



## **Deferred Action and Driver's Licenses**

### **New Arizona Department of Transportation Policy denying Driver's Licenses and State IDs to immigrants granted Deferred Action:**

On September 17, 2013 the Governor and the Arizona Department of Transportation (ADOT) announced a new policy that expanded the current ban on driver's licenses to certain immigrants to include immigrants whose Employment Authorization Documents (EAD cards, also called work permits) are based on deferred action. This includes some, but not all, domestic violence survivors who have approved VAWA petitions.

### **How are survivors of domestic violence impacted?**

Immigrant survivors who have filed VAWA petitions may apply for Employment Authorization Documents under three different categories, depending on the status of their cases.

- Category C09 - survivors who have filed both VAWA petitions (I-360) and applications for adjustment of status (I-485)
- Category C31 – survivors who have **approved** VAWA petitions and may have deferred action
- Category C14 - survivors who have **approved** VAWA petitions and have deferred action

**VAWA petitioners who have EAD cards issued under Category C09 or Category C31 are not affected by this change.** They can continue to renew their EAD cards under Category C09 or Category C31, and Arizona will continue to issue them drivers licenses and ID cards.

**Starting September 17, 2013, survivors of domestic violence who have approved VAWA petitions and who have EAD cards based on Deferred Action (Category C14) are no longer eligible to receive Arizona Driver's Licenses or ID cards.**

If a survivor with an approved VAWA petition has already received an Arizona driver's license based on an EAD card issued under Category C14, that license is still valid. This policy change is not retroactive.

A survivor who has an approved VAWA petition and needs to file a new application for Employment Authorization (Form I-765) should apply under Category C31 instead of Category C14.

EAD cards are usually valid for a year at a time, and Arizona driver's licenses based on EAD cards expire on the date when the EAD card expires. If survivors with approved VAWA petitions need to renew their EAD cards, they should renew their EAD cards under Category C31 instead of C14. Arizona will renew drivers licenses for immigrants with EAD cards under Category C31. Immigrants with EAD cards under Category C14 will not be able to renew their driver's licenses.

## How to talk to survivors about this change

- Survivors who are applying for an Employment Authorization Document (EAD card) through an approved VAWA Self Petition should select Category C31 on the I-765 application form in order to obtain an Arizona driver's license or ID card. If they apply for an EAD card under Category C14, they will **not** be able to get an Arizona driver's license or ID.
- Survivors who currently have EAD cards under Category C14 will need to renew their EAD cards under Category C31 in order to renew their Arizona driver's license or ID card. If they renew their EAD cards under Category C14 they will **not** be able to renew their Arizona driver's license or ID card.
- If a survivor has already applied for an EAD under Category C14 and has not yet received the C14 EAD card, or has not yet been issued a driver's license since receiving the C14 EAD card, they will be ineligible for an Arizona driver's license or ID card.
- There is **no** difference between the C31 and C14 categories in regards to eligibility for employment or for a social security number.
- **Tell survivors to consult their attorneys or legal representatives** if they have an EAD card under Category C14, or if they have filed an application for an EAD under Category C14, and need to change to Category C31.
- **Survivors who have filed applications for Employment Authorization under Category C14 but have not yet received their EAD cards** should ask their attorney or representative to send an email to the USCIS Vermont Service Center VAWA Hotline and request to change from Category C14 to Category C31. The email should include a short statement that they are making the request because of the new Arizona Department of Transportation (ADOT) policy that people with C14 EAD cards cannot obtain Arizona driver's licenses or ID cards.
- **Survivors who have received EAD cards under Category C14, but have not yet applied for Arizona Drivers licenses or ID cards** will have to file new applications for Employment Authorization under Category C31. The new application should be submitted with a request for a fee waiver, and include a cover letter explaining that they are requesting a new EAD under Category C31 because ADOT will no longer issue Arizona driver's licenses or ID cards to people with C14 EAD cards.

The USCIS Vermont Service Center (VSC) understands the situation and has alerted supervisors that VAWA self-petitioners from Arizona will be making these requests, and VSC is responding to the requests quickly.

**Survivors who do not have attorneys or legal representatives can call the ACESDV Legal Advocacy Hotline at (602) 279-2900 for assistance.**