



WISCONSIN LEGISLATIVE COUNCIL ACT MEMO

2005 Wisconsin Act 126
[2005 Assembly Bill 69]

**Driver's Licenses and Identification
Cards for Illegal Immigrants**

2005 Wisconsin Act 126 provides that the Department of Transportation (DOT) may not issue a driver's license or identification card to a person who does not present proof of legal presence in the United States.

Under current law, a person who wishes to receive an operator's, or driver's, license ("license") or an identification card from DOT must provide certain information to DOT, including the person's name, address, date of birth, and description of physical characteristics. A license or identification card that is issued by DOT must include a picture of the person, identifying information, the person's signature, and description of physical characteristics.

The Act requires a person applying for a license or identification card from DOT to additionally provide documentary proof that the individual is a U.S. citizen or documentary proof that the individual is legally present in the United States. If the individual is not a U.S. citizen, he or she must provide proof of: (1) his or her status as a legal permanent resident or conditional resident; (2) a valid unexpired nonimmigrant visa or nonimmigrant visa status for entry into the United States; (3) a pending or approved application for asylum in the United States; (4) valid entry into the United States in refugee status; (5) a pending or approved application for temporary protected status in the United States; (6) approved deferred action status; or (7) a pending application for adjustment of status to legal permanent resident status or conditional resident status.

Under the Act, DOT may not provide a license or an identification card to a person who does not provide the required documentary proof of citizenship or legal presence in the United States. In addition, DOT must cancel a license if DOT is notified by a local, state, or federal government agency that the license holder is no longer a citizen of the United States, a legal permanent resident of the United States, or a conditional resident of the United States, or otherwise not legally present in the United States.

This memo provides a brief description of the Act. For more detailed information, consult the text of the law and related legislative documents at the Legislature's Web site at: <http://www.legis.state.wi.us/>.

A license or identification card that is issued to a person who is not a U.S. citizen and who provides documentary proof of legal status expires on the date that the person's legal presence in the United States is no longer authorized. If the documentary proof does not state the date that the person's legal presence is no longer authorized, the license or identification card expires when a license or identification card issued to a citizen would expire.

The Act provides that if a person is not a citizen of the United States, a license issued to the person must include on its face the date on which the person's legal presence in the United States expires.

Effective Date: The Act takes effect on April 1, 2007.

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