

STATE OF NORTH CAROLINA  
WAKE COUNTY

BEFORE THE DEPARTMENT OF TRANSPORTATION

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IN RE: REQUEST FOR	)	
DECLARATORY RULING ON	)	
ISSUANCE OF DRIVERS LICENSES	)	<b><u>DECLARATORY RULING</u></b>
TO NON-CITIZEN LAWFUL	)	
RESIDENTS PURSUANT TO N.C.	)	
GEN. STAT. § 20-7(F)	)	

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The North Carolina Department of Transportation received a Request for Declaratory Ruling (“Request”) from Petitioners Maria Analida Perez Fernandez, Marcela Valdebenito Pizzaro, and Mayra Itzel Luna Huerta, on behalf of themselves and all others similarly situated (“Petitioners”). The North Carolina Administrative Procedure Act permits any “person aggrieved” to ask a state administrative agency to “issue a declaratory ruling as to the validity of a rule or as to the applicability to a given state of facts of a statute administered by the agency or of a rule or order of the agency.” 19 NCAC 1B.0401; N.C. Gen. Stat. § 150B-4(a).

The Petitioners made such a request on 3 January 2023, seeking the Department of Transportation’s interpretation of N.C. Gen. Stat. § 20-7(f) as it relates to issuances of drivers licenses to certain noncitizens whose immigration classifications are of indefinite length or who have permanent immigration classifications. Petitioners assert that the Department of Transportation should issue a declaratory ruling interpreting and applying N.C. Gen. Stat. § 20-7(f) to themselves and similarly situated noncitizens “in a manner that

comports with the federal Supremacy Clause and Equal Protection Clause as well as Article I, Section 19 of the North Carolina State Constitution.” (*Petition for Declaratory Ruling* ¶ 8). Specifically, Petitioners urge that DMV’s interpretation of N.C. Gen. Stat. § 20-7 should require “issuance of full-term drivers licenses to lawfully present noncitizens with permanent or indefinite immigration classification, regardless of any expiration date on their documentation.” (*Petition for Declaratory Ruling* ¶ 9).

On 31 January 2023, the Department of Transportation granted the Request to issue a declaratory ruling, thereby triggering a 45-day deadline to “issue a written ruling on the merits” of the Request. N.C. Gen. Stat. § 150B-4(a1)(3). Consistent with Division of Motor Vehicles’ procedure, the agency constantly strives to comply with ever-evolving federal guidance on issuance of drivers licenses to non-citizens. After careful review of Petitioners’ submitted materials, extensive internal deliberation, and as set forth fully, below, the Department of Transportation will immediately implement a policy issuing full-term drivers licenses to non-citizens who lawfully reside in the United States permanently or for an indefinite period of time and who meet all other prerequisites for issuance.

### **Introduction**

1. Petitioners’ Request for a Declaratory Ruling questions DMV’s interpretation of N.C. Gen. Stat. § 20-7(f) as it relates to issuance of drivers licenses to certain non-citizen residents of the United States.
2. N.C. Gen. Stat. § 20-7(f) states in relevant part:

Duration of license for certain other drivers. – The durations listed in subdivisions (1), (2) and (2a) of this subsection are valid *unless the Division determines that a license of shorter duration should be issued when the applicant holds valid documentation issued by, or under the authority of, the United States government that demonstrates the applicant's legal presence of limited duration in the United States*. In no event shall a license of limited duration expire later than the expiration of the authorization for the applicant's legal presence in the United States. A drivers license issued to an H-2A worker expires three years after the date of issuance of the H-2A worker's visa; provided, if at any time during that three-year period an H-2A worker's visa duration is not extended by United States Citizenship and Immigration Services, the license expires on the date the H-2A worker's visa expires. For purposes of this subdivision, the term "H-2A worker" means a foreign worker who holds a valid H-2A visa pursuant to the Immigration and Nationality Act (8 U.S.C. § 1101(a)(15)(H)(ii)(a)) and who is legally residing in this State.

