

What You Need to Know About Immigrant Access to Indiana Driver's Licenses and IDs, House Enrolled Act 1050, and the St-Hilaire Lawsuit

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In Indiana, having a driver's license or state identification card is a necessity. Most Indiana residents rely on driving to find and hold down a job, get groceries, take their children to school, attend church, visit the doctor, find housing, and participate more fully in their communities. State IDs are often needed to apply for work, open a bank account, rent an apartment, and buy a car.

Who is eligible for Indiana driver's licenses and IDs?

Under Indiana law, not all immigrants have access to these essential documents. Without a license or ID, they need to use their passport or foreign ID, rely on friends and family for rides, or run the risk of being arrested for driving without a license. These outcomes cause fear in the community and harm public safety.

House Enrolled Act 1050¹

In May 2023, Indiana passed a law called House Enrolled Act 1050 (H.E.A. 1050). H.E.A. 1050 expanded driver's license and ID eligibility to immigrants granted humanitarian parole²—*but only*

for certain Ukrainian parolees. The law excluded parolees from other countries.³ After HEA 1050 passed, the Indiana Bureau of Motor Vehicles (BMV) issued rules implementing this law. BMV offices have been approving Ukrainian parolees for licenses and IDs, but denying parolees from other countries, including Haiti, Venezuela, Nicaragua, and Cuba.

This preferential treatment is wrong and unlawful. U.S. law guarantees all people, regardless of their country of origin or race, equal protection under the law and prohibits states from discriminating against people based on these protected grounds. States also cannot make up their own immigration classifications in order to discriminate between immigrant groups.

1. <https://iga.in.gov/legislative/2023/bills/house/1050/details>

2. Humanitarian parole is a form of case-by-case permission to temporarily enter the United States for significant public benefit or urgent humanitarian reasons. 8 U.S.C. § 1182(d)(5).

3. Afghan parolees are eligible for REAL ID-compliant driver's licenses and IDs under federal law.

Righting this Wrong: *St-Hilaire v. Commissioner of the Indiana BMV*

In August 2023, the ACLU of Indiana and the National Immigration Law Center (NILC) filed a lawsuit in federal court on behalf of five Haitian community members to challenge HEA 1050.⁴ The plaintiffs argue that the law is unconstitutional and violates their civil rights. They have asked the court to prohibit the BMV from denying licenses to Indiana residents who were paroled into the U.S. from countries other than Ukraine.

The goal of the *St-Hilaire* lawsuit is to ensure that humanitarian parolees from all countries have equal access to these same essential documents.

A public hearing has been scheduled for November 17, 2023, 9AM, at the U.S. Courthouse, 46 E. Ohio Street, Room #344, Indianapolis, IN.

Get Involved

- ▶ Please share this information with your family, friend, and community!
- ▶ For more information about the *St-Hilaire* lawsuit, please visit nilc.org/issues/drivers-licenses/st-hilaire
- ▶ For additional resources on access to driver's licenses, please visit nilc.org/issues/drivers-licenses

This resource was prepared by Chiraayu Gosrani, Legal Fellow at NILC. **Questions?** Please email HEA1050@nilc.org or call NILC's general line at 213-639-3900.

Were you granted humanitarian parole from a country other than Ukraine or Afghanistan?

You are not currently eligible for an Indiana license or ID. However, you could be a member of the group whose rights may be represented and defended in the *St-Hilaire* lawsuit. Learn more about the case at nilc.org/issues/drivers-licenses.

Are you a Ukrainian immigrant who was granted parole?

Under H.E.A. 1050, you may be eligible for an Indiana license or ID depending in part on when you were paroled into the U.S.

▶ Paroled into the U.S. *between February 24, 2022, and September 30, 2023?*

You may be eligible if your parole grant has not expired, and you meet the other requirements for a driver's license or ID.

▶ Paroled into the U.S. *after September 30, 2023?*

You may be eligible only if you are the parent, legal guardian, primary caregiver, spouse, or child of a person who was paroled into the U.S. before September 30, 2023. Your parole grant must not have expired, and you must meet the other requirements for a driver's license or ID.

Every situation is unique. This is general information intended for educational purposes. It does not constitute legal advice. Please consult with a licensed attorney for legal advice on a particular situation or case.

4. <https://www.nilc.org/wp-content/uploads/2023/10/01-Complaint.pdf>