

Motor Vehicle Division Policy Memo # 21-07

REAL ID Issuance for Afghan Evacuees

ISSUE DATE: October 22, 2021
FROM: MVD Policy & Compliance Team
TO: All Motor Vehicle Division staff, Iowa County Treasurers and County Treasurer's staff that issue driver's licenses and nonoperator's identification cards.

SUBJECT

This memo explains recently enacted federal legislation that allows certain citizens or nationals of Afghanistan (or their spouse or child) to be eligible for a REAL ID driver's license or identification card, notwithstanding the requirement to provide "valid, documentary evidence" of the person's lawful status in the U.S.

SUMMARY

On September 30, 2021, Congress passed and President Biden signed into law House Resolution 5305 (H.R. 5305) which primarily extended funding for federal programs, but also included a provision related to REAL ID issuance. Specifically, Section 2502 of H.R. 5305 allows certain citizens or nationals of Afghanistan to be eligible for a REAL ID license or ID card without needing to provide a traditional lawful status document (such as an unexpired Employment Authorization Document, or unexpired foreign passport with I-94). Afghanis eligible for this exemption include:

- an Afghani citizen or national paroled into the U.S. between July 31, 2021 and September 30, 2022; or
- a spouse or child of an Afghani parolee, paroled into the U.S. after September 30, 2022; or
- a parent or legal guardian of an unaccompanied minor Afghani parolee, paroled into the U.S. after September 30, 2022

The federal law does not bypass the requirement for us to verify any proof of lawful status documentation presented with USCIS via VLS or SAVE. Because a single document (an EAD, or an unexpired passport with I-94) typically satisfies both the proof of lawful status and proof of identity requirements, this new law essentially means we can issue a new REAL ID to eligible Afghanis without the "proof of identity" documents we usually require, provided they have other documentation listing their full name and date of birth, and provided we can use that document to run and receive a satisfactory VLS or SAVE response.

The federal law does not waive the remaining REAL ID requirements that an eligible Afghani provide their social security number (or evidence of non-work status), and two documents demonstrating their residential address.

In summary, for eligible Afghanis to receive a REAL ID, they need only present:

1. An identity document listing their full name and date of birth
 - a. *This may come in the form of an I-797 notice of action, or an I-94 with or without an unexpired foreign passport, but it may also come in the form of another USCIS-issued document or notice.*
 - b. *We must run the document and receive a valid response from VLS or SAVE confirming 1) their lawful presence in the U.S. and 2) their parolee status.*

2. Social security number (or, a verified SAVE response confirming their non-work-authorized status, which exempts them from the SSN requirement)
3. Two proofs of residential address

BUSINESS IMPACT

We know from news reports that Iowa is expected to receive roughly 700 Afghan evacuees in the coming weeks and months, mostly in the Des Moines and Cedar Rapids areas, so we anticipate needing to utilize this REAL ID issuance process for eligible Afghans in the near future.

LINK TO FEDERAL LEGISLATION

<https://www.congress.gov/117/bills/hr5305/BILLS-117hr5305enr.pdf>

LINK TO LOCAL NEWS STORIES

<https://www.kcrg.com/2021/09/22/iowa-expects-nearly-double-its-capacity-afghan-refugees/>

<https://www.desmoinesregister.com/story/news/2021/09/16/nearly-700-afghan-evacuees-headed-to-iowa-kabul-afghanistan-refugees-taliban-kim-reynolds/8357536002/>

<https://www.iowapublicradio.org/ipr-news/2021-09-23/heres-what-is-going-on-with-afghan-refugees-in-iowa>

CURRENT POLICY

- **Proof of identity, date of birth, and lawful status:** All temporary foreign nationals seeking REAL ID issuance for the first-time in Iowa must present an unexpired EAD or unexpired foreign passport with I-94 to prove their identity and lawful status, and the document must be verified in SAVE.
- **Proof of SSN and address:** The applicant must also provide their social security number (or, a verified SAVE response confirming their non-work-authorized status) and two proofs of residential address.
- **Duration of credential:** The REAL ID may be issued for the duration of stay authorized by the SAVE response up to two years, or for up to one year if SAVE provides an “application pending” response. See PM #18-01 (SAVE cases and issuance processes) for further information.

NEW POLICY

- **Proof of identity, date of birth, and lawful status:** Certain eligible Afghani customers seeking REAL ID issuance for the first-time in Iowa only need to provide a document listing their full legal name and date of birth that we can use to verify their lawful presence and parolee status via SAVE (this may include, but is not limited to, an I-94 or an I-797 notice of action).
- **Proof of SSN and address (no change):** The applicant must also provide their social security number (or, a verified SAVE response confirming their non-work-authorized status) and two proofs of residential address.
- **Duration of credential (no change):** The REAL ID may be issued for the duration of stay authorized by the SAVE response up to two years, or for up to one year if SAVE provides an “application pending” response. See PM #18-01 (SAVE cases and issuance processes) for further information.

QUESTIONS AND ANSWERS

The following questions and answers provide additional information to you and to customers.

WHY DID CONGRESS MAKE THIS CHANGE?

We believe this law is a response to the humanitarian crisis many Afghans are currently fleeing from, the recognition that they are fleeing urgently and without the ability to collect the necessary documents (such as an Afghan passport), and their critical need for identification once they arrive in the U.S.

DOES THIS REQUIRE US TO ISSUE REAL IDS TO ANYONE NOT LEGALLY PRESENT IN THE U.S.?

No. Although this bill notwithstanding the requirement for documentary proof of lawful status for eligible Afghans, these individuals are still lawfully present in the U.S. through USCIS. In order to receive “parolee” or “refugee” status, these Afghans have passed security and law enforcement background checks to the satisfaction of the Department of Homeland Security.

DO AFGHANI PAROLEES HAVE SPECIAL IMMIGRANT VISA (SIV) STATUS?

No; a Special Immigration Visa (SIV) is reserved for people who assisted the U.S. military, such as a translator or interpreter. Those with SIV status are legal permanent residents and have a five-year wait period for citizenship, and thus, would have the standard REAL ID documentation we would normally expect of a permanent resident, and be eligible for a full-term credential.

In contrast, USCIS defines someone on humanitarian parole as an individual who was temporarily brought to the U.S. because of an emergency in their country of origin. Most are at risk in Afghanistan for religious, political, cultural or a combination of reasons.

DOES THIS CHANGE OUR INITIAL REAL ID ISSUANCE REQUIREMENTS FOR ALL TEMPORARY FOREIGN NATIONALS?

No, this change only impacts eligible Afghani parolees as described above. For all other temporary foreign nationals seeking first-time issuance in Iowa, REAL ID proof of identity and lawful status documentation requirements have not changed, and these requirements are outlined in PM #18-01 (SAVE cases and issuance processes).

WHO SHOULD I CONTACT IF I HAVE QUESTIONS ABOUT A CUSTOMER’S ELIGIBILITY UNDER THIS NEW LAW?

DOT staff should contact their supervisor, and county staff should contact the ACE team, with questions about this new federal law. Supervisors and the ACE team may contact the MVD Policy & Compliance team (Kathleen or Sara) if additional assistance is needed.