

RYAN STARK LILIENTHAL

LAW OFFICES

Driving Licenses for Immigrants in New Jersey

by Ryan Stark Lilienthal

The New Jersey Motor Vehicle Commission (MVC) recently began implementing rules that limit the ability of individuals, particularly foreign nationals, to obtain drivers licenses. The rules create a 6-point system, which requires job applicants to produce specified documents. Documents are assigned point values – from 1 to 4 points – which must add up to 6 points. According to the MVC, the new system seeks to prevent identify theft and document fraud. Unfortunately, the new rules go beyond identity verification and limit the ability of immigrants to obtain licenses.

Despite their lawful status, many legal immigrants may still not qualify for a drivers license under the current rules, which disproportionately impact non-citizens. For example, U.S. citizen passports and naturalization certificates are worth four points, while foreign passports are worth zero points – unless accompanied by a valid arrival/departure records (I-94) or green cards stamp (I-551). Likewise, U.S. citizen birth certificates are worth four points, but foreign birth certificates are worth zero points. In addition, all drivers license applicants must submit Social Security numbers to the MVC, which many legal immigrants do not have.

Because of the tough document requirements, some immigrants may be denied drivers licenses in spite of their legal status. For example, immigrants granted asylum, temporary protected status, deferred action, may not meet MVC requirements because they often enter

RYAN STARK LILIENTHAL

LAW OFFICES

without sufficient qualifying documents. Foreign national students, exchange visitors, and dependents of temporary foreign workers, also may lack enough documents or the required Social Security number.

Even when MVC issues drivers licenses to immigrants, it may quickly suspend the license based on immigration-document expiration dates. This affects, for example, green card applicants who obtain work authorization on a yearly basis. Even though green card processing times can take much longer than a year, MVC may suspend licenses issued to these immigrants upon the expiration of the work authorization. Individuals who continue to drive on a suspended license, if caught by the police, may be subject to significant penalties and fines.

While the new MVC rules make it difficult for legal immigrants to obtain drivers licenses, illegal immigrants, will find it impossible. Those who attempt to apply for drivers licenses with fraudulent documents face great risk. Law enforcement officials now stationed at MVC offices will arrest individuals who present fake documents to the MVC. Arrested immigrants not only face criminal charges, they also risk deportation based on their undocumented status and fraud.

What to do: Immigrants in legal status should be prepared with the appropriate documents when applying for drivers licenses. The MVC requires originals or certified copies of all documents. A full list of the required document can be found at MVC offices or the MVC website, www.njmvc.gov. Individuals who lack the required documents may want to seek legal advice to explore other options. Advocates for immigrants hope to expand the list of documents

RYAN STARK LILIENTHAL

LAW OFFICES

accepted by the MVC. Without appropriate changes, the new regulations may be challenged as unconstitutionally disadvantaging non-citizens.

Undocumented immigrants face greater hurdles. Relief will only come when state lawmakers recognize that enabling all residents to obtain drivers licenses, including undocumented immigrants, is good for New Jersey. Since undocumented immigrants are likely to drive even without licenses, it is better to have them lawfully on the road following MVC tests and with insurance.