N.C. Gen. Stat. § 20-7(f)(3) (2021) (emphasis added).

3. DMV's practice to date has been to issue licenses of a duration limited to the expiration date of the immigration documents presented upon application and to deny renewal of drivers licenses if the relevant immigration documents are expired without consideration as to whether the expiration date of the immigration documents correlates to a limitation on the applicant's legal presence in the United States.

4. Upon review, it has been determined that an expiration date listed on immigration documents for those classified as lawful permanent residents and or who hold an immigration classification of indefinite duration is not determinative of legal presence in the United States. While these immigration documents must be renewed from time to time, the expiration of these documents does not alter the individual's legal presence in the United States and does not limit the duration of their presence for purposes of N.C. Gen. Stat. § 20-7(f). *See* 8 U.S.C. § 1101(a)(20) ("The term 'lawfully admitted for permanent residence' means the status of having been lawfully accorded the privilege of residing

permanently in the United States as an immigrant in accordance with the immigration laws, such status not having changed”); and 8 CFR § 1.2 (“Lawfully admitted for permanent residence means the status of having been lawfully accorded the privilege of residing permanently in the United States as an immigrant in accordance with the immigration laws, such status not having changed. Such status terminates upon entry of a final administrative order of exclusion, deportation, or removal.”).

5. Named Petitioners, despite their permanent or indefinite residency status, have been issued limited duration driver licenses tied to the expiration of their immigration documents rather than to the duration of their established legal presence.

6. Petitioners are legally-present noncitizens with permanent immigration classifications or indefinite immigration classifications leading towards permanency. Petitioner Maria Analida Perez Fernandez is a lawful permanent resident, Petitioner Marcela Valdebenito Pizzaro is a conditional permanent resident, and Petitioner Mayra Itzel Luna Huerta is a “U” visa holder with a pending adjustment of status to a lawful permanent resident.

7. By way of the instant Declaratory Ruling, the Department of Transportation recognizes that drivers license issuances of shorter durations are not always necessary where the noncitizen applicant enjoys permanent or indefinite residential status in the United States.

8. Pursuant to the instant Declaratory Ruling, legally-present noncitizens who, as determined by federal immigration authorities, do not have a definitive end date due to

their authorized period of stay will be issued full-term drivers licenses, assuming all other prerequisites to issuance are met.

### **Background**

9. The federal government has exclusive power to determine and regulate the classification of noncitizens in the United States. Under the United States Constitution, the federal government has the power to “establish a uniform Rule of Naturalization.” U.S. Const. art. I, § 8, cl. 4, and to “regulate Commerce with foreign nations,” *id.*, art. I, § 8, cl. 3.

10. Congress has enacted a comprehensive body of law that governs immigration and the enforcement of immigration law through the Immigration and Nationality Act (“INA”). *See* 8 U.S.C. §§ 1101 *et seq.* (2016). The INA defines procedures for determining immigration and citizenship status. *See Toll v. Moreno*, 458 U.S. 1, 10 (1982) (noting that the INA represents “a comprehensive and complete code covering all aspects of admission of aliens to this country, whether for business or pleasure, or as immigrants seeking to become permanent residents” (quoting *Elkins v. Moreno*, 435 U.S. 647, 664 (1978))). The federal government has delegated to specialized federal agencies and federal immigration courts the responsibility of determining the status or classification of noncitizens, enforcing immigration law, and promulgating immigration policy. *See* 8 U.S.C. §§ 1101(b)(4), 1229(a), 1551 *et seq.* (2016); 8 C.F.R. §§ 2.1, 1003.1 *et seq.* (2016).

11. The United States issues various documentation to noncitizens, including alien registration and alien registration receipt cards (“green cards”) for the purpose of allowing

immigrants to prove their lawful presence for various purposes. 8 U.S.C. § 1304 (e). In most cases, green cards expire after ten years. The expiration of immigration documents issued to individuals holding a permanent or indefinite legal presence status, however, does not alter or invalidate an individual's legal presence in the United States. *See* 8 C.F.R. § 274a.12(a)(1); 8 U.S.C. § 1101(a)(20); and 8 CFR § 1.2.

