



federal government, including Form I-797 approval notices, that demonstrate federally authorized presence. Tenn. Comp. R. & Regs. §§ 1340-01-13-.11(9)(e); Tenn. Comp. R. & Regs. §§ 1340-01-13-.24(7)(b), (10) (adopting regulations promulgated at 6 C.F.R. Part 37). Plaintiffs and many other people in Tennessee rely on these regulations and their eligibility for TDLs.

2. The Department has abruptly changed its course. It no longer accepts valid Form I-766<sup>2</sup> EADs or Form I-797 approval notices.<sup>3</sup> Instead, applicants for TDLs who are not U.S. citizens, lawful permanent residents (LPRs), or conditional residents must provide a valid foreign passport, translated into English, with an attached valid visa and Form I-94 or a valid Form I-94W. Plaintiffs, like many others who are temporarily authorized by the federal government to be present in the United States for a period of authorized stay, do not have these documents.

3. The Department's sudden change is causing widespread confusion, anxiety, and fear. Without the ability to legally drive, Plaintiffs risk losing their jobs and income and encountering significant hardships in raising their U.S. citizen children and providing for their families' basic daily needs.

4. The Department's new rules violate agency regulations and state law, exceed the authority granted to the agency by the Tennessee General Assembly, and were adopted without compliance with rulemaking procedures required by the Uniform Administrative Procedure Act ("UAPA").

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<sup>2</sup> Form I-766 is the form number used by the U.S. Citizenship and Immigration Services (USCIS) for work permits or EADs. *See* USCIS, Employment Authorization Document, (updated Oct. 30, 2025) *available at*: <https://www.uscis.gov/green-card/green-card-processes-and-procedures/employment-authorization-document> (accessed Oct. 29, 2026).

<sup>3</sup> Form I-797 is the form number used by USCIS to communicate approval of different immigration applications or petitions. *See* USCIS, Form I-797: Types and Functions, (updated Jan. 24, 2025) *available at*: <https://www.uscis.gov/forms/filing-guidance/form-i-797-types-and-functions> (accessed Oct. 29, 2026).

5. Pursuant to Tenn. Code Ann. 4-5-225, and in accordance with *Nat'l College Of Bus. & Tech. Remington College v. Tenn. Higher Educ. Comm'n*, M2009-00137-R3-CV, 2010 WL 987161, at \*8-\*9 (Tenn. Ct. App. Mar., 18, 2010), Plaintiffs request that the Court issue a temporary restraining order and temporary injunction to preserve the *status quo* and prevent further irreparable harm. Following any denial or refusal to issue a declaratory order by the Department on Plaintiffs' now pending petition,<sup>4</sup> Plaintiffs request that the Court enter a declaratory judgment finding that the Department's new rules are invalid, void and of no effect, and inapplicable to Plaintiffs' applications for TDLs.

## II. PARTIES

6. The Tennessee Immigrant & Refugee Rights Coalition, or TIRRC herein, is a statewide immigrant and refugee-led non-profit organization headquartered in Nashville, Tennessee. TIRRC's mission is to build power, amplify immigrant voices, and organize communities to advocate for a stronger Tennessee where people of all nationalities, immigration statuses, and racial identities belong and can thrive. TIRRC is a membership organization and offers membership to immigrants, refugees, and their allies. Many of TIRRC's members are affected or will be affected by the Department's new rules, including its members W.J. and O.A., as described below. TIRRC and its members are "affected person[s]" under Tenn. Code Ann. §§ 4-5-102(9), 4-5-223(a).

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<sup>4</sup> Plaintiffs filed their original Petition for Declaratory Order Before the Commissioner of Safety on October 22, 2026, by email to Email.safety@tn.gov in accordance with Tenn. Comp. R. & Regs. § 1340-02-07-.03(b)(2). On October 28, 2026, Plaintiffs filed a corrected Petition for Declaratory Order Before the Commissioner of Safety by email, correcting typographical errors on three pages of the petition. Plaintiffs attach their pending corrected Petition for Declaratory Order Before the Commissioner of Safety hereto as "Exhibit A."

7. M.P.P.<sup>5</sup> is an individual who resides in Davidson County, Tennessee. As described below, M.P.P. is authorized by the federal government to be present in the United States for a specific purpose and period of authorized stay. He applied for a TDL using documents previously acceptable under the Department's formally promulgated rules to demonstrate his federally authorized presence and period of authorized stay. However, his application was rejected because of the Department's new rules. M.P.P. is an affected person under Tenn. Code Ann. §§ 4-5-102(9), 4-5-223(a).

8. A.L.M. is an individual who resides in Knox County, Tennessee. As described below, A.L.M. is authorized by the federal government to be present in the United States for a specific purpose and period of authorized stay. He applied for a TDL using documents previously acceptable under the Department's formally promulgated rules to demonstrate his federally authorized presence and period of authorized stay. However, his application was rejected because of the Department's new rules. A.L.M. is an affected person under Tenn. Code Ann. §§ 4-5-102(9), 4-5-223(a).

9. K.D.J.M. is an individual who resides in Davidson County, Tennessee. As described below, K.D.J.M. is authorized by the federal government to be present in the United States for a specific purpose and period of authorized stay. He applied for a TDL using documents previously acceptable under the Department's formally promulgated rules to demonstrate his federally authorized presence and period of authorized stay. However, his application was rejected because of the Department's new rules. K.D.J.M. is an affected person under Tenn. Code Ann. §§ 4-5-102(9), 4-5-223(a).

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<sup>5</sup> Pursuant to Local Rule 6.04, Plaintiffs are seeking leave to use pseudonyms, their initials, in lieu of their true names and have simultaneously filed a pseudonym motion and supporting declarations with this Complaint.

10. W.J. is an individual who resides in Robertson County, Tennessee, and is a member of TIRRC. As described below, W.J. is authorized by the federal government to be present in the United States for a specific purpose and period of authorized stay. He applied for a TDL using documents previously acceptable under the Department's formally promulgated rules to demonstrate his federally authorized presence and period of authorized stay. However, his application was rejected because of the Department's new rules. W.J. is an affected person under Tenn. Code Ann. §§ 4-5-102(9), 4-5-223(a).

