

Green Light:

Bear in mind that right now ALL NYS DMVs are CLOSED due to COVID 19, but you can still study for the written test and take practice tests online, and you can work on getting all your documents ready to prove your identity and NY residency (More on both those things later)

- As of December 16, 2019, anyone, regardless of immigration status, can apply for a New York Standard Driver's License, *provided that*:
 - They go through the SAME application process,
 - Take the SAME tests (written and road tests), and
 - Pay the SAME fees, as any other New York State applicant.
- Benefits to EVERYONE!
 - Increased Revenue to NYS from license fees
 - Increased Auto sales
 - Lower insurance premiums resulting from more insured drivers
 - Increased economic growth
- Benefits to immigrants
 - Dramatically reduce the consequences of getting a ticket.
 - Increased access to jobs, schools, health care, places of worship, family, and loved ones.
 - Obtaining car insurance.
- "Standard" Driver License
 - One of three types of licenses that New York State already offers.
 - Many New Yorkers already have this kind of license; it is not only for people without documentation.
 - CANNOT be used for domestic air travel.
- Privacy concerns – bad news first
- DMV asks everyone for proof of their physical address.
 - A P.O. Box is **not** sufficient, even if you use it as a mailing address. You will still be required to provide a physical address.
 - BUT,

- DMV cannot scan and keep copies of your source documents, and they can't ask you about your immigration status when you apply for a Standard Driver's license.
- Without a warrant, DMV can't disclose anyone's sensitive info, including country of origin
- Some counties are actively opposed to the program, and those offices should be avoided.
 - DMVs that are run directly by the state: (Rennsalaer)
 - Albany, Bronx, Kings, Nassau, New York, Onondaga, Queens, Richmond, Rockland, Suffolk, Westchester.
- Steps to getting a license
 - Study for and pass the written test (study materials available in English and Spanish, test is available in 14 languages)
 - provide six "points" of ID, including:
 - Valid Foreign passport (4 points, proof of age)
 - Valid Consular ID (4 points, proof of age)
 - Foreign Driver's License Valid or Expired up to 24 months (4 points, proof of age)
 - Foreign School Report Card or School Record (1 pt) - With photo (2 pts)
 - US Municipal ID with photo (1 point, proof of residency)
 - Tax Documents: IRS Tax Transcript, Tax Return, ITIN Issuance Letter, Wage and Income Transcript (1 pt, proof of residency)
 - US High School ID Card with Report Card (2 pts)
 - The full list is on the DMV website: <https://dmv.ny.gov/driver-license/driver-licenses-and-green-light-law>
 - Take 5 hour "pre licensing" course (don't lose the certificate)
 - Pass Road Test—Bring 5 hour certificate to test

Public Charge

- Old Rule: Someone who is likely to become PRIMARILY DEPENDENT on the government to support themselves.

- The only benefits considered were cash aid and long term care used by the applicant.
- New Rule:
 - Neither the Immigration and Nationality Act (INA) nor case law has defined the phrase “public charge.” The regulations define a public charge as an alien who receives one or more public benefits, as defined in the regulations, for **more than 12 months in the aggregate within any 36-month period**. 8 CFR 212.21(b). (emphasis added)
 - That means if you get 2 benefits in one calendar month, you accumulate 2 “months
- Who does the rule affect?
 - It only applies to people applying for Permanent Residence through a relative or for a visa to enter the United States. **No other types of immigration cases are impacted!**
 - For those applying for their green card for the first time, USCIS created a new form, Form I-944, *Declaration of Self-Sufficiency*, this must be completed with the I-485
- Many immigrants do not have to worry about public charge:
 - Refugees and asylees
 - People with a U Visa, T Visa, VAWA, or SIJS
 - DACA and TPS applicants
 - The majority of permanent residents, even conditional permanent residents
 - U.S. Citizens
- Remember, if you already have a green card:
 - There is no public charge inadmissibility test when a permanent resident:
 - Applies for naturalization
 - Renews their green card
 - Applies to lift the conditions on their permanent residency (conditional permanent residents)
- What benefits count?
 - Federal Medicaid, (except for emergency Medicaid)
 - Supplemental Nutrition Assistance Program (SNAP, formerly known as Food Stamps),

- Section 8 housing assistance and federally subsidized housing
 - It may be that all use of cash aid, including not just TANF and SSI but also any state or local cash assistance program, could make an individual inadmissible under the public charge ground.
- What benefits DO NOT count?
 - Medicaid for pregnant women, and up to 60 days after birth
 - WIC
 - Children’s Medicaid (under 21)
 - CHIP
 - Head Start
 - School lunches
 - Emergency and disaster relief
 - Unemployment benefits, worker’s compensation
 - Tax credits
 - ANY BENEFIT THE HOUSEHOLD RECEIVES FOR U.S. CITIZEN CHILDREN
- Forward looking Test- Benefits received prior to the change do not count (02/24/2020)
- Totality of the circumstances factors
 - Officers required to consider:
 - Age
 - Health
 - Family status
 - Assets, resources, and financial status
 - Education and skills
 - May also consider: Affidavit of support –inadmissible under 212(a)(4) if no I-864, where required
 - Other factors will also be considered, and the regs identify positive and negative factors to be given “heavy weight.”
 - Current receipt of one or more public benefits (**heavily weighted negative**)
- COVID-19 and Public Charge
 - USCIS has announced that testing, prevention, or treatment for COVID-19 will NOT be used against immigrants in a public charge test.
 - However, neither the CARES Act, H.R. 748, nor the Families First Act, H.R. 6201, alters Medicaid availability for immigrants.

- Alternatives:
- Emergency Medicaid, State-funded health plans, Community health Centers
- NOT considered in Public Charge test
 - COVID Stimulus check (only to those with valid SSNs)
 - Unemployment Insurance Benefits (UIB), including “enhanced” UIB
 - Pandemic Unemployment Assistance, for independent contractors and others
 - But, the Department of Labor has made clear that individuals must have work authorization to receive these benefits.
 - School lunches during school closures
 - Any assistance from community or religious organizations, i.e. food banks, etc.
- Key Takeaway – If you don’t remember anything else, remember this:
 - Most undocumented immigrants cannot receive the public benefits included in the new rules.
 - Immigrants who are applying for humanitarian relief are NOT subject to the public charge test.
 - COVID-19 testing, treatment, prevention and many other COVID-19 related benefits are NOT subject to the public charge test.
 - Including these new rules has had a chilling effect on the immigrant population and educating our communities is critical.