

**Chicago Chapter American Immigration Lawyers Association of Illinois  
Illinois Secretary of State Committee Member Meeting September 17, 2019  
Law Offices of Richard Hanus**

**Present: ILSOS Lisa Grau, Brenda Glahn, Lana T. Shatat  
AILA- Omar Salguero, Olga Rojas, Richard Hanus, Maria Kallmeyer, JuanCamilo Parrado, Nicole Minnis, Robert White, Christina Murdoch & Laura Lapyte.**

Questions

1) Any Real ID updates since April 24, 2019.

a) Have all the locations but the express implemented the REAL ID driver's license?

- Yes, REAL ID processing available at all facilities, but express locations.

b) Do you have any contingency plans in case you have lots of people coming in at the last-minute right before October 2020.

- To date 274,000 have been issued since roll-out, 2 million to go. The SOS is hiring 100 new employees and extending hours at some location in order to be able to address the increase in volume of ID requests. Individuals may find a list of documents and FAQ at <https://realid.ilsos.gov/>. As of Oct 1, 2020, individuals will no longer be able to fly with non-REAL ID documents.
- Pop-up events: where certain facilities closed for particular day (for example, Lombard normally closed on Mondays), will open for a short amount of time (example 8a-12p) to process REAL ID only or Schaumburg on Saturday morning.
  - Posted online at SOS websites; often times week of because need to staff events; no ability to subscribe to updates online (This is posted on the first page of Real ID website on the right side. <https://realid.ilsos.gov/>). It is also listed on their facebook page.
- Recommendations for consumers:
  - If possible, avoid facilities in downtown Chicago. The further away from the city, the less the wait time will be. Take advantage of any trips to southern IL to renew.
  - Wait to get REAL ID until you need to renew your driver's license. We can/will renew a DL/ID up to one year before it expires. So, using your example, if someone visits our facility today with a DL that expires in April of 2020, we will go ahead and renew the DL (if so requested by the applicant), so the DL would expire in April of 2024. If an applicant visits today and their DL does not expire until November of 2020, we would issued a card with the same November 2020 expiration date, since that is more than 1 year away.
    - As of Oct 1, 2020, you must present a Real ID or acceptable alternative, to board a domestic aircraft. Thus, if you plan to travel in November of 2020 but your DL/ID does not expire until 2021, you must either present an alternate document, such as a passport, or upgrade your DL/ID to a Real ID.

## 2) Automatic Voter Registration Program

a) Did the Automatic Motor Voter Registration Program roll out in July 2019?

b) Have there been any trends or issues you have seen with this roll out?

- The automatic Motor Voter Registration Program has been rolled out and is active at all facilities. Individuals who are applying for REAL ID and show documents that indicate they are U.S. citizens will be automatically registered to vote unless they opt out. Registering to Vote is still “opt-in” for non- REAL ID applicants. The SOS facilities transmit voter registration information to the Board of Elections nightly.

3) We had a situation where a person on an H-4 Visa (Dependent of H1B) can lawfully live in the U.S. but cannot work, and cannot be issued a Social Security Number had a Driver’s License in WI and moved to Illinois. She could not obtain a regular DL because she has no social security number. She tried to apply for a TVDL, but she wasn’t here one year.

a) What kind of Driver’s license will your office issue to someone in lawful status who moved from out of state with a with a valid DL but no social security number?

- Visa based TVDL. Majority of TVDL requests are for non-visa status. It’s possible that staff were not aware of distinction between visa and non-visa TVDL.
- Individuals who do not have social security numbers, and do not qualify for non-visa TVDLs because they are legally present in the United States qualify for TVDL for visa holders. Such individuals must show they have at least one year of authorized stay with at least 6 months remaining. Only certain facilities process TVDL for visa holders (facilities listed on SOS website). These individuals must specify they are applying for TVDL for visa holders. For non-visa TVDLs, individuals are required to show at least 1 year of residence in Illinois. This is statutory. Individuals seeking non-TVDL driver’s license must apply for IL driver’s license within 90 days of establishing Illinois residency. These individuals are required to have a social security number. This is also statutory under the 625 ILCS 5/6-106(b).

