



Iowa Department of Transportation

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December 27, 2012

Rita Bettis
Legislative Director and Staff Attorney
American Civil Liberties Union of Iowa
505 Fifth Avenue, Suite 901
Des Moines, IA 50309-2316

Dear Ms. Bettis:

This is in response to your letter asking the Iowa Department of Transportation to confirm that it will issue driver's licenses or non-operator's identification cards to persons granted deferred action as childhood arrivals by the U.S. Department of Homeland Security (US-DHS). After careful consideration, the Iowa Department of Transportation (DOT) has determined that it is not authorized to do so.

The deferred action for childhood arrivals process was not authorized by a federal law or regulation that expressed or claimed jurisdiction over state licensing procedures. It was instead enunciated in a policy memorandum issued by US-DHS Secretary Janet Napolitano that sets forth US-DHS prosecutorial procedure, but has no jurisdiction over state licensing laws. Any discretion the Iowa DOT may have in this area must be issued within the bounds of the Iowa DOT's authority under Iowa law. The Iowa DOT understands that the exercise of this policy by US-DHS does not grant lawful status or a lawful immigration path to persons granted deferred action as a childhood arrival, and is prosecutorial discretion extended in a blanket fashion to persons who are not lawfully authorized to be present in the U.S. Under Iowa Code §§ 321.182, 321.190 and 321.196, driver's licenses and non-operator's identification cards may be issued only to a foreign national authorized to be present. Thus, the Iowa DOT does not have legal authority under current Iowa law to issue driver's licenses or non-operator's identification cards to persons granted deferred action as childhood arrivals by US-DHS.

If you have questions or would like to discuss this further, please don't hesitate to contact me. Thank you.

Sincerely,

A handwritten signature in black ink, appearing to read "Paul Trombino III".

Paul Trombino III
Director

PT:ckw

cc: Mark D. Lowe, Director, Motor Vehicle Division, Iowa DOT