

# Civil Rights Coalition Challenges Arizona Policy Denying Driver's Licenses to Immigrant Youth

## Lawsuit Asserts Unconstitutional Policy Unfairly Targets Young Immigrants

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PHOENIX – A coalition of civil rights organizations today filed a class-action lawsuit challenging Arizona's unconstitutional policy denying driver's licenses to a specific class of immigrant youth even though they have grown up in the United States and are authorized to live and work here.

The lawsuit seeks to block Arizona Executive Order 2012-06, issued by Arizona Gov. Jan Brewer on August 15 after the federal government implemented the Deferred Action for Childhood Arrivals (DACA) program. The program allows certain undocumented immigrant youth who came here as children to live and work in the United States for a renewable period of two years. The lawsuit was filed on behalf of the Arizona Dream Act Coalition, an immigrant youth-led organization, and five young individuals.

Alejandra Ibarra, 19, has lived in the United States since she was four. A high school graduate, she is married to an American citizen.

"It's hard to take my child to the doctor or help my two little brothers get to school and after school activities without being able to drive," said Ibarra, who was granted federally deferred action status, including a work permit, in October. "Somebody offered me a job interview in Tempe (AZ), which is about 25 miles away from where I live, but I had to turn it down because I'm not allowed to drive a car."

"Federal immigration authorities have lifted the shadow of deportation from these bright and hardworking DREAMers, but Arizona insists on pursuing its own immigration policy aimed at keeping them in the dark," said Jennifer Chang Newell, staff attorney with the ACLU Immigrants' Rights Project. "Rather than deny these young people the ability to drive – an everyday necessity for most people – our leaders should come together to enact long-term solutions that would allow our talented immigrant youth to achieve the American dream."

Alessandra Soler, executive director of the ACLU of Arizona, said, "This is a shameless attack on our youth. When our youngest and brightest residents are prevented from getting licenses, going to school or work and pursuing their dreams, entire communities suffer."

Linton Joaquin, general counsel of the National Immigration Law Center, said, "Young people like Alejandra have so much to contribute to Arizona. Unfortunately, her effort to fully participate in his community is stymied by Governor Brewer's unlawful and wrong-headed executive order, which specifically targets immigrant youth who often know no other home."

MALDEF attorney Nicolás Espíritu said, "While the federal government has recognized that DREAMers should be given the opportunity to further their contribution to and inclusion in our society, Arizona has

instituted, once again, an unconstitutional and unjust policy that treats these young people as separate and unequal. We are proud to stand with DREAMers in the State of Arizona to ensure that this policy is struck down.”

The lawsuit states that Arizona’s policy violates the Supremacy Clause of the U.S. Constitution by interfering with federal immigration law, and also violates the Fourteenth Amendment’s Equal Protection Clause by discriminating against certain non-citizens. Arizona’s motor vehicle division implemented Brewer’s order on September 18.

An estimated 1.76 million youth in the United States are eligible for the DACA program, including 80,000 in Arizona, according to The Migration Policy Institute, an independent, non-profit think tank in Washington, D.C.

While the DACA program helps provide a lifeline for many immigrant youth who have been living in the United States in fear because of their immigration status, it does not negate the need for Congress to enact federal legislation that provides a roadmap to citizenship for the estimated 11 million undocumented people, including young people who came here as children commonly known as DREAMers.

In addition to the ACLU, the ACLU of Arizona, NILC and MALDEF, the legal team includes the Phoenix office of Polsinelli Shughart, P.C.

**For more information about this case or a copy of the complaint, please contact Vesna Jaksic, James E. Garcia, Adela de la Torre, National Immigration Law Center (NILC), Laura Rodriguez, MALDEF.**

Other attorneys in the case include: Daniel Pochoda, Kelly Flood and James Duff Lyall of the ACLU of Arizona Staff Attorney; Michael Tan, R. Orion Danjuma, Lee Gelernt, and Cecillia D. Wang of the ACLU Immigrants’ Rights Project; Victor Viramontes of MALDEF; Karen C. Tumlin, Tanya Broder, and Shiu-Ming Cheer of NILC; and Marty Harper, Andy Jacob and Tom Irvine of the Phoenix office of Polsinelli Shughart, P.C.