11. J.R.A. is an individual who resides in Rutherford County, Tennessee. As described below, J.R.A. is authorized by the federal government to be present in the United States for a specific purpose and period of authorized stay. He applied for a TDL using documents previously acceptable under the Department's formally promulgated rules to demonstrate his federally authorized presence and period of authorized stay. His application was rejected because of the Department's new rules. J.R.A. is an affected person under Tenn. Code Ann. §§ 4-5-102(9), 4-5-223(a).

12. O.A. is an individual who resides in Rutherford County, Tennessee and is a member of TIRRC. As described below, O.A. is authorized by the federal government to be present in the United States for a specific purpose and period of authorized stay. She holds a REAL ID-compliant TDL and is subject to the Department's new rules. O.A. is an affected person under Tenn. Code Ann. §§ 4-5-102(9), 4-5-223(a).

13. The Tennessee Department of Safety and Homeland Security, or "the Department" herein, is an agency of the state of Tennessee established by Tenn. Code Ann. § 4-3-2001. The agency, through its Driver Services Division, receives and processes applications for and issues

TDLs in accordance with agency rules and state law. The agency is a proper party to this suit under Tenn. Code Ann. § 4-5-225(a).

14. Jeff Long is the Commissioner of the Department and responsible for its operations, including, but not limited to, processing applications for and issuance of TDLs in accordance with agency rules and state law. Commissioner Long is sued in his official capacity.

### **III. JURISDICTION AND VENUE**

15. The Court has jurisdiction and is the proper venue for this action pursuant to Tenn. Code Ann. §§ 4-5-225(a), 29-14-102, and as set forth in *Nat'l College Of Bus. & Tech. Remington College v. Tenn. Higher Educ. Comm'n*, M2009-00137-R3-CV, 2010 WL 987161, at \*8-\*9 (Tenn. Ct. App. Mar., 18, 2010).

### **IV. FACTUAL ALLEGATIONS**

#### **a. The Department adopted and formally promulgated rules regarding eligibility for TDLs.**

16. In 2007, the Tennessee General Assembly approved, and the Tennessee Governor signed, House Bill 1827 (“H.B. 1827”) which authorized the issuance of TDLs and photo identification cards to people “whose presence in the United States has been authorized by the Federal Government for a specific purpose and for a specified period of authorized stay.” 2007 Pub. Acts., c. 194, § 16 (codified at Tenn. Code Ann. § 55-50-331(g)).<sup>6</sup>

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<sup>6</sup> In 2025, during the 114th General Assembly, the Tennessee General Assembly re-codified the current Tenn. Code Ann. § 55-50-331(g), which includes the Department’s authority to issue TDLs and photo identification cards to individuals “whose presence in the United States has been authorized by the federal government for a specific purpose and for a specified period of authorized stay.” Tenn. Code Ann. § 55-50-331(g)(1).

17. On or about December 4, 2007, the Department proposed, pursuant to Tenn. Code Ann. § 4-5-202, rules for issuing TDLs.<sup>7</sup> These rules included a requirement that “[a]pplicants applying for a temporary driver license...or temporary photo identification license whose presence in the United States has been authorized by the federal government for a specific purpose and for a specific period of authorized stay shall present proof acceptable to the Department of such authorized stay.”<sup>8</sup> Tenn. Comp. R. & Regs. § 1340-01-13-.11(9). The Department’s formally adopted and promulgated rule states that “[s]uch proof may include, but not be limited to the following:

- (a) Conditional Resident Alien Card (I-551) valid for two (2) years;
- (b) Valid Foreign Passport with Visa and unexpired I-94;
- (c) Valid Foreign Passport with Visa and unexpired I-94 or I-94W (from Visa Waiver Program Participating Country).
  - 1. Holders of F/1F/2 Visa should present a valid SEVIS I-20
  - 2. Holders of J1/J2 Visa should present a valid DS-2019; or
- (d) Temporary Resident Identification Card (I-688).
- (e) ***Valid employment authorization card (I688B or I766).***”

*Id.* (emphasis added). This rule took effect on or about April 29, 2008.

18. Pursuant to this regulation, the Department issued TDLs to individuals who provided a valid employment authorization card—often referred to as an EAD, a work permit, or by its form number (“Form I-766”)—as proof that the federal government has authorized their presence in the United States for a specific purpose and period of authorized stay.

19. For years, consistent with Tenn. Comp. R. & Regs. § 1340-01-13-.11(9), the Department also accepted other documents issued by the federal government to applicants for TDLs and

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<sup>7</sup> Tennessee Secretary of State – Division of Publication, Archived Rules and Regulations Filings, *available at*: [https://publications.tnsosfiles.com/rules\\_filings/12-04-07.pdf](https://publications.tnsosfiles.com/rules_filings/12-04-07.pdf) (accessed Oct. 26, 2026).

<sup>8</sup> *Id.*

photo identification cards as proof of their federally authorized presence and period of authorized stay, including, but not limited to, Form I-797 approval notices demonstrating that USCIS had granted deferred action and other documents demonstrating the pendency of an application for asylum, withholding of removal, and protection under the Convention Against Torture (“CAT”).

20. In 2019, the Department formally adopted and promulgated Tenn. Comp. R. & Regs. § 1340-01-13-.24, which governs the issuance of “Federally Compliant License[s],” or Tennessee driver’s licenses that comply with “the Rules and Regulations of the United States Department of Homeland Security, 6 C.F.R. Part 37, in addition to the requirements of state law and regulations.” Tenn. Comp. R. & Regs. § 1340-01-13-.24(1)(a). In doing so, the Department adopted the federal regulations located at 6 C.F.R. § 37.1 *et seq.*, which describe the requirements for REAL ID-compliant licenses. *Id.* at § 1340-01-13-.24(10). Under this regulation, applicants for federally compliant licenses who are not U.S. citizens or LPRs must demonstrate that they are “lawfully present” in the United States and may do so by presenting “documentation issued by [the U.S. Department of Homeland Security] or other Federal agencies demonstrating lawful status as determined by USCIS.” *Id.* at § 1340-01-13-.24(7)(b)(2); *see also* 6 C.F.R. § 37.11(g)(2).

