



COMMONWEALTH of VIRGINIA

Department of Motor Vehicles
2300 West Broad Street

Richard D. Holcomb
Commissioner

Post Office Box 27412
Richmond, VA 23269-0001

August 7, 2012

Ms. Claire Guthrie Gastañaga
Executive Director
American Civil Liberties Union of Virginia
530 East Main Street, Suite 310
Richmond, Virginia 23219

Dear Ms. Gastañaga:

Thank you for your recent inquiry regarding whether the Virginia Department of Motor Vehicles (DMV) will accept certain Department of Homeland Security (DHS) documents. Specifically, you asked whether persons receiving deferred action status pursuant to new DHS policies will be able to prove legal presence and be eligible to obtain Virginia driver's licenses or identification cards. In addition, you have inquired whether the "official letter from the US Citizenship and Immigration Services (USCIS) indicating that the applicant has been granted approved deferred action status" will be sufficient to establish legal presence consistent with Virginia law. The answer to both questions is yes, as explained below.

As you know, an individual applying for an original Virginia driver's license must provide, among other things, documentary evidence of legal presence in the United States. *Virginia Code* § 46.2-328.1 establishes the statuses which constitute "legal presence" for the purpose of obtaining Virginia driver's licenses and ID cards. "Approved deferred action" is one of the statuses that the Virginia General Assembly has explicitly authorized DMV to accept as evidence of proof of legal presence.

With regards to whether DMV will accept the official letter of the USCIS indicating an applicant has been granted approved deferred action status, DMV maintains a list of documents acceptable for establishing legal presence. Because the document you have inquired about is on that list, which is a part of a document called "Obtaining a Virginia Driver's License or Identity (ID) Card," an official letter from the USCIS indicating the grant of approved deferred action status will be accepted as proof of legal presence. You can view the document at <https://www.dmv.virginia.gov/webdoc/pdf/dmv141.pdf>.

I hope you find this information helpful and responsive to your inquiry. If you have any further questions regarding this matter, please contact Millicent Ford, Director of Driver Services by phone at (804) 367-2454 or email at millicent.ford@dmv.virginia.gov, or Sharon Brown, Deputy of Director Driver Services by phone at (804) 367-4371 or email at sharon.brown@dmv.virginia.gov.

Sincerely,

Richard D. Holcomb

cc: Millicent Ford
Sharon Brown