewide media to provide legal presence information to citizens.

DMV's Commitment

- In implementing the legal presence legislation, DMV is committed to three major principals:
 - Implementing the law in an equitable manner with minimal inconvenience to all customers;
 - Ensuring that any person who qualifies for a driver's license or ID card receives one in an efficient and cost-effective manner; and
 - Involving the public in developing policies to support the implementation.
- Due to the additional legal presence requirement, the driver's license and ID card issuance processes may take a little longer. However, DMV is taking a number of steps to maintain service quality.
- DMV is hiring additional employees to meet the demand for service in high volume urban offices. The agency has also increased the number of hours part-time employees can work and anticipates authorizing overtime, as necessary.
- DMV employees will receive extensive training about the agency's new procedures, acceptable documents and fraud detection. Once training is complete and prior to implementation, DMV will conduct exercises to give employees real-life, on-the-job practice using the new procedures and document verification techniques.
- DMV will send out news releases about implementation of the legal presence legislation throughout the fall and winter. All news releases and the list of acceptable documents, once it's finalized, will be posted on the DMV web site at www.dmvNOW.com. Much of the information will be posted in both English and Spanish.
- DMV customers can ensure their success when they visit a DMV office by arriving prepared. All they need to do is make sure that they have the documents necessary to provide identity, Virginia residency, social security number (if required) and legal presence.
- All of the information a customer needs to prepare for a DMV visit is available on the DMV web site at www.dmvNOW.com or by calling the agency's toll-free telephone number at 1-866-DMV-LINE.
- Keep in mind, anyone who comes to DMV without the required documents will not receive a driver's license or ID card. DMV has no choice. The law clearly states the requirements that must be satisfied to obtain a driver's license or ID card.



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