21. “Lawful status” for the purposes of obtaining a federally compliant license is defined in both federal law and state law—because the Department adopted REAL ID regulations—as including an individual “who has a pending application for asylum in the United States” or “who has approved deferred action status.” 6 C.F.R. § 37.3

**b. The Department abruptly adopted new rules governing eligibility for TDLs.**

22. In recent weeks, the Department has abruptly adopted two new rules governing the issuance of TDLs.

**i. New Temporary License Rule**

23. Around late August 2026, the Department announced new rules that categorically reject valid EADs and other documents issued by the federal government, including Form I-797 approval notices, as proof of an individual's federally authorized presence and period of authorized stay for purposes of issuance of a TDL.

24. The Department changed its online list of "Acceptable Documents for Temporary Legal Presence."<sup>9</sup> Exh. A at 68-84.<sup>10</sup> The Department's new rule ("New Temporary License Rule") requires noncitizen applicants who are not LPRs or conditional residents<sup>11</sup> but who have federal authorization to be present in the United States for a period of authorized stay to provide: (1) a "Valid Foreign Passport with Valid Visa and I-94 attached" along with an English translation of the passport,<sup>12</sup> or (2) a "Valid Foreign Passport with I-94W attached."<sup>13</sup> Certain non-citizen students must also provide either a valid SEVIS I-20 or valid DS-2019. *Id.*

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<sup>9</sup> Tennessee Department of Safety and Homeland Security, Adult First-Time Drivers, *available at*: <https://www.tn.gov/safety/driver-services/classd/new-drivers.html> (accessed October 29, 2026).

<sup>10</sup> Citations to page numbers in Plaintiffs' Exhibit A are to the Bates stamp numbers on the bottom of each page.

<sup>11</sup> Conditional resident status describes non-citizen investors as well as spouses and children of U.S. citizens who are admitted by the federal government for permanent resident status. *See* 8 U.S.C. §§ 1186s, 1186b.

<sup>12</sup> The federal government issues immigrant and non-immigrant visas to certain non-citizens, *see* 8 U.S.C. §§ 1101(a)(16), (a)(26), and Form I-94 documents to non-citizens to document arrival to and departure from the United States. 8 C.F.R. § 1.4; *see also* U.S. Customs and Border Protection, I-94/I-95 Website, Travel Record for U.S. Visitors, *available at*: <https://i94.cbp.dhs.gov/help> (accessed Oct. 29, 2026).

<sup>13</sup> Form I-94W was used to document a non-citizen's arrival to and departure from the United States under the Visa Waiver Program, but was discontinued several years ago. *See* USA.gov, Form I-94 arrival-departure record for U.S. Visitors, (updated Apr. 14, 2026) *available at*: <https://www.usa.gov/arrival-departure-record> (accessed Oct. 29, 2026).

25. Before this change, the Department’s website listed as acceptable documents for demonstrating federally authorized presence and period of stay a “Temporary Resident Identification Card (I-688)” and “Employment Authorization Document (I-766).” *Id.* This was consistent with the Department’s formally adopted and promulgated regulations. *See* Tenn. Comp. R. & Regs. §§ 1340-01-13-.11(9)(e), 1340-01-13-.24(7)(b)(2); *see also* 6 C.F.R. § 37.11(g)(2).

26. On or about August 24, 2026, the Department also posted on its “Driver Services” website an announcement which states:

An Employment Authorization Document, also called an **EAD or work permit**, primarily shows that a person is authorized to work. It does not establish any immigration status or period of authorized stay which is required for a temporary driver license, permit, or ID.<sup>14</sup>

Exh. A at 86-92.

27. On or about September 9, 2026, the Department posted a video to Facebook in which Tiffanie Morgan, Director of the Department’s Driver Services division, announces that “employment authorization document cards, also known as EADs or work permits, can no longer be used as proof of lawful presence within the country or Tennessee when applying for a temporary credential.”<sup>15</sup> Ms. Morgan also states that, for people who have already been issued a temporary Tennessee driver’s license, they “may be asked to provide additional documents” to demonstrate their eligibility to maintain their license.<sup>16</sup>

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<sup>14</sup> Tennessee Department of Safety and Homeland Security, Driver Services, Announcements, *available at*: <https://www.tn.gov/safety/driver-services.html> (accessed Oct. 29, 2026).

<sup>15</sup> Tennessee Department of Safety and Homeland Security, Facebook (Sept. 9, 2026 at 12:26 P.M.), <https://www.facebook.com/TennesseeSafety/videos/important-information-for-tennessee-driver-services-customerscustomers-using-an-/1411862214208773/> (accessed Oct. 29, 2026).

<sup>16</sup> *Id.*

## ii. New REAL ID Rule

28. Until approximately September 2026, the Department listed “Temporary Resident Identification Card (I-688)” and “Employment Authorization Card (I-766)” on its REAL ID website page as documents that are acceptable for demonstrating federally authorized presence and period of authorized stay, as well as lawful status as that term is defined at 6 C.F.R. § 37.3, to obtain a federally compliant license in Tennessee. Exh. A at 49-66.

29. This was consistent with REAL ID. Any document “verifiable by [the Systematic Alien Verification for Entitlements system,<sup>17</sup> or “SAVE” ] is acceptable for proving lawful status” under the REAL ID Act and Tennessee law to obtain a federally compliant license. Minimum Standards for Driver’s Licenses and Identification Cards Acceptable by Federal Agencies for Official Purposes, 73 Fed. Reg. 5272, 5294 (Jan. 29, 2008). These documents include, but are not limited to, Form I-766 EADs and Form I-797 approval notices, “which provide sufficient information for a State DMV to check SAVE.” *Id.*; *see also id.* at 73 Fed. Reg. 5296 (“Lawful status may be determined through verification against DHS’s SAVE system.”).

30. Around September 2026, the Department announced a new rule (“New REAL ID Rule”) on the same REAL ID website page<sup>18</sup> that now categorically rejects valid EADs, Form I-797 approval notices, and other documents issued by the federal government demonstrating lawful

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<sup>17</sup> SAVE, or “Systematic Alien Verification for Entitlements” is an online service administered by USCIS that states use to verify immigration status and U.S. citizenship of applicants seeking “benefits or licenses.” USCIS, SAVE, *available at*: <https://www.uscis.gov/save> (accessed Oct. 22 2026).