13. The extensive federal statutory and regulatory scheme governing immigration classifications allows room for state statutes that “mirror federal objectives and further a legitimate state goal.” *Plyler v. Doe*, 102 S. Ct. 2382, 2399 (1982). In *De Canas v. Bica*, 96 S. Ct. 933, 936, (1976), the Court explained, “Power to regulate immigration is unquestionably exclusively a federal power. . . . But the Court has never held that every state enactment which in any way deals with aliens is a regulation of immigration and thus *per se* pre-empted by this constitutional power, whether latent or exercised....”

14. 6 C.F.R. § 37.11 (the “REAL ID Act”), establishes minimum eligibility standards for state-issued drivers licenses and identification cards to be acceptable for federal purposes such as boarding federally regulated commercial aircraft.

15. To establish identity, applicants for a REAL ID must present at least one of the following source documents:

(i) Valid, unexpired U.S. passport.

(ii) Certified copy of a birth certificate filed with a State Office of Vital Statistics or equivalent agency in the individual's State of birth.

(iii) Consular Report of Birth Abroad (CRBA) issued by the U.S. Department of State, Form FS-240, DS-1350 or FS-545.

(iv) *Valid, unexpired* Permanent Resident Card (Form I-551) issued by DHS or INS.

(v) *Unexpired* employment authorization document (EAD) issued by DHS, Form I-766 or Form I-688B.

(vi) *Unexpired* foreign passport with a *valid, unexpired* U.S. visa affixed accompanied by the approved I-94 form documenting the applicant's most recent admittance into the United States.

(vii) Certificate of Naturalization issued by DHS, Form N-550 or Form N-570.

(viii) Certificate of Citizenship, Form N-560 or Form N-561, issued by DHS.

(ix) REAL ID driver's license or identification card issued in compliance with the standards established by this part.

(x) Such other documents as DHS may designate by notice published in the Federal Register.

See 6 CFR § 37.11(c), "Application and documents the applicant must provide."

(emphasis added).

16. Under the REAL ID Act, states must verify documents and information submitted in support of issuance:

States shall verify any document described in § 37.11(c) or (g) and issued by DHS (including, but not limited to, the I-94 form described in § 37.11(c)(vi)) through the Systematic Alien Verification for Entitlements (SAVE) system or alternate methods approved by DHS, except that if two DHS-issued documents are presented, a SAVE verification of one document that confirms lawful status does not need to be repeated for the second document. In the event of a non-match, the DMV must not issue a REAL ID driver's license or identification card to an applicant, and must refer the individual to U.S. Citizenship and Immigration Services for resolution.

See 6 CFR § 37.13, "Document verification requirements." (emphasis added).

17. DMV strives to comply with federal objectives and the REAL ID Act by limiting the receipt of drivers licenses to citizens and those aliens who are lawful permanent residents and those temporary residents who qualify for issuance of REAL ID. DMV's

statutory interpretation is not an attempt to regulate immigration -- “which is essentially a determination of who should or should not be admitted into the country, and the conditions under which a legal entrant may remain.” *De Canas*, 96 S. Ct. at 936. It merely relies on federal immigration standards – and constantly evolving federal guidance - in determining whether a person is eligible for a drivers license. Furthermore, as in *DeCanas*, there is no indication that the federal government intends to completely occupy the field of drivers license issuance for immigrants as regulation of the issuance of drivers licenses has traditionally been left to state governments.

