



May 29, 2024

United States Citizenship and Immigration Services
Department of Homeland Security
5900 Capital Gateway Drive
Camp Springs, MD 20746

RE: AAMVA Comments on the Temporary Increase of the Automatic Extension Period of Employment Authorization and Documentation for Certain Employment Authorization Document Renewal Applicants [Docket No. USCIS-2024-0002]

The American Association of Motor Vehicle Administrators (AAMVA) thanks the United States Citizenship and Immigration Services (USCIS) for the opportunity to comment on its temporary final rule regarding the increase of the automatic extension period of employment authorization and documentation for certain employment authorization document renewal applicants. AAMVA and its state-based membership are responsible for conferring driving privileges to their constituents and ensuring that the requirements of federal and state programs are met in qualifying for driving and identity credentials. AAMVA's close partnership with, and dependence on, USCIS to make final legal presence determinations on individuals has wide ranging implications on individuals' ability to acquire driving and identity credentials.

This final rule amends existing Department of Homeland Security (DHS) regulations to provide that the automatic extension period applicable to expiring Employment Authorization Documents (EADs) will be increased from 180 days to up to 540 days from the expiration date on their EADs.

AAMVA and its members are not immigration officers, nor are our members suited to make determinations on legal presence eligibility based on immigration status. State driver's license agencies (SDLAs) have no visibility into the accuracy of legal status claims. The states rely on the Systematic Alien Verification for Entitlements (SAVE) System to make determinations on federal legal presence prior to conferring the benefit of a REAL-ID compliant driver's license or any other immigration related benefit. While USCIS is making improvements to this system, many cases presented to front-line motor vehicle service clerks require additional verifications that cannot be verified at the time of transaction. These additional authorizations force applicants to revisit service locations to repeat the same transactions and disrupt the ability of the states to serve other customers as they explain the need for additional verification. For this reason, the transaction may be delayed or require a repeat (and potentially burdensome) visit to a service branch. These delays impact not only those that directly need a SAVE verification for their transaction, but also cascade delays to every other constituent needing service. As a customer service-centric agency, the currency of the SDLAs is minimizing the wait time to conduct a transaction. Impacts to this metric negatively affect the perception of the SDLAs and harm their ability to effectively manage their service goals. The important and essential tie SDLAs have to SAVE as an external dependency cannot be emphasized enough. When the SAVE system goes down, the impact on nationwide driver's license service transactions is enormous. Its ability to return verification results accurately and as close to real time as possible are essential to provision of state services. Continued investment and improvement towards real-time verification of SAVE queries will unequivocally help ensure the states provide adequate levels of service to all those eligible for corresponding benefits in a single visit and as seamlessly as possible.

While AAMVA commends USCIS for its recent efforts to reduce backlog in caseload and improve the timeliness of legal presence verification requests associated with driver's license transactions, the issue of "automatic extensions" raises additional questions. Asking SDLAs to rely on a piece of paper with an expired date raises concerns about

eligibility for benefits. Federal law, including the REAL ID Act (Division B of [P.L. 109-13](#)) places requirements on the states regarding evidence of lawful status in order to receive a REAL ID compliant driver's license. Blanket extensions of documents displaying an expiration date that has already passed confuses the legitimacy of the document presented. Presentation of expired documentation may trigger additional SAVE confirmations that may or may not present true eligibility in real time. This again makes the job of the SDLAs more difficult, more costly, and may in turn force the SDLAs to refuse transaction processing for those that may ultimately be deemed eligible for a product conferring essential societal benefits like opportunity for air travel, access to federal buildings, etc.

Under the REAL ID Act, there are provisions specific to the expiration date. For issuance of temporary driver's licenses, which may serve as a fallback from issuance of a full-term credential, the states are required to tie the validity period of the license to the applicant's authorized stay in the United States. Additionally, federal law requires the SDLAs to "clearly indicate that the license is temporary *and shall state the date on which it expires.*" If the documentation indicates a date in the past, and there is no immediate return via SAVE giving a specific date of eligibility, the states are again in a difficult position in terms of complying with the automatic extension and the data that is presented them in terms of compliance. This impacts REAL ID eligibility, conferring the appropriate length of stay associated with the license or temporary license, and display of the appropriate expiration date on the license. Additionally, states may be prevented from any data inputs for license issuance that relies on a date in the past for license expiration. AAMVA also notes that reliance on paper documents for eligibility determinations runs counter to much of the hard work the states have undertaken since 9/11. Reliance on paper products, including EADs, presents a security risk as they are easily manipulated, faked, and may present unverifiable data. Unless SAVE returns present, real-time verifiable data on all EADs, the proliferation of security risks to the states remains a possibility.

The SDLAs are already dealing with the very real issue of turning otherwise eligible constituents away due to an inability to verify legal status. The states understand and take seriously their role in expanding constituent access to service, access to transportation, ability to verify identity for financial, social, and governmental services. Turning away customers that are eligible for identity documents may have severe impacts on their ability to engage with essential government services. We are aware that the USCIS and SAVE teams are working diligently to ensure the SAVE system returns information in a timely manner. However, the states request that any policy changes are reflected in the available data SAVE provides.

Finally, AAMVA notes that the increase in automatic extension period from 180 days to 540 days is significant. An extension of this magnitude makes tracking documentation associated with case files more laborious and widespread with a greater potential impact to a larger demographic. AAMVA has concerns that this increase may amount to increased workload for USCIS and dilute the availability of good data at an individual case level.

AAMVA thanks USCIS for its continued commitment to supporting the SAVE system, ensuring its uptime is reflective of the massive dependence external groups have on it for conferring benefits, and committing the resources needed to ensure the data in the system accurately reflects legal status in real time. AAMVA asks that USCIS ensure any blanket extensions of legal status eligibility are immediately reflected in the SAVE system so the states may ensure eligibility and legal services determinations are made appropriately and based on valid verification methods.

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