<sup>18</sup> Tennessee Department of Safety and Homeland Security, REAL ID, *available at*: <https://www.tn.gov/safety/driver-services/helpful-information/real-id.html> (accessed Oct. 29, 2026). Note that on the Department’s website, a “Permanent Resident Card” and “valid U.S. visa and approved I-94 form” are listed under “Acceptable Documents for U.S. Citizenship.”

status as determined by USCIS for purposes of demonstrating eligibility for and issuance of a federally compliant license. Exh. A at 49-66.

31. Under the Department's New REAL ID Rule, a federally compliant license will only issue to noncitizen applicants who provide the Department with a "[v]alid, unexpired Permanent Resident Card issued by DHS or INS (I-551)" or an "[u]nexpired foreign passport with valid U.S. visa and approved I-94 form." *Id.* Under the new REAL ID Rule, the Department will not use the SAVE system to verify other documents issued by the federal government that constitute evidence of federally authorized presence and period of authorized stay, including, but not limited to, Form I-766 EADs and Form I-797 approval notices, when those documents are provided by applicants for federally compliant licenses.

**c. The Department implements the new rules against applicants for TDLs.**

32. Following these announcements, the Department began rejecting applicants for new and renewed TDLs who attempted to provide a valid EAD or Form I-797 receipt or approval notice as proof of their federally authorized presence and period of authorized stay. This included people who had pending applications for asylum and therefore federal authorization to be present in the United States for a specific purpose and period of authorized stay. *See, e.g.*, 6 C.F.R. §§ 37.3 (describing individuals who "[have] a pending or application for asylum in the United States" as having "lawful status" for purposes of obtaining a REAL ID), 8 C.F.R. §§ 1.3(a)(5), 208.7(b), 8 U.S.C. § 1182(a)(9)(B)(iii)(II).

33. However, upon information and belief, for several weeks the Department made exceptions to its new rules and issued TDLs to some applicants who had received deferred action under the Deferred Action for Childhood Arrivals ("DACA") program and applied for TDLs using their valid Form I-766 EAD under category (c)(33) or their Form I-797 deferred action

approval notice. These documents demonstrate an individual's authorization to be in the United States and Tennessee. *See* 8 C.F.R. §§ 1.3(a)(4)(vi) (non-citizens "in deferred action status" are "permitted to remain in the United States"), 247a.12(c)(33) (authorizing issuance of EADs to DACA recipients); *see also* 6 C.F.R. §§ 37.3 (defining "Lawful Status" under the REAL ID Act as including individuals "who [have] approved deferred action status"), 37.11(g)(2).

34. On or about October 1, 2026, the Department stopped making exceptions for and began rejecting DACA recipients applying for TDLs using their valid Form I-766 EADs and Form I-797 deferred action approval notices to demonstrate their federally authorized presence and period of authorized stay. The Department now categorically rejects applicants for TDLs who attempt to provide their valid Form I-766 EAD or Form I-797 approval notice, or both, for this purpose.

35. The Department's announcements of new documentation requirements for non-citizen applicants for TDLs under both the New Temporary License Rule and New REAL ID Rule constitute "rule[s]" under Tenn. Code Ann. § 4-5-102(12).

**d. The Department failed to comply with required rulemaking procedures.**

36. Prior to adopting these rules, the Department did not file the New Temporary License Rule or New REAL ID Rule with the Secretary of State, as required by Tenn. Code Ann. § 4-5-206, nor did it wait 90 days after publication for these rules to take effect, as required by Tenn. Code Ann. § 4-5-207.

37. The Department did not publish notice of either the New Temporary License Rule or New REAL ID Rule, as required by UAPA, before adopting, implementing, and applying the new rules to Plaintiffs. Tenn. Code Ann. §§ 4-5-202, 4-5-203. *See* Exh. A at 94-104.

38. The Department did not conduct a hearing, as required by UAPA, before adopting, implementing, and applying its New Temporary License Rule and New REAL ID Rule to Plaintiffs. Tenn. Code Ann. §§ 4-5-202, 4-5-204. Interested persons, including Plaintiffs, were not provided an opportunity to present testimony and other information relevant to the Department's new rules. *Id.*

39. The Department did not consider testimony or other information provided by interested parties before adopting, implementing, and applying its New Temporary License Rule and New REAL ID Rule to Petitioners. Tenn. Code Ann. § 4-5-205. *Id.*

40. The Department did not provide a concise statement of its reasons for adopting its New Temporary License Rule or its New REAL ID Rule as required by the UAPA and did not provide an opportunity to request such a statement to interested persons. *Id.*

41. The Department did not seek or obtain approval from the Office of the Tennessee Attorney General or the Register before adopting, implementing, and applying its New Temporary License Rule or New REAL ID Rule to Plaintiffs. Tenn. Code Ann. § 4-5-211.

42. No exception to these rulemaking requirements applies in this case. In any event, the Department also failed to comply with rulemaking requirements applicable to proposed rules and emergency rules. Tenn. Code Ann. §§ 4-5-202(a)(1)(C)(i) (proposed rules must be posted to the administrative register website to permit a request for public hearing by no less than 10 people who will be affected by the rule); 4-5-208(c) (governing emergency rules). Exh. A at 106-113.

- e. The Department's new rules, or their threatened application, interfere with or impair, or threaten to interfere with or impair, Plaintiffs' legal rights or privileges including, but not limited to, their ability to legally drive.**

**i) Plaintiff TIIRC**

43. TIIRC advocates for and provides community education and resources regarding

immigrants' access to public programs, including education, health care, and driver's licenses.

44. In recent weeks, many people have called TIRRC's office seeking information about and assistance establishing their eligibility for a TDL under the Department's new rules.

45. TIRRC is a membership organization and has hundreds of active members throughout Tennessee. TIRRC members have a wide range of immigration statuses and backgrounds, including members who are LPRs, U.S.-born citizens of immigrant parents, and members who have other forms of immigration status and protection from removal, such as DACA, other types of deferred action, Temporary Protected Status, and pending applications for relief and protection based upon a fear of return to their country of origin, such as asylum.

