

One Hundred Fourth Legislature - First Session - 2015

Introducer's Statement of Intent

LB623

Chairperson: Senator Jim Smith

Committee: Transportation and Telecommunications

Date of Hearing: March 03, 2015

The following constitutes the reasons for this bill and the purposes which are sought to be accomplished thereby:

The intent of LB 623 is to declare that section 202(c) 4 (2)(B)(i) through (ix) of the federal REAL ID Act of 2005, Public Law 5 109-13, enumerated categories of individuals who may demonstrate lawful status for the purpose of eligibility for a federally secure motor vehicle operator's license or state identification card.

In 2013, the Heineman administration announced that the state Department of Motor Vehicles (DMV) would not issue driver's licenses to recipients of Deferred Action of Childhood Arrivals (DACA) program and directed the DMV to deny them licenses. The state's legal argument is that DACA does not provide lawful status as that term is used by immigration authorities. The problem is that under the REAL ID Act, the federal law which 60-484,04 implemented, deferred action is considered lawful status for purposes of issuing driver's licenses.

Section 202(c) 4 (2)(B)(i) through (ix) of the federal REAL ID act allows for the following to be considered as lawful presence for minimum issuance standards:

- (i) is a citizen or national of the United States;
- (ii) is an alien lawfully admitted for permanent or temporary residence in the United States;
- (iii) has conditional permanent resident status in the United States;
- (iv) has an approved application for asylum in the United States or has entered into the United States in refugee status;
- (v) has a valid, unexpired nonimmigrant visa or nonimmigrant visa status for entry into the United States;
- (vi) has a pending application for asylum in the United States;
- (vii) has a pending or approved application for temporary protected status in the United States; or

(ix) has a pending application for adjustment of status to that of an alien lawfully admitted for permanent residence in the United States or conditional permanent resident status in the United States.

The intent of LB 623 is for the limited purpose of reaffirming the original legislative intent of Laws 2011, LB 215.

Principal Introducer: _____

Senator Jeremy Nordquist