18. To that end, and consistent with the REAL ID Act, North Carolina state law requires that DMV confirm citizenship or lawful presence of applicants for drivers licenses. See N.C. Gen. Stat. § 20-7(b1) (applicant must present least two forms of identification approved by the Commissioner [and] be a resident of this State); N.C. Gen. Stat. § 20-7(b3) (DMV shall “ensure that applicants submit verified or verifiable residency and address information that can be reasonably considered to be valid”); N.C. Gen. Stat. § 20-7(f)(3) (license of shorter duration should be issued when the applicant holds valid documentation issued by, or under the authority of, the United States government that demonstrates the applicant's legal presence of limited duration in the United States) Currently, legal presence applicants in North Carolina must present legible, unexpired documentation as set forth below:

Consular Report of Birth Abroad (Form FS-240, Form DS-1350 or Form FS-545)	<ul style="list-style-type: none"> <li>• Acceptable for REAL ID</li> </ul>
Valid, unexpired Permanent Resident Card (Form I-551)	<ul style="list-style-type: none"> <li>• Acceptable for REAL ID</li> </ul>



Unexpired Employment Authorization Document (Form I-766 or I-688B)	<ul style="list-style-type: none"> <li>• Acceptable for REAL ID</li> </ul>
Valid, unexpired foreign passport	<ul style="list-style-type: none"> <li>• Acceptable for REAL ID</li> <li>• Must be accompanied by an affixed valid, unexpired U.S. visa and I-94 Arrival/Departure Record</li> </ul>
Certificate of Naturalization (Form N-550 or N-570)	<ul style="list-style-type: none"> <li>• Acceptable for REAL ID</li> </ul>
Certificate of Citizenship (Form N-560 or N-561)	<ul style="list-style-type: none"> <li>• Acceptable for REAL ID</li> </ul>
Machine-readable Immigrant Visa	<ul style="list-style-type: none"> <li>• Not acceptable for REAL ID</li> </ul>
Temporary I-551 stamp on I-94 or passport	<ul style="list-style-type: none"> <li>• Not acceptable for REAL ID</li> </ul>
I-327 Re-Entry Permit	<ul style="list-style-type: none"> <li>• Not acceptable for REAL ID</li> <li>• Must be accompanied by supporting immigration documentation</li> </ul>
I-94 Arrival/Departure Record	<ul style="list-style-type: none"> <li>• Not acceptable for REAL ID</li> </ul>
I-20 Certificate of Eligibility Student Status	<ul style="list-style-type: none"> <li>• Not acceptable for REAL ID</li> <li>• Must be accompanied by an I-94 form or a passport with an I-94 stamp</li> </ul>
DS-2019 Certificate of Eligibility for Exchange Visitor	<ul style="list-style-type: none"> <li>• Not acceptable for REAL ID</li> <li>• Must be accompanied by an I-94 form or a passport with an I-94 stamp</li> </ul>
I-571 refugee travel document	<ul style="list-style-type: none"> <li>• Not acceptable for REAL ID</li> <li>• Must be accompanied by supporting immigration documentation</li> </ul>
I-797 Notice of Action receipt notice	<ul style="list-style-type: none"> <li>• Not acceptable for REAL ID</li> <li>• Must be accompanied by supporting immigration documentation (I-551, I-766, I-94)</li> </ul>
I-797 Notice of Action Approval	<ul style="list-style-type: none"> <li>• Not acceptable for REAL ID</li> </ul>
I-521L Authorization for Parole of an Alien into U.S.	<ul style="list-style-type: none"> <li>• Not acceptable for REAL ID</li> <li>• Must be accompanied by supporting immigration document (I-551, I-766, I-94)</li> </ul>
I-220B Order of Supervision	<ul style="list-style-type: none"> <li>• Not acceptable for REAL ID</li> <li>• Must be accompanied by supporting immigration documentation with I-766 card</li> </ul>

(available at <https://www.ncdot.gov/dmv/help/Pages/proving-legal-presence.aspx>) See also <https://www.ncdot.gov/dmv/license-id/nc-real-id/Documents/real-id-brochure.pdf>)

19. The Systematic Alien Verification for Entitlements (SAVE) program is a service provided by the US Citizenship and Immigration Services (USCIS) that allows DMV to verify the immigration status, and in some cases the US citizenship, of applicants for a drivers license or identification card. Established in 1987 from a previously existing pilot program to comply with Immigration Reform and Control Act of 1986 (“IRCA”) provisions, SAVE requires agencies granting specified federal public benefits to certain non-U.S. citizens to determine the citizenship and/or immigration status of applicants as part of their benefit eligibility process. SAVE facilitates federal and state agencies, such as Motor Vehicle administrators, in combatting fraud with federal documents. Over the years, subsequent legislation has modified and expanded the role of SAVE in the immigration status verification process.