46. TIRRC members include many noncitizens who have applied or intend to apply for original or renewed TDLs or identification cards using their valid Form I-766 EAD, Form I-797 approval notice, or other documents issued by the federal government as proof of their federally authorized presence and period of stay. Many of these members have relied on their ability to obtain TDLs using these documents for years. Since approximately August of 2026, many of these members, including Plaintiff W.J., have been refused TDLs under the Department's new rules when they have presented a valid Form I-766 EAD or Form I-797 approval notice to the Department. TIRRC's members, including Plaintiffs W.J. and O.A., have experienced anxiety, confusion, and concern about the barriers they will encounter when attempting to apply for or renew their TDLs in the future.

47. With this petition, TIRRC pursues goals that are germane to its stated organizational mission and purpose of advocating for greater opportunity and access for immigrants and refugees in Tennessee, and of challenging systemic issues that infringe on the rights of immigrants and refugees in Tennessee. The impact of the Department's new rules is that many

immigrants in Tennessee with federally authorized presence and during a period of authorized stay are now unable to obtain TDLs, and as such are excluded from the ability to drive and participate fully in public life and society.

**ii) Plaintiff M.P.P.**

48. M.P.P. is a 28-year-old man who resides in Davidson County, Tennessee and works as a project manager for a robotics company.

49. M.P.P. has had deferred action under the DACA program for several years and has renewed this status consistently approximately every two years. During his periods of deferred action, M.P.P. has been issued a valid Form I-766 EAD under category (c)(33).

50. USCIS granted M.P.P.'s most recent application to renew his deferred action on or about June 15, 2026. His current deferred action is valid until June 14, 2028. M.P.P. also holds a valid Form I-766 EAD that is valid until June 14, 2028.

51. M.P.P. also holds a valid TDL. He obtained this license in approximately January 2025 by submitting, in addition to other documents required for issuance, his then-valid Form I-766 EAD and Form I-797 deferred action approval notice to demonstrate his federal authorization to be present in the United States and Tennessee for a period of authorized stay. The Department accepted these documents and issued M.P.P. a TDL. M.P.P.'s current TDL will expire on November 26, 2026.

52. M.P.P.'s current TDL has a star in the upper right-hand corner and is a REAL ID-compliant license.

53. M.P.P. has not been issued a Form I-94 or a valid U.S. visa.

54. On or about Monday, October 5, 2026, M.P.P. attempted to apply to renew his TDL at an office of the Department located in Antioch, Tennessee. He offered to provide his valid Form I-

766 EAD and Form I-797 approval notice for his current deferred action status. The first Department staff member he spoke with informed him that these documents would not be acceptable but allowed him to discuss the matter with another staff member.

55. M.P.P. offered to provide another Department staff member his valid Form I-766 EAD and Form I-797 approval notice as proof of his federally authorized presence and period of authorized stay. This Department staff member took his documents and spoke with a supervisor. The staff member returned later and informed M.P.P. that the agency has changed its policy and no longer accepts these documents as proof of federally authorized presence or period of authorized stay.

56. A manager later spoke with M.P.P. and, despite Plaintiff's efforts to explain that he is authorized to be in the United States and how the documents he offered prove this, the Department manager confirmed that the agency no longer accepted his valid Form I-766 EADs or Form I-797 deferred action approval notices. M.P.P. asked the manager to verify his authorization to be in the United States using the SAVE system, but the manager declined.

57. Despite his federally authorized presence and period of authorized stay, M.P.P. cannot provide documents acceptable to the Department to obtain a renewed TDL under the agency's new rules.

58. M.P.P.'s work requires him to drive for travel within Tennessee and to the northeastern United States. He is concerned that his ability to perform his essential job duties will be impaired if he is not able to renew his TDL and that he may suffer adverse employment consequences or even be terminated from his job. He also must drive for day-to-day errands like going to the grocery store and visiting his family in nearby Clarksville, Tennessee.

**iii) Plaintiff A.L.M.**

59. A.L.M. is a 31-year-old man who resides in Knox County, Tennessee. He works providing window coverings and supports his 10-month-old U.S. citizen son as well as his 16-year-old and 4-year-old niece and nephew over whom the state of Tennessee has granted A.L.M. custody.

60. A.L.M. has been granted deferred action status by USCIS under DACA several times over approximately the last decade. He has renewed this status consistently approximately every two years. His current deferred action status under DACA was granted by USCIS after a significant delay on or about September 22, 2026, and is valid until September 21, 2028.

61. A.L.M. also holds a valid Form I-766 EAD under category (c)(33) work that was issued on or about September 22, 2026, and is valid until September 21, 2028.

62. A.L.M. used to have a valid TDL. His TDL had a yellow star in the upper right-hand corner indicating that it was a REAL ID. This license recently expired.

63. On or about Friday, October 2, 2026, A.L.M. attempted to apply for a TDL at an office of the Department located on Gore Road in Knoxville, Tennessee. He provided Department staff at the office with his valid Form I-766 EAD and Form I-797 approval notice for his current grant of deferred action. The Department staff member informed A.L.M. that the agency no longer accepts valid Form I-766 EADs or Form I-797 approval notices as proof of federally authorized presence or a period of authorized stay. Instead, the Department staff member informed A.L.M. that he must provide a valid Form I-94. A.L.M. does not have this document or a valid U.S. visa.

64. The Department staff member also informed A.L.M. that had he applied just days earlier the agency could have accepted his valid Form I-766 EAD and Form I-797 approval notice as

proof of his federally authorized presence and period of stay and issued him a TDL. But the agency abruptly changed its rules on October 1, 2026, and no longer accepts those documents.

65. The Department did not attempt to verify A.L.M.'s status using the SAVE system during his attempt to apply for a TDL.

66. A.L.M. does not have and has not been issued a Form I-94 or U.S. visa. Despite his federally authorized presence and period of authorized stay, A.L.M. cannot provide documents acceptable to the Department to obtain a renewed TDL under the agency's new rules.

67. A.L.M. desperately needs to be able to drive to take care of his young children. He is primarily responsible for driving his children to school, doctor's appointments, extracurricular activities, and for completing countless day-to-day activities that are necessary to provide his children with a safe and healthy living environment. He also must commute to work. His continued employment and ability to provide for his children is jeopardized by the Department's abrupt changes to its rules.

**iv) Plaintiff K.D.J.M.**

68. K.D.J.M. is a 33-year-old man who lives in Davidson County, Tennessee. He is the father of twin 14-year-old children and works as a mechanic.

