

NOTICE OF PROPOSED GUIDANCE DOCUMENT

DL/ID Application – Legal Presence

Pursuant to Wis. Stat. s. 227.112, the Wisconsin Department of Transportation is hereby seeking comment on DL/ID Application – Legal Presence s.343, a proposed guidance document.

PUBLIC COMMENTS AND DEADLINE FOR SUBMISSION

Comments may be submitted to the Wisconsin Department of Transportation for 21 days by:

1. Department's website:

<https://appengine.egov.com/apps/wi/dot/guidance-docs?guidDocId=DMV103>

2. Mailing written comments to:

Division of Motor Vehicles
Wisconsin Department of Transportation
4822 Madison Yards Way
PO Box 7336
Madison, WI 53707-7336

WEBSITE LOCATION OF FINAL GUIDANCE DOCUMENT

The final version of this guidance document will be posted at wisconsin.gov to allow for ongoing comment.

AGENCY CONTACT

DOTDMVGuidanceDocs@DOT.WI.GOV



State of Wisconsin Department of Transportation

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Acceptable documents for proof of citizenship or legal status in the United States (U.S.)

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(en español)

Wisconsin DMV issues REAL ID compliant products (marked with a ⚙️) in accordance with the federal [Real ID Act](#) of 2005. If you plan to fly within the U.S., visit a military base or other federal buildings, the Department of Homeland Security will require identification that is REAL ID compliant (or show another acceptable form of identification, such as a passport) beginning October 1, 2020. Don't get left behind without a REAL ID.

The documents listed on this page are acceptable proof of legal status in the U.S. for:

- U.S. citizen
- Lawful permanent/conditional permanent resident
- Lawful temporary visitor -- the expiration date of the driver license or identification card will match the date the documented legal presence expires (up to an 8-year renewal cycle) and will be marked "limited term."

Documents presented must be original. Photocopies are not acceptable. The department will decline to accept any document presented if it has reason to suspect its authenticity. Questionable documents may require additional review.

Applicants who are not U.S. citizens must present their legal presence documents every time they apply for a driver license, instructional permit or identification (ID) card.

Minimum stay requirement for temporary visitors (non-immigrants): Legal presence documents must show a minimum stay of:

- 1 year with at least 6 months remaining (if applying for a driver license)
- 6 months with at least 3 months remaining (if applying for an ID card)

Non-commercial driver license, instruction permit or ID card – Proof of legal status for REAL ID compliant cards

- Valid U.S. passport or passport card
- U.S. State or local government issued Certificate of Birth. (Wisconsin will not accept Puerto Rican birth certificates issued before July 1, 2010, in line with Puerto Rico's law as of October 30, 2010. More information available at pr.gov)
- If you obtained U.S citizenship through the adoption process (Child Citizenship Act of 2000), and you do not possess a valid U.S. passport, you may provide evidence of U.S. citizenship with the following documents (please note that a Certification of Birth Facts is not an acceptable document):
 - Proof of finalized adoption and,
 - Foreign passport from your country of birth (valid or expired), which may include the temporary I-551 stamp or,
 - I-551 permanent resident card from the time that you entered the U.S.
- Consular report of birth abroad
- Valid I-551, permanent resident card (issued by the Department of Homeland Security/U.S. citizenship and immigration services). Non-expiring I-551 (issued 1977-1989) cards are acceptable
- U.S. Certificate of Naturalization (federal form N-550)
- Certificate of U.S. Citizenship (federal form N-560)
- Unexpired foreign passport with a valid unexpired U.S. visa affixed accompanied by the approved I-94 form documenting the applicants most recent admittance into the U.S. (Note: If you recently entered the U.S. and were not issued a paper I-94 form, visit cbp.gov/I94 to print your electronic I-94 before applying for immigration or public benefits, such as a driver license, identification card or a Social Security number.)
- Unexpired employment authorization document (federal form I-688B or I-766) which is successfully verified through the DHS/USCIS Systematic Alien Verification for Entitlements Program (SAVE)

Non-commercial driver license, instruction permit or ID card – Proof of legal status for non-REAL ID compliant cards

Everything from the REAL ID list above or:

- Valid foreign passport with appropriate immigration documents, which shall include or be accompanied by federal form I-94, arrival and departure record. NOTE: The appropriate immigration documents determine legal presence, not the passport itself
- Valid Temporary Resident ID card (federal form I-688)
- Valid refugee travel document (federal form I-571)
- Notice of Action (federal form I-797). Document must provide conclusive proof of legal presence and be accompanied by other supporting documentation
- TWIC Card – Transportation Worker Identification Credential (issued by the Department of Homeland Security/Transportation Security Administration)
- Reception and placement program assurance form (refugee version) with an I-94 arrival and departure record
- Documentary proof specified in s.343.14(2)(es), Wis. Stats, that is approved by the federal authority:
 1. Valid foreign passport containing a valid non-immigrant visa & I-94, arrival and departure record
 2. Valid foreign passport containing an expired non-immigrant visa & I-94, arrival and departure record
 3. Pending or approved application for asylum in the United States
 4. Valid re-entry into the United States in refugee status I-327 or I-571
 5. Pending or approved application for temporary protected status in the United States
 6. Approved deferred action status (including the U.S. Department of Homeland Security's [Deferred Action for Childhood Arrivals Program](#)) or a pending application for adjustment of status to legal permanent resident status or conditional resident status

Commercial driver license (CDL) or commercial learners permit (CLP) - Proof of legal status for REAL ID compliant and non-REAL ID compliant cards

Effective March 1, 2015 persons with a Commercial Driver License (CDL) are required to provide proof of legal status upon original (first time) issuance, renewal, transferring an out of state license or when adding or removing a class, endorsement or restriction. Acceptable documents are:

- Valid U.S. passport or passport card
- U.S. State or local government issued Certificate of Birth. (Wisconsin will not accept Puerto Rican birth certificates issued before July 1, 2010, in line with Puerto Rico's law as of October 30, 2010. More information available at [pr.gov](#))
- Consular report of birth abroad
- Valid I-551, permanent resident card (issued by the Department of Homeland Security/U.S. citizenship and immigration services). Non-expiring I-551 (issued 1977-1989) cards are acceptable
- U.S. Certificate of Naturalization (federal form N-550)
- Certificate of U.S. Citizenship (federal form N-560)
- Unexpired foreign passport with a valid unexpired U.S. visa affixed accompanied by the approved I-94 form documenting the applicants most recent admittance into the U.S. (Note: If you recently entered the U.S. and were not issued a paper I-94 form, visit [cbp.gov/I94](#) to print your electronic I-94 before applying for immigration or public benefits, such as a driver license, identification card or a Social Security number.)
- Employment Authorization Document (does not fulfill requirement for a REAL ID compliant card)

Effective March 1, 2015, under federal law, temporary visitors from Canada and Mexico are not allowed to renew or change classes or endorsements on their Wisconsin Commercial Driver License (CDL) or Commercial Learner Permit (CLP).

If you are a temporary visitor from Canada or Mexico and wish to continue driving a commercial vehicle in the U.S., you need to obtain a qualifying commercial license from Canada or Mexico before your current Wisconsin CDL or CLP expires.

Driver Information Section

P.O. Box 7983

Madison, WI 53707-7983

Email [Wisconsin DMV email service](#)

Phone (608) 264-7447

Fax (608) 267-3812

Contact Information

Contact Us

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