

RISK ASSESSMENT TOOL FOR THOSE CONSIDERING APPLYING FOR A DRIVER'S LICENSE

What if I am undocumented and I want to keep driving without a license?

Driving without a license (DWOL) is against the law and is not without risk. If you are pulled over by the police and do not have a license, you may be subject to fines, inability to apply for license in the future, misdemeanor conviction, or imprisonment. Police may be more likely to arrest undocumented immigrants for DWOL now that licenses are available to them.

In worst case scenario, if you are undocumented and have never had any interactions with immigration authorities, this could alert ICE of your presence.

And if you have an outstanding order of removal, an arrest for DWOL could reinstate removal proceedings.



AND CONSULT A
LAWYER OR
COMMUNITY
ORGANIZATION!

For more information on the process to apply for and obtain a driver's license:
<http://tinyurl.com/MAdriverslicenase>



What if I am undocumented and...

- I never applied for a driver's license (or any state identification) before?
- I'm applying for immigration status (green card, asylum, etc.)?
- I am currently in deportation proceedings?
- I have an order of deportation?
- I started the driver's license process in MA or another state, but didn't finish or didn't pass the test?

MA state law prohibits the RMV from sharing that you are undocumented or your location with immigration authorities.

All undocumented immigrants, no matter what stage you are in the immigration process, are eligible for a driver's license in MA.

Sometimes the RMV will flag a foreign ID as fake even if it is valid. The RMV may also flag you if your license picture resembles another person in the nationwide system. These situations will result in receiving a letter in the mail notifying you that your driver's license is compromised or suspended. *Please see the "Responding to a Fraud Letter" document for how to deal with the letter and finally obtain a license.*

If you are in the green card process, multiple arrests for DWOL should not be a risk to obtaining immigration status, as a DWOL is not considered a severe enough crime to affect your application.



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What if I am undocumented and I previously used someone else's information or false documents to apply for state identification, a driver's license, or to register a car?

CAUTION

If you plan to apply for a driver's license and have previously used someone else's information or false documents, you will be flagged by the RMV due to advancements in facial recognition technology.

This will result in receiving a letter in the mail notifying you that your driver's license is comprised or suspended, and you will have to pay a fine.

If you do receive a letter, it is best to respond, especially if you are applying for immigration status (green card, etc.).

Please see the "Responding to a Fraud Letter" handout for more information on how to respond to the letter and eventually obtain a license.

What if I am undocumented and I previously used someone else's information or false documents to apply for state identification, a driver's license, or to register a car?



...AND I have a criminal record?

The RMV does notify the state police through a law enforcement database that your driver's license is no longer valid; however, in our experience, it would be rare for the police to investigate the fraud. **Those with a criminal history or prior arrest record would be most at risk.**

**If you have an open criminal case or warrant and you received a fraud letter for previously using someone else's information, you should talk to an attorney about how to address these issues simultaneously.*

...AND I'm applying for a green card?

If you are in the green card process and receive a fraud letter, **this may appear on a background check conducted by immigration authorities** (called the Triple Eye (III)). This could theoretically impact the green card process.

...AND I have an order of removal?

Because the RMV hearing process is not a criminal proceeding, it is unlikely that receiving a fraud letter will trigger removal. **However, there is always a small chance that the police could criminally charge someone with fraud.**