69. K.D.J.M. has had deferred action under DACA for many years. His most recent grant of deferred action by USCIS was significantly delayed and ultimately issued on September 22, 2026, and is valid until September 21, 2028.

70. K.D.J.M. also has a valid Form I-766 EAD that was issued on or about September 22, 2026, that is valid until September 21, 2028.

71. K.D.J.M. previously held a valid TDL. He obtained his driver's license through the Department by using his then-valid Form I-766 EAD and Form I-797 deferred action approval

notice to demonstrate his federally authorized presence and period of authorized stay. K.D.J.M.'s most recently issued driver's license recently expired.

72. K.D.J.M.'s most recently issued TDL has a yellow star in the upper right-hand corner indicating it is a REAL ID.

73. K.D.J.M. recently attempted to apply for a TDL at four different offices of the Department. On or about October 1, 2026, he attempted to apply for a TDL at the Department office on Hart Lane in Nashville, Tennessee. On or about October 2, 2026, he attempted to apply for a TDL at the Department office on Maddox-Simpson Parkway in Lebanon, Tennessee and again at the Department office on Samsonite Boulevard in Murfreesboro, Tennessee. Finally, on or about October 7, 2026, K.D.J.M. attempted to apply for a TDL at the Department office located on West Christie Drive in Dickson, Tennessee. During each attempt K.D.J.M. offered to provide his valid Form I-766 EAD and Form I-797 deferred action approval notice, along with other documents to demonstrate his eligibility for a TDL, but a Department staff member informed him that the agency no longer accepts his work permit or approval notice as proof of his federally authorized presence or period of authorized stay. At the Department office in Murfreesboro, K.D.J.M. was permitted to speak with a supervisor who informed him that the Department changed its policy on October 1, 2026, and no longer accepts valid Form I-766 EADs under category (c)(33) or Form I-797 deferred action approval notices as proof of federally authorized presence and period of authorized stay.

74. The Department did not attempt to verify K.D.J.M.'s status using the SAVE system during any of K.D.J.M.'s recent attempts to apply for a Tennessee driver's license.

75. K.D.J.M. does not have and has not been issued a Form I-94 or valid U.S. visa. Despite his federally authorized presence and period of authorized stay, K.D.J.M. cannot provide documents acceptable to the Department to obtain a renewed TDL under the agency's new rules.

76. K.D.J.M. needs to travel for work. Before his TDL expired he would often travel hundreds of miles every week to job sites to repair and maintain machinery. Now he is only permitted to work at his company's office and is unable to perform job duties that require travel. He also must be able to drive to take his children to and from school, doctor's appointment, extracurricular activities, and the many day-to-day tasks and activities that all young parents must do to raise their children.

**v) Plaintiff W.J.**

77. W.J. is a 32-year-old man who lives in Robertson County, Tennessee.

78. W.J. has deferred action under DACA. His most recent grant of deferred action by USCIS was significantly delayed and ultimately issued on October 7, 2026, and is valid until October 6, 2028.

79. W.J. holds a Form I-797 deferred action approval notice listing the validity period of his current deferred action. He has federal authorization to be present in the United States and Tennessee during this period.

80. W.J. also has a valid Form I-766 EAD under category (c)(33) that was issued on or about October 7, 2026, and is valid until October 6, 2028.

81. W.J. previously held a valid TDL. His TDL had a yellow star in the upper right-hand corner indicating that it was a REAL ID. W.J.'s TDL expired recently.

82. In recent days, W.J. has attempted to apply for a TDL at three different offices of the Department that process applications for and issue driver's licenses. On or about October 15,

2026, he attempted to apply for a TDL at the Department's offices in Franklin, Columbia, and Dickson, Tennessee.

83. During each attempt W.J. offered to provide Department staff with his valid Form I-766 EAD under category (c)(33) and Form I-797 deferred action approval notice to demonstrate his federally authorized presence and period of authorized stay. On each attempt, a Department staff member informed W.J. that the agency no longer accepts valid Form I-766 EADs or Form I-797 deferred action approval notices as proof of federally authorized presence or a period of authorized stay. Instead, W.J. now must provide a valid foreign passport and valid Form I-94 or visa.

84. The Department did not attempt to verify W.J.'s status using the SAVE system during any of his recent attempts to apply for a Tennessee driver's license.

85. W.J. does not have and has not been issued a Form I-94 or a valid U.S. visa. Despite his federally authorized presence and period of authorized stay, W.J. cannot provide documents acceptable to the Department to obtain a renewed TDL under the agency's new rules.

86. W.J. has two U.S. citizen children, one of whom has a severe developmental disability that requires frequent therapy sessions. Being unable to legally drive has made W.J. less able to provide for his children and has put his continued employment at risk because he must commute to the workplace but can no longer do so on his own. W.J.'s family is experiencing extreme hardship because he is not able to legally drive.

**vi) Plaintiff J.R.A.**

87. J.R.A. is a 45-year-old man who resides in Rutherford County, Tennessee. He is the husband of Plaintiff O.A.

88. In approximately 2016, J.R.A. filed an application for asylum with USCIS. His

application for asylum remains pending. J.R.A.'s presence in the United States and in Tennessee is authorized while his application for asylum remains pending. *See, e.g.*, 6 C.F.R. §§ 37.3 (describing individuals who "[have] a pending or application for asylum in the United States" as having "lawful status" for purposes of obtaining a REAL ID), 8 C.F.R. §§ 1.3(a)(5), 208.7(b), 8 U.S.C. § 1182(a)(9)(B)(iii)(II).

89. J.R.A. holds a valid Form I-766 EAD under category (c)(8). 8 C.F.R. § 247a.12(c)(8). His EAD was issued by USCIS on or about August 5, 2026, and is valid until on or about February 4, 2028.

90. J.R.A. previously held a valid TDL. His TDL had a yellow star in the upper right-hand corner indicating that it was a REAL ID. J.R.A.'s most recent driver's license expired on or about October 2, 2026.

91. Prior to the expiration of his most recent TDL, J.R.A. applied to renew his license at the Department offices that process applications for and issue driver's licenses located in Murfreesboro, Columbia, Tullahoma, and Nashville, Tennessee. On each attempt he offered to provide Department staff with his valid Form I-766 EAD under category (c)(8) and proof of his pending asylum application with USCIS. On each attempt J.R.A. was informed by Department staff that these documents are no longer acceptable as proof of his federally authorized presence or period of authorized stay. J.R.A. was informed that he must now provide a valid foreign passport and Form I-94 or valid visa.