4) ILSOS is only issuing the Driver’s Licenses to the expiration of the Lawful Permanent Resident (LPR) card or the I-551 stamp. LPR’s are given status indefinitely, only their card expires. Can ILSOS treat LPR’s like USC’s? If not, why?

- Individuals who are lawful permanent residents are considered “P Applicants”. Once having produced the green card for the first time, individuals seeking to renew their DL or ID with an I-551 stamp should be given full term IDs, not IDs tied to the validity of the I-551 stamp (Note- if a person has present a LPR card that is not conditional, they are not required to provide the LPR card or I-551 stamp at renewal). However, if a first-time applicant shows an I-551 stamp, the ID or DL will only be given for the period wherein the I-551 stamp is valid. Non-permanent status applicants (non “P Applicants”) are considered S-applicants and have their DLs and IDs tied to the validity of their status documents.

5) We have heard of issues with individuals with Temporary Protected Status(TPS) being denied their driver's licenses. TPS allows the persons to live in the U.S. for a designated period of time that is sometimes extended at the last minute by regulation in the Federal Register.

Some of the people go to another facility and get it issued. Some of the locations where the TPS applicants were denied issuance of a DL were South Holland, Wheaton and Elston.

- a) We are wondering if this is a training issue or are there only some facilities that are trained to issue DL's to people with TPS.
- b) If TPS applicants need to go to specific locations to apply for a Driver's license, what locations should they go to?

- Facilities should be issuing DL's to TPS holders with extensions.
- If a customer is having issues at a facility, should request a supervisor. If the supervisor doesn't issue a DL, ask that the supervisor call Brenda or Lana and they will explain why DL should be issued.
- Lana (new assistant counsel with immigration background) put together an internal TPS chart that the legal team uses to track automatic extensions. It would be helpful if we can provide Brenda/Lana with any FR updates as they come out so they can stay informed.
- New position created for each facility – PSRT: trainer that keeps facilities up to date with changes
  - Group of trainers will meet quarterly (next week is first meeting)
  - If a trainer is made aware of an issue, then the trainer can speak to other trainers and get everyone at facilities up to speed.

6) Once an individual is admitted as a Refugee, the status remains unless USCIS terminates such status by determining that such individual was not a refugee at the time such status was granted. 8 CFR 207.9 Consequently, a Refugee once admitted is in lawful status unless such status is terminated or the person is ordered removed. Refugees are given I-94 without expiration dates. We have had circumstances where Individuals have attempted to renew their driver's licenses by presenting their I-94, Passport and Social Security cards in accordance with SOS regulations at Title 92, Chapter II, Part 1030, Appendix B(c)(d). They have been told that the SOS cannot renew without evidence that such refugee has applied for their lawful permanent residence at the one-year mark. Is this a policy or regulation of the SOS? If so what is the reason for this rule, considering refugees are in lawful status regardless of whether they apply for adjustment or not.

- The SOS used to tie the validity of DL and IDs to a Refugee's Travel Letter. These were normally for no longer than one year. After speaking with some community-based refugee resettlement organizations, the SOS changed their policy and now issues full term documents when a Refugee first applies for DL or ID and produces the I-94. The AILA SOS committee explained that while Refugees may be required to apply for their green card per 8 CFR 209.1(a)(1), such status does not terminate unless DHS terminate Refugee status or the individual is removed. Even if a Refugee does not apply for adjustment in accordance with the regulations, they remain in status and should be considered similar to a "P Applicant". We explained that while a full-term DL or ID generally allows time for applicants to file for adjustment, there are barriers which

includes financial, language, and cultural. The SOS general counsel was willing to have a conversation about this issue and consider necessary changes. The AILA SOS liaison committee tabled the discussion to allow for collection of data, particularly from non-profits that have a high volume of refugee clients, about how prevalent this issue may be amongst our clients.