

States Split on Immigrant Licenses as U.S. Lets Them Work

By Amanda J. Crawford and Mark Niquette on August 16, 2012

As a high school student in Phoenix, Carla Chavarria said she felt left out when her classmates turned 16 and started getting driver's licenses.

An undocumented immigrant brought to the U.S. at age 7, Chavarria, now 19, thought her wait was nearly over, thanks to a new federal program offering young immigrants work permits without fear of being deported.

Then came an executive order from Arizona Governor Jan Brewer instructing state agencies to deny driver's licenses and any other state benefits to those qualifying for the Obama administration program.

"I was almost there," said Chavarria, who runs her own advertising and graphics-design business, after a protest against Brewer at the state capitol yesterday. "They don't let us have a victory."

States are split in their response to the immigration policy that took effect Aug. 15. California and Michigan say the work permits will allow recipients to get licenses; states including New York and Georgia are evaluating which way to go.

Thousands of immigrants lined up seeking information in cities throughout the country this week. The federal program is open to undocumented immigrants who were brought to the U.S. before age 16, have been in the country at least five years and graduate from high school or serve in the military, among other criteria.

1.7 Million Possible

As many as 1.7 million people age 30 and under may qualify for the permits, according to estimates from the Pew Hispanic Center. The report said that 950,000 people would be eligible immediately and another 770,000 people in the future as they meet the criteria set by the president.

President Barack Obama's policy directive bypassed Congress, where legislation known as the Dream Act, designed to give a path to legal status for younger illegal immigrants, has been stalled. It also pushed the issue back into the campaign between Obama and presumptive Republican nominee Mitt Romney, who has opposed the measure. Romney has said he would "put in place my own long-term solution."

Asked whether the new policy may leave some immigrants in limbo, White House press secretary Jay Carney said yes. Obama “fought hard for the Dream Act and believes Congress ought to pass it,” he said.

Brewer, a Republican whose approval of a strict state immigration law in 2010 propelled her to national prominence on border issues, said federal documents issued under the new program won’t prove lawful status. Permitting state identification or benefits to recipients would “have significant and lasting impacts on the Arizona budget.”

Defending Law

The governor’s spokesman, Matthew Benson, said Brewer is seeking to defend her state and existing law.

“The governor can’t undo what the president has done, but she can take a stand for state law,” Benson said. “By no definition are these individuals lawfully present or lawfully authorized to be in the United States. All they have received is a deferral from being prosecuted or deported.”

The American Civil Liberties Union of Arizona is evaluating its legal options, said Executive Director Alessandra Soler in a telephone interview. Arizona allows driver’s licenses for others with similar federal authorization to be in the U.S., such as those granted political asylum, she said.

“The definitive action on this will be decided in a courtroom,” state Senate Democratic Leader David Schapira said at a press briefing on the Arizona capitol lawn.

Three states -- Illinois, New Mexico and Washington --don’t require residents to prove they are citizens or in the U.S. legally to get a driver’s license, said Ian Grossman, a spokesman for the American Association of Motor Vehicle Administrators in Arlington, Virginia.

Differing Interpretations

Every other state does, and those states may have different interpretations about whether deferred deportation under the president’s order counts, Grossman said.

“The driver’s license is still a state document, so each state will have to make that determination individually,” Grossman said.

Oklahoma City attorney Doug Stump, president-elect of the Washington-based American Immigration Lawyers Association, said immigrants granted deferred action with a work permit should be considered legal residents for the purposes of getting a driver’s license.

“It’s certainly troubling to think that Governor Brewer would want to deprive those individuals from lawfully driving in her state,” Stump said in a telephone interview.

College Impact

Driver's licenses aren't the only thing at stake for young immigrants. By the nature of the criteria, many who qualify under the new policy will be high-school graduates who may be looking toward college. In Florida, they'll still have to pay out-of-state tuition, said Diane McCain, a spokeswoman for the state university system.

That rate is two-and-half-times higher than those considered state residents pay at the University of Central Florida, the state's largest public university by enrollment.

Benson, Brewer's spokesman, said Arizona law prohibits in-state tuition for undocumented immigrants, including those in this program.

The Maricopa Community College District in Arizona has allowed those with federal work permits to qualify for in-state tuition in the past, said Tom Gariepy, a spokesman for the 10-college system. The district is studying the issue in light of Brewer's order, he said.

Taking Action

The federal policy change has created a flurry of action in immigrant communities. In Florida, a phone bank set up to answer questions about the program received 500 calls in two hours, said Natalia Jaramillo, spokeswoman for the Miami-based Florida Immigration Coalition. In Chicago, thousands of people showed up at Navy Pier to meet with volunteer lawyers.

In Atlanta, Humberto Fragosa, 22, and his brothers, Eduardo and Jose, were among dozens of young illegal immigrants who crowded into the law offices of Kuck Immigration Partners LLC, applying for the permits.

Humberto said he was 9 when he came to the U.S. with his mother; his brothers were 6 and 3. While he looks forward to the possibility of getting a driver's license, the new work status may help him get a scholarship at the state university he's attending now, Fragosa said.

"It would bring such a sense of freedom," he said. "I'm afraid of driving now. And I'm always afraid the state is going to find out I'm in school."

Stephanie Mayfield, spokeswoman for Georgia Governor Nathan Deal, said he is studying the issue.

Teaching Dream

New York City resident Eduardo Resendez, a 22-year-old undocumented immigrant originally from Mexico City, is already working on his bachelor's degree in music from the City University of New York, where he's eligible for in-state tuition. Getting a work permit under the new federal rules would mean he could fulfill his dream of being a high-school music teacher, he said.

“Before this, I knew I wouldn’t be able to teach in the U.S., so my plan was to go back to Mexico when I graduated,” Resendez said. “Now, that plan has changed. I’ll be able to stay with my family. That’s one of the greatest things that will happen.”

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