Temporary Visitor Driver’s Licenses in Illinois: What You Need to Know

Illinois Secretary of State’s Office (ILSOS) will begin processing new Temporary Visitor Driver’s Licenses (TVDLs) as early as December 3, 2013. These restricted licenses – valid for driving privileges only – will be made available to non-visa status individuals. These individuals should note that TVDLs are not valid for identification purposes; as such, individuals cannot use a TVDL to board an airplane, enter a federal building, register to vote or apply for a Firearm Owner Identification Card.

Below is an overview of the process for obtaining a TVDL, highlighting six important protocols and procedures that could affect applicants.

Pictured left is an accurate representation of how the license will appear – with purple coloring and marked “NOT VALID FOR IDENTIFICATION.”

Disclaimer: The Latino Policy Forum strongly recommends that individuals review their cases with a licensed attorney or an accredited legal services provider prior to applying for a TVDL, particularly if those individuals have questions regarding past driving incidents or potential criminal history. For a list of qualified, low-cost accredited legal service providers, please click here.

SIX NOTEWORTHY PROTOCOLS AND PROCEDURES

1. ONLY THE ILSOS OFFICE CAN DISTRIBUTE VALID TVDL DOCUMENTS
   It is important to remember that only the ILSOS Office can distribute valid TVDL documents and applicants do not need to pay additional costs to a third party to obtain the document. Moreover, not every ILSOS facility is equipped to process TVDL applications. To date, only 25 locations will be processing TVDLs. The complete list of these facilities and their addresses can be found in the TVDL Quick Guide or la Guía Rápida.

2. THE ILSOS DOES NOT INTEND TO SHARE INFORMATION ABOUT APPLICANTS, HOWEVER...
   According to the ILSOS: The Illinois Secretary of State’s Office has no plans to provide information to federal immigration authorities, or other agencies, without a request. However, should the Office receive a legally valid request from a federal or governmental agency for information regarding a non-visa status TVDL holder, such information will be provided to the agency that submitted the request.
Personal information of TVDL holders, such as name and address, is protected by the federal Driver's Privacy Protection Act (DPPA) and will only be disclosed in compliance with the Act.¹

3. SPECIFIC DOCUMENTS ARE REQUIRED TO APPLY

- **Name and Date of Birth** (One Document | Example: unexpired foreign passport) **AND**
- **Written Signature** (One Document | Example: unexpired foreign passport) **AND**
- **12-Month Illinois Residency** (One Document | Example: bank statement) **AND**
- **Current Address** (Two Documents | Examples: certified school transcripts, utility bills)

For a full list, please refer to the [TVDL Quick Guide](http://www.cyberdriveillinois.com/publications/pdf_publications/dsd_tvdl4.pdf) or la Guía Rápida published by the ILSOS.

4. APPOINTMENTS ARE REQUIRED

For non-visa status individuals, appointments are required to obtain a TVDL. Starting November 12, 2013, applicants must make an appointment by going online at [www.cyberdriveillinois.com](http://www.cyberdriveillinois.com) or calling **(855) 236-1155**. There is no fee to make an appointment and there are no expedited appointments. Only the person whose name is on the confirmation may apply during that appointment time.

ILSOS will provide translation services and translated materials to the applicant if required; the applicant may also bring in a translator to the ILSOS offices to assist with translation as needed.

Individuals should ensure that all required documents are in place prior to their appointment. **Failure to have all the required documents in order can delay the processing and receipt of a TVDL document.** If the materials an applicant provides are denied, any fees paid to ILSOS are non-refundable. If an application is submitted with missing documents, a fee is not charged and the application will not be processed.

5. FACIAL RECOGNITION IS PART OF THE PROCESS

To protect against identity theft and fraud, every individual that applies for driving permission in the State of Illinois is subject to a facial recognition search, wherein the photograph taken by the Department of Motor Vehicles (DMV) for license issuance purposes is submitted to a central image server and compared to other records in the database. Non-visa status individuals applying for a TVDL are not exempt from this procedure. If the facial recognition software system matches a photograph to one or more record, those matches are then reviewed, and further analysis is conducted to determine whether there is a case of identity fraud. For example, if an individual has applied for any identification document with the ILSOS in the past, the facial recognition software will identify the individual and further analysis will be conducted to determine whether the individual will be charged with and/or prosecuted for identity fraud.