20. DMV utilizes SAVE to verify lawful status of noncitizens, for both initial drivers license issuances and renewals, regardless of whether the issuance is a REAL ID. The SAVE verification process ensures the integrity of DMV credentials, satisfying the agency that the noncitizen applicant continues to enjoy legal presence in the United States irrespective of expiration dates on their immigration documentation.

### **Evidence of Status**

21. DMV requires proof of legal presence and a successful SAVE verification before issuance of drivers licenses to noncitizens. For first-time issuances, the customer must present valid, unexpired immigration documentation as set forth above. While DMV recognizes that noncitizens with permanent or indefinite immigration classifications retain

their underlying status even when their immigration documents have expired on their face, unexpired immigration documentation is required for first-time issuances pursuant to 6 C.F.R. § 37.11 (“REAL ID Act”) and N.C. Gen. Stat. § 20-7.

22. DMV has historically denied drivers license renewals to noncitizens whose documentation has expired, despite valid underlying immigration classifications. Pursuant to the instant Declaratory Ruling, and as set forth below, DMV will now allow full-term drivers license renewals for legal presence customers who reside permanently in the United States or enjoy indefinite residential status, without requiring the customers to reproduce valid immigration documentation.

23. For purposes of drivers license renewals, DMV recognizes permanent resident status of Green Card holders and I-551 stamp holders and indefinite status for other immigration classifications. Nonimmigrants who are temporarily present in the United States for tourism, business, temporary work, or study, will continue to be evaluated on an individual basis, including consideration of whether the nonimmigrant has applied for an adjustment of status.

#### **Forms of Permanent or Indefinite Immigration Classification**

24. Petitioners are persons who have indefinite or permanent immigration classifications, as defined under federal statutes, regulations, and guidance. DMV has historically classified Petitioners and others similarly-situated as immigrants with “legal presence of limited duration” in accordance with its interpretation of N.C. Gen. Stat. § 20-7(f).

25. Petitioners submitted a chart, attached to their Petition for Declaratory Ruling, setting forth classifications of permanent or indefinite immigration categories. In their Petition, and as set forth on the chart, Petitioners urge DMV to adopt full-term license issuances for certain categories and indicate that DMV should issue licenses of shorter duration to certain other categories of noncitizens. The categories are as follows:

a. ***Lawful Permanent Residents***

The INA defines “lawfully admitted for permanent residence” as “the status of having been lawfully accorded the privilege of residing permanently in the United States as an immigrant in accordance with the immigration laws, such status not having changed.” 8 U.S.C. § 1101(a)(20). Also known as “green card” holders, lawful permanent residents may apply to become U.S. citizens if they meet certain eligibility requirements. The durability of the status is wholly independent from documentation of the status.

b. ***Conditional Permanent Residents***

A conditional permanent resident is an alien admitted to the United States for permanent residence on a conditional basis due to, *inter alia*, his marriage to a U.S. citizen. *Eleri v. Sessions*, 852 F.3d 879, 881 (9th Cir. 2017) (*citations omitted*). Conditional permanent residents possess all “rights, privileges, responsibilities and duties which apply to all other lawful permanent residents,” including “the privilege of residing permanently in the United States as an immigrant.” 8 C.F.R. § 216.1. 8 U.S.C. § 1186a governs conditional permanent resident status. The statute provides in relevant part that when a noncitizen obtains permanent resident status as the spouse of a U.S. citizen “by virtue of a

marriage which was entered into less than 24 months” before obtaining permanent resident status, such status is on a conditional basis. 8 U.S.C. § 1186a(a)(1), (h)(1)(A).