92. The Department did not attempt to verify his status using the SAVE system during any of his recent attempts to apply to renew his TDL.

93. J.R.A. no longer has a valid visa or Form I-94. Despite his federally authorized presence and period of authorized stay, J.R.A. cannot provide documents acceptable to the Department to obtain a renewed TDL under the agency's new rules.

94. J.R.A. is a minister in a local church and his responsibilities include traveling to visit congregants in their homes as well as preparing for religious services at the church. He has to be able to drive to perform these activities. J.R.A. also teaches English classes some nights and has to commute for this work. His family is experiencing significant hardship because of the Department's new rules.

**vii) Plaintiff O.A.**

95. O.A. is a 44-year-old woman residing in Rutherford County, Tennessee. She is the wife of Plaintiff J.R.A.

96. In approximately 2016, O.A. filed an application for asylum with USCIS. Her application for asylum remains pending. O.A.'s presence in the United States and in Tennessee is authorized while her application for asylum remains pending.

97. O.A. holds a valid Form I-766 EAD under category (c)(8). 8 C.F.R. § 247a.12(c)(8). Her EAD was issued by USCIS on or about December 9, 2024, and is valid until on or about December 8, 2029.

98. O.A. has a valid TDL that expires on or about December 8, 2029. Her license has a star in the upper right-hand corner indicating that it is a REAL ID. O.A. obtained this license by providing the Department her valid Form I-766 EAD under category (c)(8) and proof of her pending bona fide application for asylum with USCIS.

99. O.A. fears that, prior to the expiration of her current TDL and while her application for asylum remains pending, the Department will ask her to provide additional documents to prove

her federally authorized presence and period of authorized stay as described in the video that the Department posted to Facebook. Though she has authorization from the federal government to be present for a period of authorized stay, O.A. no longer has a valid visa or Form I-94 and will not be able to provide these documents.

100. Because her husband is no longer able to drive, O.A. must take on additional responsibilities for her family. She must drive her child to and from school, drive J.R.A. to work, and is primarily responsible for basic errands like grocery shopping which also require her to drive. O.A. works as a court interpreter in state courts in Rutherford and neighboring counties. Because she must spend more time driving for her family, she is less available to take on court interpreter jobs and O.A. and her family have lost income.

101. Despite her federally authorized presence and period of authorized stay, O.A. cannot provide documents acceptable to the Department to obtain a renewed TDL under the agency's new rules.

**f. Plaintiffs' Petition for Declaratory Order Before the Department.**

102. In accordance with Tenn. Code Ann. § 4-5-223, the Plaintiffs filed a Petition for a Declaratory Order Before the Commissioner of Safety with the Department on October 22, 2026, requesting that the agency declare the rule invalid and inapplicable. Exh. A at 2-3. On October 28, 2026, Plaintiffs filed a corrected Petition for Declaratory Order before the Commissioner of Safety. *See generally* Exh. A. The Department has not acted on that petition and is not required to act on the petition.

**V. CAUSES OF ACTION**

**Count 1 – The New Temporary License Rule and New REAL ID Rule  
Violate UAPA's Rulemaking Procedures**

103. Courts may declare a rule invalid if they find that the rule “violates constitutional provisions, exceeds statutory authority of the agency, was adopted without compliance with rulemaking procedures provided for in this chapter or otherwise violates state or federal law.” Tenn. Code Ann. § 4-5-225(c).

104. The Department’s New Temporary License Rule is an “agency regulation, standard, statement, or document of general applicability that is not a policy” that “[d]escribes the procedure or practice requirements of an agency” or “[i]mplements, prescribes or interprets an enactment of the general assembly or congress or a regulation adopted by a federal agency.” Tenn Code Ann. § 4-5-102(12).

105. The Department’s New REAL ID Rule is also an “agency regulation, standard, statement, or document of general applicability that is not a policy” that “[d]escribes the procedure or practice requirements of an agency” or “[i]mplements, prescribes or interprets an enactment of the general assembly or congress or a regulation adopted by a federal agency.” Tenn Code Ann. § 4-5-102(12).

106. The Department’s new rules manage the documents that *external* parties, including Plaintiffs and TIRRC’s members, must provide to establish their federally authorized presence and period of authorized stay and therefore affects private rights, privileges, or the Department’s relationship with external parties. The Departments new rules also describe the procedure or practice requirements of the Department and implement, prescribe, or interpret Tenn. Code Ann. §§ 55-50-331(g) and (h). The Department’s new rules also effectively amend or repeal the agency’s prior rules—Tenn. Comp. R. & Regs. § 1340-01-13-.11(9)(e) and Tenn. Comp. R. & Regs. § 1340-01-13-.24(7)(b)(2).

107. When implementing its new rules, the Department made statements demonstrating that the new rules are generally applicable. The agency changed its website describing the documents that members of the public may use to establish their federally authorized presence and period of authorized stay. Exh. A at 49-84. The agency also issued a general statement on its website in direct contravention of its own regulations that valid EADs do “not establish any immigration status or period of authorized stay which is required for a temporary driver license, permit, or ID.” Exh. A at 86-92. And the Director of the Department’s Driver Services division announced in a video posted to Facebook that the agency will no longer accept valid Form I-766 EADs as proof of an individual’s federally authorized presence and period of authorized stay.

108. Defendants are implementing the New Temporary License Rule and New REAL ID Rule without having first provided notice and a public rulemaking hearing as required by Tenn. Code Ann. §§ 4-5-202, 4-5-204, 4-5-203.

109. Defendants are implementing the New Temporary License Rule and New REAL ID Rule without having first provided interested persons an opportunity to present testimony and other information relevant to the Department’s proposed rule change, as required by state law. *See id.*

110. Defendants are implementing the New Temporary License Rule and New REAL ID Rule without having considered testimony or other information provided by interested parties before adopting, implementing, and applying its new rules to Petitioners, as required by state law. *See id.* at § 4-5-205.

