

Arizona: No 'dreamer' driver's licenses

by **Daniel González** - Sept. 21, 2012 11:40 PM
The Republic | azcentral.com

After conducting a review, the Arizona Department of Transportation has concluded that the state will not issue driver's licenses to undocumented immigrants granted work permits under President Barack Obama's deferred-action program.

The decision, confirmed Friday in response to an inquiry by *The Arizona Republic*, is consistent with Gov. Jan Brewer's Aug. 15 executive order telling state agencies to take steps to make sure undocumented immigrants who receive deferred action on deportation do not get driver's licenses or public benefits.

Many other states are grappling with the same issue.

The decision angered advocates who believe undocumented immigrants granted deferred action should be able to get driver's licenses.

Without them, the immigrants cannot legally drive to work or school.

The state may face a lawsuit from civil-rights groups who say preventing undocumented immigrants granted deferred action from getting driver's licenses violates state law.

At issue is whether federal employment-authorization documents, or work permits, that will be given to undocumented immigrants approved under the Deferred Action for Childhood Arrivals program should be accepted by the state to establish legal presence.

California has said the state will issue driver's licenses to such immigrants because it already accepts the documents for other reasons.

U.S. Department of Homeland Security officials, however, have repeatedly stated that undocumented immigrants granted deferred action do not have any legal status in the U.S.

The action simply allows them to stay temporarily in the U.S. for two years without the threat of deportation and to receive a work permit, they said.

In a written statement, Timothy Tait, a spokesman for the Arizona Department of Transportation, cited those statements to justify not issuing driver's licenses to undocumented immigrants granted work permits under the program. The agency already accepts work permits issued to undocumented immigrants for other reasons, including because they are crime victims or witnesses.

Arizona law requires that only people living in the country legally can be issued a driver's license or identification card, Tait said in the statement.

Because the U.S. Citizenship and Immigration Services has said deferred action does not give undocumented immigrants legal status, their work permits "are insufficient for the purpose of obtaining an Arizona driver license or identification card," he said.

The state Motor Vehicle Division's website includes three types of employment-authorization documents on a list of primary documents already accepted to get driver's licenses. Those documents have federal identification numbers, including I-688A, I-688B and I-766.

After Brewer issued the executive order, ADOT officials said they would review that policy.

Since then, the MVD has added a sentence on its website next to the list of accepted work-authorization documents: "An employment authorization document resulting from a Deferred Action for Childhood Arrival is not acceptable."

Tait's statement did not say how MVD officials will distinguish work permits granted to deferred-action recipients under Obama's program from those granted to undocumented immigrants for other reasons.

However, the work permits issued under Deferred Action for Childhood Arrivals will have a different number: I-765.

As many as 1.7 million undocumented immigrants, including 80,000 in Arizona, may be eligible for the deferred-action program. It targets undocumented immigrants under age 31 who were brought to the U.S. before the age of 16 and have lived continuously in this country for five years.

So far, more than 82,000 undocumented immigrants nationally have applied for deferred action, and 29 have been granted deferred-action status, according to the USCIS.

Regina Jefferies, a Phoenix lawyer who chairs the Arizona chapter of the American Immigration Lawyers Association, said the state will likely face a lawsuit over the decision to deny driver's licenses to undocumented immigrants who receive work permits under the new program.

"Their policy violates state law. Very clearly, state law allows people with a work permit and a Social Security number to get a driver's license," she said. "They can be sued, and I am sure that is what will happen."

Carmen Cornejo of the Arizona Dream Act Coalition, an advocacy group that has been helping undocumented immigrants apply for deferred action, said not issuing driver's licenses to successful applicants unjustly creates hardship for them.

"It's a necessity for them to go to work," she said. "They cannot not drive to work. They cannot not drive to school."

"It puts them in danger with the authorities," who can ticket or arrest them, she said.

Last week, officials from Maricopa Community Colleges announced that undocumented immigrants granted deferred action would be able to use the work permits to receive in-state tuition.

Under state law, undocumented immigrants are normally barred from receiving in-state tuition and must pay more costly out-of-state tuition.

The Arizona Board of Regents is considering whether to allow undocumented immigrants granted deferred action to receive in-state tuition at the state's three universities.

Read more: <http://www.azcentral.com/news/articles/2012/09/21/20120921arizona-no-dreamer-drivers-licenses.html#ixzz27PqrMuXE>