c. ***Refugees and Asylees***

Section 208(a) of the Refugee Act of 1980, 8 U.S.C. § 1158(a), authorizes the Attorney General to grant asylum to an alien who is a “refugee.” A refugee is defined in the Act as an alien who is unable or unwilling to return to his or her home country “because of persecution or a well-founded fear of persecution on account of race, religion, nationality, membership in a particular social group, or political opinion.” 8 U.S.C. § 1101(a)(42)(A); *see INS v. Cardoza-Fonseca*, 480 U.S. 421, 423 (1987).

An asylee is a person who meets the definition of refugee and is already present in the United States or is seeking admission at a port of entry. Refugees are required to apply for Lawful Permanent Resident (“green card”) status one year after being admitted, and asylees may apply for green card status one year after their grant of asylum. In both instances, the status is indefinite. See USCIS Handbook for Employers M-274, 6.3 “Refugees and Asylees” (“Refugees and asylees... immigration status does not expire.”) (available at <https://www.uscis.gov/i-9-central/form-i-9-resources/handbook-for-employers-m-274/60-evidence-of-status-for-certain-categories/63-refugees-and-asylees>) (last visited 17 March 2023).

d. *Adjustees*

Adjustment of status refers to the procedure by which an eligible applicant can become a permanent resident of the United States without having to return to his or her home country to apply for an immigrant visa. The INA allows the change of an individual's immigration status while in the United States from non-immigrant to immigrant status provided that the individual meets all of the requirements to be eligible for a green card. DMV recognizes that once the U.S. Citizenship and Immigration Services (USCIS) accepts an Adjustment of Status Application, an applicant becomes an "adjustment of status applicant" with the legal right to remain in the United States pending adjudication of the application.

**DMV's Application of N.C. Gen. Stat. § 20-7(f) to Noncitizen Drivers License Applicants**

26. DMV's practice to date has been to issue licenses of a duration limited to the expiration date of the immigration documents presented upon application and to deny renewals to applicants with expired immigration documents without consideration as to whether the expiration date of the immigration documents correlates to a limitation on the applicant's legal presence in the United States.

27. Named Petitioners have permanent or indefinite lawful immigration classifications in the United States. Accordingly, as set forth below, DMV will implement a practice allowing full-term renewals for Petitioners and those noncitizens who are similarly situated without requiring proof of unexpired immigration documentation.

### **Individual Petitioners**

28. Maria Analida Perez Fernandez's lawful permanent resident card expired on 6 June 2022. Nevertheless, Petitioner Perez Fernandez is a lawful permanent resident of the United States, as evidenced by a passport stamp, and is currently in the process of naturalization. Accordingly, and pursuant to the below guidance, DMV will issue Petitioner Perez Fernandez a full-term drivers license upon her application for renewal assuming all other conditions of issuance are met.

29. Marcela Valdebenito Pizzaro is a conditional lawful permanent resident of the United States. After Petitioner Valdebenito Pizzaro petitioned USCIS in May of 2020 to remove the conditions on her permanent residence, her residency status was automatically extended twenty-four months pending adjudication of her petition. In August 2022, Petitioner Vadebenito Pizzaro obtained a temporary passport stamp as evidence of her permanent status. Upon information and belief, Petitioner Valdebenito Pizzaro's petition for removal of conditions was approved by USCIS in November 2022, although Petitioner has not yet received a new permanent resident card. Accordingly, and pursuant to the below guidance, DMV will issue Petitioner Valdebenito Pizzaro a full-term drivers license upon presentation of the new unconditional permanent resident card, assuming all other conditions of issuance are met.

30. Petitioner Mayra Itzel Luna Huerta is a "U" visa holder who has a pending application for adjustment of status to lawful permanent resident. DMV recognizes that Petitioner Luna Huerta's immigration status is indefinite until her adjustment of status is

adjudicated. Accordingly, and pursuant to the below guidance, DMV will issue Petitioner Luna Huerta a full-term drivers license upon her application for renewal, assuming all other conditions of issuance are met.

