**§383.23 – Commercial Driver’s License**

## Guidance Q&A

***Question 1:*** May a foreign driver with an employment authorization document obtain a CDL to operate a CMV in the United States?

***Guidance:*** Yes. A foreign driver holding an employment authorization document or an unexpired foreign passport accompanied by an approved Customs and Border Protection (CBP) I-94 Arrival/Departure Record may obtain a non-domiciled CDL. However, drivers who are citizens of Canada and Mexico are not eligible for non-domiciled CDLs because FMCSA has determined that commercial licenses issued by Canadian provinces and territories, and the United Mexican States, are in accordance with the standards established by our rules. Therefore, all Mexican and Canadian drivers must have an appropriate commercial license from his or her home country. Finally, a foreign driver who is in this country on an employment authorization document or an unexpired foreign \*8471 passport accompanied by an approved CBP I-94 Arrival/Departure Record may not obtain a resident CDL since he or she is not “domiciled” in a U.S. State, as defined in § 383.5 (“State of domicile”).