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Denied licenses, legal immigrants sue state Registry

The Boston Globe

Say status wrongly contested

By Yvonne Abraham, Globe Staff | December 15, 2006

Massachusetts Registry of Motor Vehicles employees are routinely and unlawfully denying driver's licenses to immigrants who are here legally, according to a class-action law suit filed yesterday.

According to the suit, Registry workers asked the immigrants for proof of legal residency when they were not authorized to do so. The workers then denied licenses to the applicants, incorrectly concluding that the immigrants had not demonstrated they were in the United States legally, the suit alleges.

In all cases, the immigrants' lawyers said, the Registry workers were overstepping their legal authority and violating the immigrants' constitutional rights.

"They don't have the authority to enforce federal immigration law," said Sarah Wunsch, staff attorney for the ACLU of Massachusetts, who is representing the seven immigrants who brought the suit. "But they've taken it upon themselves to do it, and they're doing it wrong. It's not an isolated case here and there. This appears to be policy."

Wunsch said hundreds of other immigrants have similarly been denied licenses.

A spokeswoman for the Registry of Motor Vehicles declined to comment, saying Registry lawyers had not yet had a chance to review the lawsuit.

Under state policy, applicants for a driver's license must present proof of their identity by providing a valid Social Security number, which the Registry checks against a Social Security Administration database.

In order to obtain a valid Social Security number, an immigrant must be in the country legally. Applicants must also show proof of their age and address.

All of the plaintiffs presented valid Social Security numbers when they applied for licenses, Wunsch said. Even so, Registry workers rejected

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In some of the cases, applicants were not given any reason why they were rejected. In the others, Registry employees improperly sought additional proof of the applicants' immigration status and then said the documents were not adequate.

Registry spokeswoman Amy Breton, speaking generally, said Registry employees do not enforce immigration laws.

But she added: "Certainly, we've had to become more familiar with immigration documents. We want to make sure we are issuing licenses to Massachusetts residents, because that is what the law calls for."

She said the Registry has been responsive to complaints that immigrants have been treated unfairly. On Wednesday night, the head of the agency, Registrar Anne L. Collins, met with about 300 immigrants and their advocates in Hyannis to hear their concerns about the license application process, she said.

In many cases, Breton said, immigrants who feel they have been unfairly denied a license can file an appeal, which costs \$50.

Lawyers for the seven plaintiffs say their clients should not have to spend money to challenge what is clearly a discriminatory practice.

"The Registry seems to be asking immigrants to produce justification for their presence in the United States," said lead attorney Kenneth Berman of Nutter McClennen & Fish. [Continued...](#)

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