### **DECLARATORY RULING**

Based on a review of materials submitted by the Petitioners and of relevant legal authority, the North Carolina Department of Transportation, through the Division of Motor Vehicles will implement a policy of issues full-term drivers licenses to noncitizen applicants who are lawfully present in the United States on a permanent or indefinite basis. Any resident of North Carolina who can satisfactorily prove their current legal presence in the United States (U.S.) is of permanent or indefinite status with one of the accepted identity documents is eligible to receive a full-term drivers license, assuming all other conditions of issuance are met.

The Division of Motor vehicles will continue to utilize SAVE to verify the lawful presence of applicants for drivers licenses and to assist in determining the expiration date that will be assigned to the noncitizen applicant's license. If the customer presents satisfactory immigration evidence demonstrating their permanent or indefinite status as residents of the United States and SAVE verifies the applicant as a US citizen, lawful permanent or indefinite resident, conditional permanent resident, refugee, asylee, non-immigrant holder of a "T" visa (purported victim of human trafficking), or non-immigrant holders of a "U" Visa (purported victim of crime), DMV will issue the applicant a full-term drivers license. If SAVE verifies the applicant as a noncitizen with temporary



residency, DMV will issue a limited term drivers license or identification card with an expiration date that matches the end date of the applicant's lawful presence period provided by USCIS through SAVE. DMV will not issue drivers licenses to customers who are not lawfully present in the United States, as verified by SAVE.

Noncitizen applicants seeking renewals of their drivers licenses will no longer be required to furnish valid, unexpired immigration documentation of their residency status. They will, however, be required to show documentation of their alien number or a previously issued credential in order for DMV to reverify their status as lawful residents in SAVE. *See* 6 CFR § 37.25(a) - Renewal of REAL ID drivers licenses and identification cards:

(2) The State must reverify the renewal applicant's SSN and lawful status through SSOLV and SAVE, respectively (or other DHS-approved means) as applicable prior to renewing the driver's license or identification card. The State must also verify electronically information that it was not able to verify at a previous issuance or renewal if the systems or processes exist to do so.

(3) Holders of temporary or limited-term REAL ID driver's licenses and identification cards must present evidence of continued lawful status via SAVE or other method approved by DHS when renewing their driver's license or identification card.

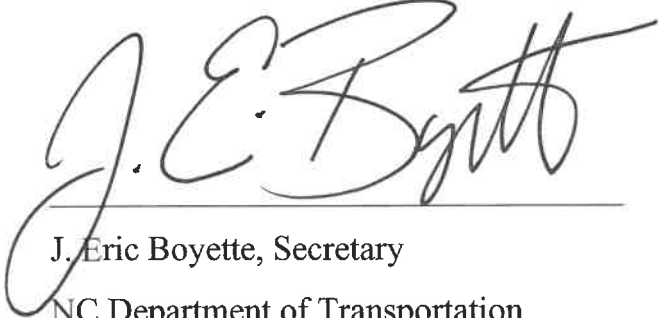
(emphasis added).

Renewal applicants who are not seeking a REAL ID will be subject to the same reverification procedure set forth above, in order for DMV to determine if the applicant should again be issued a full-term drivers license or if the customer's legal presence has been modified or revoked by USCIS.

All other conditions of issuance of N.C. Gen. Stat. § 20-7 shall remain unless superseded by NC General Statutes or directives of the United States.

Accordingly, the Department of Transportation will promptly implement new guidance for its employees regarding issuance of non-citizen drivers licenses, consistent with this Declaratory Ruling, effective 27 March 2023. The Department of Transportation will additionally begin implementing technical changes to its programming and applications in order to effectuate this Declaratory Ruling.

This, the 21<sup>st</sup> day of March, 2023.



J. Eric Boyette, Secretary  
NC Department of Transportation