

AMERICAN IMMIGRATION LAWYERS ASSOCIATION
ILLINOIS SECRETARY OF STATE
Unofficial liaison minutes from December 7, 2016 Meeting

1. SAVE (Systematic Alien Verification for Entitlements) Program

- a. *What is the protocol for a situation where a foreign national's name on their work authorization card differs from the name in the SAVE database?*
- o *For example, if their name changed due to marriage and they have the name change in the marriage document, would they require an updated work authorization document to obtain a license?*

The individual must provide the linking documents, such as the marriage certificate or divorce decree (as long as name change stated in there), in order to be issued license without having to obtain updated work authorization document.

- o *Or, if the name order or part of the name does not appear in the SAVE system as it appears on the work authorization card, or vice versa?*

If an individual has work authorization and a social security number their information will not be run through the SAVE system.

When the applicant's information is run through the SAVE system, the applicant's passport number is entered. If the name in the system differs from the name on the passport, for example the name order is wrong, or there a slight misspelling, but the passport number matches and it's clear the applicant is the person in the system, they will issue the license without requiring a correction in SAVE to be made.

There are 8 facilities in the state of Illinois where all staff have visa status training:

1. Chicago North- busiest facility
2. Chicago West
3. Des Plaines- newest facility
4. Rockford
5. Springfield
6. Champaign
7. Macomb
8. Bloomington

- b. *Would your office be willing to provide us with a copy of the written guidance that you provide to your staff regarding the SAVE program and database?*

The written guidance provided to staff is what is provided by the SAVE program, available on the SAVE website.

2. 625 ILCS § 5/6-115, expiration of driver's license and proof of immigration status

- a. *Would your office be willing to share the protocol it has provided to its line staff about asking for proof of immigration status when an individual is renewing their driver's license?*

Whether an applicant will be asked to provide proof of immigration status depends on when they first obtained their license.

If the applicant obtained their first license prior to July 1, 2016, AND, their license has not been expired for over a year, upon presenting themselves for renewal, the applicant will not be prompted to provide proof of immigration status UNLESS they provide the staff with some document (work authorization card, passport, etc) that demonstrates their status. Therefore, unless the applicant presents the documents or declares their status to the staff member, they will not be asked to provide any documents related to their status.

Committee recommendations for advising clients obtaining renewal:

- 1) Advise clients to only provide the requested documents for renewal, and do not show passport, when they present themselves for license renewal.
- 2) When a client is asked if they'd like to register to vote, simply state "No." If the client states "I can't, I am not a citizen" then the staff will have to ask for proof of immigration status.

If the applicant is applying for their first license on or after July 1, 2016, they will be asked to provide documents to show their status and the document must have an expiration date. The license validity will be linked to the expiration of their status. The applicant will then have a tab on their file and will be prompted each time they visit a facility for their proof of status. If the client eventually obtains a green card, they should return to the facility and they can obtain an unrestricted license and the tab is taken off their file.

- b. *If a foreign national is presently in lawful status, however, there is no document that shows an end date or expiration date of that status, but rather the document simply states “duration of status,” what would your office require to issue a driver’s license?*
- *For example, an “I” visa, or “media visa,” is a nonimmigrant visa is for foreign media persons, and their I-94 simply states “duration of status,” and their only other proof of status is the employment letter from the media company and their press credentials.*

If the document does not contain an end date or expiration date, the staff has been trained to not issue a license. Therefore, in the event this situation exists or some other special circumstance arises, the General Counsel’s office should be contacted to provide the information and request review for a license. The General Counsel’s office reviews documents to determine if the person is eligible for a license. If the person is eligible, they will then call the closest facility for the individual and inform the staff that the individual is coming in to obtain a license.

PLEASE NOTE: If one of your clients possesses a document with no end date/expiration date, or you believe a special circumstance exists where they would face a barrier to obtaining a license under this new statute, please contact the committee co-chairs Rich Hanus (rhanus@hanuslaw.com) and Lauren McClure (lmcclure@krilaw.com) who will assist you in elevating the issue to the General Counsel’s office.

3. REAL ID implementation

- a. *What is the Illinois Secretary of State’s plan for implementing regulations for REAL ID implementation? Would your office be willing to share these proposed regulations with AILA and allow for comment?*

The plans for implementation are ongoing. The regulations will not be released all at once. AILA will be provided notification when any of the regulations are made public, in order to allow us adequate time to comment.

What they do know: they intend to offer the public the opportunity to choose between compliant license or ID v. non-compliant license or ID

- Compliant license or ID will be required to comply with all requirements under REAL ID
- Non-compliant license will have separate requirements, similar to those already in place

-PLEASE NOTE: The recommendations listed in Question 2.a. will continue in regards to immigration status for non-compliant licenses

b. *Rather than train every line staff member related to REAL ID implementation and proof of lawful status, would your office be willing to designate and train a certain number of employees per DMV who will deal with the review of proof of lawful status?*

- *For example, related to the TVDL process, it is our understanding that only certain line staff work on TVDLs- so, in this case, only certain DMV employees would review proof of lawful status for a foreign national applicant.*

No. The TVDL line staff were hired for volume and language capability. All employees will be trained pursuant to REAL ID specifications.

The 8 locations mentioned above already have visa status specific training so it is recommended to refer our clients to visit those locations.

4. Commercial Driver's License (CDL)

a. *What is the process for a lawful permanent resident, whose lawful permanent resident card has been taken by Customs & Border Protection (CBP), to renew their CDL when the only available proof of status is the I-94, valid only for a month at a time?*

- *For example, lawful permanent residents whose admission is deferred upon return to the United States are provided an I-94 that paroles them into the U.S. until a determination is made regarding their admission. The I-94 is typically only valid for 1 month at a time, however, during that entire period, the person retains their lawful permanent resident status.*

The license would only be issued for the period of validity of the I-94. They are unable to provide a license with a longer validity because the rules and regulations for CDLs are controlled federally. If we'd like to see a change related to this issue, we will have to address at federal level.