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DREAMers Challenge Michigan's Policy Denying Driver's Licenses

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December 19, 2012

Civil Rights Groups File Lawsuit to Ensure Immigrant Youth Authorized to Work in the U.S. Can Drive

FOR IMMEDIATE RELEASE

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DETROIT – Three young immigrants and One Michigan, a youth-led organization that advocates on behalf of immigrants, filed a lawsuit today challenging the state's policy of denying driver's licenses to immigrant youth whom the federal government has allowed to stay and work in the country.

Plaintiff Leen Nour El-Zayat, a third-year pre-medical student at Wayne State University, said she worries about continuing her studies and accepting a job if she cannot drive to school or work.

"I need to be able to drive so I can get a job and attend medical school, which I have wanted to do since I was a little kid," said El-Zayat, 20, who has lived in the United States since she was eight. "I just want to serve as a role model for my younger siblings and continue contributing to my community."

El-Zayat was brought to the U.S. by her family after escaping the war in the Democratic Republic of Congo. Her parents had moved the family from their native Lebanon to the Congo only a year before to secure their personal safety.

"Michigan's governor has said that his goal is to become the most 'pro-immigration' governor in the country; there is nothing more pro-immigration than allowing young people to fulfill their dreams of working and going to school," said Miriam Aukerman, staff attorney with the ACLU of Michigan, which filed the complaint with the ACLU Immigrants' Rights Project and the National Immigration Law Center. "Secretary Johnson's argument that someone can be authorized to work, however, somehow not authorized to be present in this country, defies commonsense and breaks the law."

The federal lawsuit seeks to require Michigan Secretary of State Ruth Johnson to issue driver's licenses to young immigrants who qualify for the federal Deferred Action for Childhood Arrivals (DACA) program and who are otherwise qualified for a license. The DACA program allows some DREAMers – a term commonly used for a certain group of immigrant youth who were brought here as children – to live and work in the United States for a renewable period of two years, without fear of deportation. Johnson has refused to issue licenses to individuals granted deferred action under DACA even though Michigan law requires her to issue licenses to qualified residents who are authorized under federal law to be in the country, and even though the state issues licenses to all other immigrants who receive deferred action.

"Michigan should not join Arizona and Nebraska in standing in the way of talented young immigrants who want to pursue their educational and career goals," said Michael Tan, staff attorney with the ACLU Immigrants' Rights Project. "We need to remove obstacles that prevent our youth from supporting their families, succeeding at school and contributing to a country they call home, and instead focus on common sense immigration reform."

An estimated 1.76 million youth in the United States are eligible for the DACA program, including about 15,000 in Michigan. The ACLU, NILC and other coalition partners already filed a lawsuit challenging a similar policy in Arizona on November 29.

"Secretary Johnson's policy denying driver's licenses to these Michiganders is totally wrong," said Linton Joaquin, general counsel of the National Immigration Law Center. "The plaintiffs in this case, and other young people like them, want to continue contributing to the communities they know and love. We hope that the state will move quickly to reverse its position and do what's best for everyone."

The complaint asks for a ruling that DACA recipients are legally authorized to be in the U.S. and, therefore, are eligible for licenses. The complaint also states that Michigan's policy violates the Supremacy Clause of the U.S. Constitution by interfering with federal immigration law, and violates the Fourteenth Amendment's Equal Protection Clause by discriminating against certain noncitizens. The case, *One Michigan v. Ruth Johnson*, was filed in the U.S.

District Court for the Eastern District of Michigan in Detroit.

For more information about the lawsuit, including a copy of the complaint: www.aclu.org/immigrants-rights/one-michigan-v-ruth-johnson

One Michigan v. Ruth Johnson

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