6. INTERESTED TVDL APPLICANTS COULD BE SUBJECT TO A LICENSE SUSPENSION, LICENSE REVOCATION, CRIMINAL PROSECUTION AND/OR ADDITIONAL FINES IF...

(A) THEY HAVE OBTAINED A DRIVER’S LICENSE WITH FALSE INFORMATION

According to the ILSOS: An interested TVDL applicant will be treated as any other applicant who has obtained a driver’s license with false information. The interested applicant should first contact the Secretary of State’s Fraud Division at 217-782-7604 to report the fraudulent driver’s license. Then, the individual should schedule an interview time with the Secretary of State Police, so that they can begin to establish that individual’s identity and merge their driving records. At that time, a 12-month fraud suspension will be entered. Upon conclusion of the suspension and payment of a reinstatement fee, the person may then apply for a TVDL.2

According to the ILSOS: The following offenses will result in your arrest and possible imprisonment of up to five years and the suspension or revocation of your driver’s license for a minimum of 12 months:

• Signing a driver’s license/ID card application that includes false information.
• Presenting false identification for the purposes of obtaining a driver’s license/ID card.
• Using a fictitious or unlawfully altered driver’s license/permit.
• Presenting another person’s driver’s license/ID card as if it were yours.
• Allowing another person to use your identification documents to apply for a driver’s license/ID card.3

The State of Illinois maintains the discretionary authority to suspend or revoke driving privileges without conviction of any person who violates laws governing fictitious driver’s licenses. An individual can be convicted of a Class A misdemeanor, punishable by a minimum fine of $500 or 50 hours of community service, or up to a maximum of one year in jail and a fine of $2,500, for possessing a fraudulent driver’s license.4 Consult with a licensed attorney before admitting to any act that could lead to criminal charges or prosecution as it could impact your immigration status.

(B) THEY HAVE A DUI ON THEIR RECORD

According to the ILSOS: When a person is arrested for a DUI, he or she is typically asked to submit a breath/blood/urine test. If the person refuses the test(s) or if a test discloses Blood-Alcohol Content of .08 or more or drugs, a driving record is created and a statutory summary suspension is entered on the person’s driving record. The person must serve the entire suspension period and pay a reinstatement fee before applying for a TVDL. If reinstatement is granted, a reinstatement fee is required and SR22 liability insurance must be filed before a revocation is cleared. Once the revocation is cleared, the person may apply for a TVDL.5

If individuals have any questions regarding this information and their driving history, or have even encountered law enforcement during something such as a routine traffic stop, it is advised that these individuals consult with a licensed attorney or an accredited legal services provider PRIOR to calling the ILSOS. For a list of qualified legal service providers, please click here.

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2 Jesse White, Secretary of State. Slideshow. Temporary Visitor Driver’s License Program (TVDL).
3 Jesse White, Secretary of State. Illinois 2013 Rules of the Road. pg. 8.
5 Jesse White, Secretary of State. Slideshow. Temporary Visitor Driver’s License Program (TVDL).

ADDITIONAL CAUTIONS

- If, during the course of their TVDL application, non-visa status individuals are asked to register to vote, these individuals should decline. It is not only illegal for non-citizens to register to vote in the United States, it is also a deportable offense.
- Applicants are not authorized to drive until they receive their TVDL in the mail.
- A TVDL is only valid if the driver has current liability insurance. An applicant must show proof of insurance for the vehicle she/he uses prior to the road test.
- Illinois TVDLs may not be accepted for driving in other states.
- A TVDL is valid for up to three years and drivers will not be sent renewal reminders. Upon a TVDL’s expiration, an applicant will need to re-apply for a new TVDL. An applicant can make an appointment to reapply for a TVDL within 90 days prior to the expiration date of the TVDL.

If you have questions or comments regarding this information, please contact the Latino Policy Forum at 312-376-1766 or ianadon@latinopolicyforum.org

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