

Know Your Rights: Humanitarian Parolee Eligibility for Indiana Driver's Licenses and IDs Following Ruling in St-Hilaire Lawsuit

Last Updated: January 26, 2024

Summary: Indiana residents granted humanitarian protection, known as parole, may be eligible for Indiana driver's licenses and state identification (ID) cards, following a federal court's recent ruling in a lawsuit, *St-Hilaire v. Commissioner of the Bureau of Motor Vehicles*. The decision prohibits Indiana from denying humanitarian parolees licenses and ID cards based on their country of origin.

What is the *St-Hilaire* Lawsuit?

In August 2023, five Indiana residents from Haiti, represented by the American Civil Liberties Union of Indiana and National Immigration Law Center ("NILC"), filed a lawsuit alleging that the Indiana Bureau of Motor Vehicles ("BMV") unlawfully denied them driver's licenses and state ID cards solely because of where they are from. The lawsuit alleged that this discrimination violated federal civil rights laws and the U.S. Constitution.

The lawsuit challenges an Indiana law that went into effect in May 2023, which expanded access to driver's licenses and ID cards to persons granted humanitarian parole—but *only if they were paroled from Ukraine during a certain period*. BMV has been issuing licenses and IDs to Ukrainians granted parole, but not to humanitarian parolees from other countries, such as Cuba, Haiti, Nicaragua, and Venezuela.

What is humanitarian parole?

Humanitarian parole is a form of temporary permission to enter the United States. The federal government grants parole on a case-by-case basis for certain humanitarian or public benefit reasons. A parole stamp on an entry/exit form (Form I-94) or a passport can be evidence of a parole grant.

On January 11, 2024, a federal judge ruled that Indiana cannot deny driver's licenses and state ID cards to individuals granted humanitarian parole based on their country of origin.

The court said that Indiana cannot define "parole" to include only certain Ukrainians. Instead, it must include all people who have been granted humanitarian parole by the federal government. The court required Indiana to **immediately comply** with its order.

I was paroled into the United States and live in Indiana. What does this mean for me?

The court's ruling means that you may be eligible for a driver's license or state ID card if your parole has not expired and you meet the other requirements below.

- **Proof of Indiana residency.** Ex. utility bill, public benefit statement, pay stub.
- **Proof of identity.** Ex. Employment Authorization Card.
- **Proof of parole grant.** Ex. passport stamp, Form I-94.
- **Social security number.** Ex. Social Security Card, W-2 Form, pay stub.

Applicants for a driver's license must also take a written test, driving test, and in some cases, first apply for a learner's permit. For more information about the requirements, please visit the BMV website: <https://www.in.gov/bmv/licenses-permits-ids/real-id-overview/>.

If you believe that you are being denied an Indiana driver's license or state ID card in violation of your rights, please email NILC at HEA1050@nilc.org or call our general line at 213-639-3900.