111. Defendants are implementing the New Temporary License Rule and New REAL ID Rule without having provided a concise statement of its reasons for adopting its new rules as

required by the UAPA and without having provided an opportunity to request such a statement to interested persons, as required by state law. *Id.*

112. Defendants are implementing the New Temporary License Rule and New REAL ID Rule without having sought or having obtained approval from the Office of the Tennessee Attorney General or the Register as required by Tenn. Code Ann. § 4-5-211.

113. Defendants are implementing the New Temporary License Rule and New REAL ID Rule without having filed them with the Secretary of State, as required by Tenn. Code Ann. § 4-5-206, and waiting 90 days for it to take effect, as required by Tenn. Code Ann. 4-5-207.

114. Because the New Temporary License Rule and New REAL ID Rule have not complied with any of the foregoing provisions of the law, Tenn. Code Ann. § 4-5-216 requires that they be declared “void and of no effect and shall not be effective against any person or party nor shall it be invoked by the agency for any purpose.”

**Count 2 – The New Temporary License Rule  
Violates Tenn. Comp. R. & Regs. § 1340-01-13-.11(9)(e).**

115. Tennessee regulations promulgated pursuant to statutory authority have the force and effect of law. *See, e.g., Word v. Metro Air Services, Inc.*, 377 S.W.3d 671, 676 (Tenn. 2012) (citing *Swift v. Campbell*, 159 S.W.3d 565, 571-72 (Tenn. Ct. App. 2004)).

116. The Department is authorized to promulgate rules regarding the requirements for issuance of TDLs. *See* Tenn. Code Ann. § 55-50-331(h); *see also id.* at § 55-50-202.

117. The agency did in fact promulgate rules following the enactment of 2004 Tenn. Pub. Acts 778, resulting in the current non-exhaustive list of documents that are deemed sufficient to demonstrate federally authorized stay and presence. Tenn. Comp. R. & Regs. § 1340-01-13-.11(9). Included among this list is a “[v]alid employment authorization card (I688B or I766),” otherwise known as an EAD. Tenn. Comp. R. & Regs. § 1340-01-13-.11(9)(e).

118. The Department's New Temporary License Rule violates this regulation by categorically denying TDLs to people who attempt to demonstrate their federally authorized presence and period of authorized stay using a valid Form I-766 EAD and other documents from the federal government demonstrating federally authorized presence and period of authorized stay.

**Count 3 – The Department's New Temporary License Rule Violates Tenn. Code Ann. § 55-50-331(g)(1) and Exceeds the Department's Statutory Authority**

119. The Tennessee General Assembly authorized the Department to issue TDLs and identification cards to "persons whose presence in the United States has been authorized by the federal government for a specific purpose and for a specified period of authorized stay." Tenn. Code Ann. § 55-50-331(g)(1).

120. By abruptly adopting the New Temporary License Rule that requires presentation of a valid foreign passport, Form I-94 and valid visa, or valid Form I-94W, the Department violated Tenn. Code Ann. § 55-50-331(g)(1). Under its new rules, the Department is determining—in place of the federal government—who is authorized to be present in the United States, for what purpose, and for how long in violation of Tenn. Code Ann. § 55-50-331(g)(1). By abruptly adopting and implementing the New Temporary License Rule the Department also exceeds the statutory authority granted to the agency by the Tennessee General Assembly in Tenn. Code Ann. § 55-50-331(g)(1).

**Count 4 – The Department's New REAL ID Rule Violates Tenn. Comp. R. & Regs. § 1340-01-13-.24**

121. The Commissioner of the Department is authorized to "establish administrative rules and regulations concerning licensing of persons to operate motor vehicles." Tenn. Code Ann. § 55-50-202(a). Pursuant to this authority, the Department formally adopted and promulgated

Tenn. Comp. R. & Regs. § 1340-01-13-.24, which governs eligibility for federally compliant Tennessee licenses that are issued in compliance with REAL ID Act regulations located at 6 C.F.R., Part 37, as well as state law and regulations. Tenn. Comp. R. & Regs. § 1340-01-13-.24(1)(a), (10) (adopting the REAL ID Act regulations located at 6 C.F.R., Part 37). This formally adopted and promulgated regulation has the force and effect of law. *Word*, 377 S.W.3d at 676.

122. The Department's New REAL ID Rule violates Tenn. Comp. R. & Regs. § 1340-01-13-.24 by categorically denying TDLs to people who attempt to demonstrate their federally authorized presence and period of authorized stay using a valid Form I-766 EAD and other documents from the federal government that demonstrate lawful status as that term is defined in 6 C.F.R. § 37.3 as determined by USCIS.

## **VI. RELIEF REQUESTED**

Plaintiffs request that the Court grant the following relief:

- A. Accept jurisdiction of this case and issue process to the Defendants;
- B. Grant a temporary restraining order and temporary injunction to restore the *status quo* and prevent further irreparable harm before a trial on the merits can be had, consistent with *Nat'l College of Bus. & Tech. Remington College v. Tenn. Higher Educ. Comm'n*, M2009-00137-R3-CV, 2010 WL 987161, at \*8-\*9 (Tenn. Ct. App. Mar., 18, 2010);
- C. After any denial or refusal to issue an order by the Department on the pending Petition for a Declaratory Order, grant a declaratory judgment that the Department's New Temporary License Rule is invalid, inapplicable, of no effect

and cannot be invoked for any purpose or enforced against any person consistent with Tenn. Code Ann. § 4-5-225;

- D. After any denial or refusal to issue an order by the Department on the pending Petition for a Declaratory Order, grant a permanent injunction prohibiting the Department from implementing the New Temporary License Rule, requiring them to take action to reverse actions already taken to implement the new rule, and directing them to mitigate any harms caused by such actions;
- E. After any denial or refusal to issue an order by the Department on the pending Petition for a Declaratory Order, grant a declaratory judgment that the Department's New REAL ID Rule is invalid, inapplicable, of no effect and cannot be invoked for any purpose or enforced against any person consistent with Tenn. Code Ann. § 4-5-225;
- F. After any denial or refusal to issue an order by the Department on the pending Petition for a Declaratory Order, grant a permanent injunction prohibiting the Department from implementing the New REAL ID Rule, requiring them to take action to reverse actions already taken to implement the new rule, and directing them to mitigate any harms caused by such actions; and
- G. Award Plaintiffs any costs that the Court deems equitable and just.

Dated: October 29, 2026

Respectfully submitted,

/s/ David R. Esquivel

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