



LAWFUL IMMIGRANTS SUE MASSACHUSETTS RMV FOR WRONGFUL DENIAL OF DRIVERS LICENSES

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Boston, MA – Immigrants who lawfully reside in Massachusetts and are legally authorized to work here filed a class action lawsuit in Suffolk Superior Court yesterday against the Massachusetts Registry of Motor Vehicles, charging that the Registry has unlawfully denied them driver's licenses, learner's permits, and identification cards.

"The Registry has been denying or delaying license applications from people who have permission from the U.S. government to reside and work here," said Kenneth Berman, an attorney at Nutter, McClennen & Fish who filed the case along with the ACLU of Massachusetts and Massachusetts Law Reform Institute. "These people meet all the legal requirements for a driver's license but the Registry isn't issuing them licenses because of their immigration status. Their immigration status has nothing to do with whether they're entitled to a license. We're asking the court to intervene to protect their rights," said Berman. "Given how much we all depend on the right to drive an automobile, the denial of a license is causing real hardship to the people I represent," Berman added.

Ali Noorani, Executive Director of Massachusetts Immigrant and Refugee Advocacy Coalition (MIRA) estimated that hundreds of lawfully present immigrants have been impacted. "The Registry is treating work-authorized, legal immigrants differently from citizens, even though the law entitles both to driver's licenses. Hundreds of lawfully present immigrants across Massachusetts are treated unfairly by the Registry." Noorani continued, "Immigrants and refugees have as much right as anyone else to drive a car to work, to day care, to the supermarket, or to the doctor, and the Massachusetts economy needs their contribution, but the Registry is standing in the way."

Sarah Wunsch, ACLU of Massachusetts staff attorney, noted that the Registry has been demanding different kinds of immigration documents that are unrelated to someone's eligibility for a license. "Massachusetts law doesn't authorize the Registry to make up its own immigration rules as part of the state's licensing process," Wunsch said.

Iris Gomez, an immigration attorney at Massachusetts Law Reform Institute, explained that RMV's practices are in direct conflict with federal immigration law. "The federal Violence Against Women Act gives special protections to immigrant victims of domestic violence, including permission to live in the U.S.," said Gomez. "But the Registry won't give them a license unless they have a visa, even though the federal government doesn't provide visas to these women because they don't need a visa to live here. This puts these

women at great risk since they can't drive away from a situation where they or their children may be abused."

Among those filing suit are:

- 1) A woman from China who has been granted asylum in the United States. She was denied a learner's permit by the Registry even though she submitted standard federal documentation of her asylum status. The Registry asked her for additional proof of her asylum status, which the federal government typically does not issue.
- 2) Two women who are permitted to remain in the U.S. under the protection of the Violence Against Women Act (VAWA). One, from the Philippines, was denied a Massachusetts ID card, and the other, from the Dominican Republic, was denied a drivers license. The Registry asked them for visas, which the federal government typically does not provide when someone is already lawfully present under VAWA.
- 3) A woman who was the target of persecution in Zimbabwe and was granted permission by the U.S. government to remain and work here because of the risk of persecution in her home country. She has been in Massachusetts for many years but the Registry denied her a license renewal. Her daughter is also lawfully present in the U.S. and has been denied a learner's permit. In both instances, the Registry asked them to furnish current visas, which do not exist for people in their protected status.
- 4) A Bolivian woman who is a lawful permanent resident of the U.S. whose application for a drivers license was put on "hold" after the Registry asked her to produce a visa and a Bolivian passport. .

Two organizations, Massachusetts Immigrant and Refugee Advocacy Coalition (MIRA) and the Brazilian Immigrant Center, are also plaintiffs in the case.

The lawsuit seeks an order from the Court directing the Registry to cease using someone's immigration status or documentation as grounds to deny or delay their applications for licenses, renewals, learners permits, or IDs.

The case is Chen v. Collins, Suffolk Superior Court No. 06-5197. Anne Collins, the defendant, is the Registrar of Motor Vehicles.

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