

Arizona expands ban denying driver's licenses to immigrants

By Tim Gaynor

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(Reuters) - Arizona, long at odds with President [Barack Obama's](#) administration over immigration reform, is expanding a ban on giving driver's licenses to illegal immigrants to include all those who have been granted relief from deportation, in a move rights advocates criticized as "vindictive."

The state's Republican governor, Jan Brewer, announced a year ago that Arizona would deny licenses to young illegal immigrants granted a deportation reprieve under a federal program approved as Obama pushed for a broader immigration overhaul.

Brewer argued at the time that deferral of deportation did not give the migrants lawful status or entitle them to public benefits such as driver's licenses.

The expansion of Arizona's bar on licenses was announced in a document filed with the U.S. District Court in Phoenix on Tuesday by lawyers for Brewer and two state transportation department officials embroiled in a lawsuit over the issue.

According to the American Civil Liberties Union of Arizona, one of the groups that brought the original lawsuit, the expansion would deny licenses to immigrants who have been allowed by the federal government to remain in the country for humanitarian reasons. They include survivors of domestic violence and victims of human trafficking and sexual exploitation.

"This is a vindictive policy change that is motivated by politics, and Brewer's desire to get out from under a lawsuit," Alessandra Soler, executive director of the ACLU of Arizona, said in a statement.

"It only reflects her continuing animus ... and her irrational desire to punish even more lawfully present immigrants by denying them the licenses they need to get to work and school, including abused women and their children."

Brewer, whose office referred comment to the state transportation department, has taken a tough stance on illegal immigration. In 2010, she signed a state law requiring police to question people that they stop and suspect of being in the country illegally about their immigration status.

EQUAL PROTECTION

In the filing announcing the policy change, attorneys for Brewer noted that the state transportation department could not issue licenses to immigrants with "regular" deferred action

and deferred enforced departure recipients "because they cannot demonstrate authorized presence under federal law."

"An individual granted one of these forms of relief therefore does not have authorized presence under federal law," the Arizona transportation department said in a statement.

One of the additional categories subject to the extended ban covers immigrants without sponsors, among them victims and witnesses to crimes, said a spokesman for the ACLU of Arizona. The other category covers immigrants from strife-torn Liberia given temporary relief allowing them to remain in the country, U.S. Citizenship and Immigration Services said.

The move came as the sides are engaged in a lawsuit brought by human rights groups on behalf of five Mexican immigrants who challenged the legality of Brewer's original order denying licenses to anyone who received relief under Obama's program.

A judge in that case declined to issue an injunction stopping the policy, ruling that the young immigrants would not suffer irreparable harm as the lawsuit proceeds. But the judge also said they were likely to prevail in their argument that the policy violated U.S. constitutional rights to equal protection.

He threw out a separate argument that the Arizona policy was pre-empted by federal law - a decision hailed as a victory by Brewer.

Attorneys for Brewer declined to comment on the relationship between the expansion of the driver's license ban and the ongoing litigation.

Arizona's move comes as some states, including neighboring California, are taking steps to allow undocumented immigrants to get driver's licenses regardless of their status.

Under Obama's Deferred Action for Childhood Arrivals program, immigrants who came to the United States as children and meet certain other criteria can apply for a work permit for a renewable period of two years.

An estimated 1.7 million youths may be eligible for the program, of whom about 80,000 live in Arizona. At least 16,733 in the state have received deferred action status, according to the Arizona Republic newspaper.

Those immigrants are considered by the federal government to be lawfully present in the United States during that period.

Officials in at least 45 U.S. states have confirmed that recipients of deportation relief under that program are eligible for licenses or have been issuing licenses to people in the group, according to the National Immigration Law Center.

<http://www.reuters.com/article/2013/09/19/us-usa-arizona-immigration-idUSBRE98I02Y20130919>