



Violence Against Women Act, or who otherwise are lawfully permitted to be in the United States while their applications for permanent resident or other status are pending. The RMV has subjected the individual and class plaintiffs to illegal documentation requirements with respect to proof of immigration status or residency – and has relied on alleged deficiencies in such documentation – to deny them the opportunity to receive driver’s licenses, renewals, learner’s permits, or Massachusetts identification cards, despite plaintiffs’ legal eligibility.

2. The unlawful actions of the RMV have denied and continue to deny the individual and class plaintiffs a basic necessity of modern life, including the lawful right to operate an automobile on the roads and ways of Massachusetts. In so doing, the RMV has interfered with the ability of the individual and class plaintiffs to find and maintain jobs, transport their children to school or day care, receive medical care, avoid dangers of domestic violence, and perform other tasks essential to daily modern life, thereby imposing tremendous hardships upon them.

3. The plaintiffs also include two organizations that provide assistance to immigrants who have been, or stand to be, harmed by the RMV’s unlawful practices and policies.

#### Parties

4. Plaintiff ██████████ resides in Massachusetts and has been a resident of Massachusetts for nine months. ██████ is lawfully in the United States, having been granted asylum status by the United States government. Although ██████ qualifies for a learner’s permit under state statute and regulations, the RMV denied or unlawfully placed a hold on ██████ application for a learner’s permit on account of her immigration status.

5. Plaintiff ██████████ resides in Massachusetts and has been a resident of Massachusetts for seven years. ██████ is lawfully in the United States by virtue of having been

granted permanent resident status. Although [REDACTED] is eligible to be tested for a driver's license and eligible for a Massachusetts identification card under state statute and regulation, the RMV rejected [REDACTED] applications for both a driver's license and a Massachusetts identification card based on her immigration status.

6. Plaintiff [REDACTED] sues for herself and as mother and next friend of her sixteen year old daughter, [REDACTED] [REDACTED] and [REDACTED] reside in Massachusetts and have been residents of Massachusetts for about six years. They are lawfully in the United States, [REDACTED] having been granted "withholding of removal" status by the United States government and [REDACTED] having applied for asylum. Although [REDACTED] is eligible for a learner's permit under state statute and regulations, the RMV rejected [REDACTED] application for a learner's permit based on her immigration status. Although [REDACTED] is eligible for a driver's license renewal under state statute and regulations, the RMV put a hold on the renewal of [REDACTED] driver's license based on her immigration status.

7. Plaintiff [REDACTED] resides in Massachusetts and has been a resident of Massachusetts for more than two years. [REDACTED] is lawfully in the United States under the federal Violence Against Women Act. Although [REDACTED] is eligible for a Massachusetts identification card under state statute and regulation, the RMV rejected [REDACTED] application for a Massachusetts identification card based on her immigration status.

8. Plaintiff [REDACTED] resides in Massachusetts and has been a resident of Massachusetts for nine years. [REDACTED] is lawfully in the United States under the federal Violence Against Women Act. Although [REDACTED] is eligible to be tested for a driver's license under state statute and regulation, the RMV rejected [REDACTED] application for a driver's license based on her

immigration status.

9. Plaintiff ██████████ resides in Massachusetts and has been a resident of Massachusetts for approximately nine years. ██████████ is lawfully in the United States. Although ██████████ is eligible to be tested for a driver's license under state statute and regulation, the RMV rejected ██████████ application for a driver's license based on her immigration status.

10. Plaintiff Brazilian Immigrant Center, Inc. ("BIC") is a non-profit corporation with its principal place of business at 138 Brighton Avenue, Allston, Massachusetts. BIC provides guidance and assistance to Brazilian immigrants in Massachusetts. BIC has had to, and continues to, divert and devote time, attention, and resources away from its other activities to give advice and counsel to members of the plaintiff class who have been harmed by the unlawful policies and practices of the RMV described herein.

11. Plaintiff Massachusetts Immigrant and Refugee Advocacy Coalition, Inc. ("MIRA") is a nonprofit corporation with its principal place of business at 105 Chauncy Street, Boston, Massachusetts. MIRA's mission is to advance the rights and opportunities of immigrants and refugees. Because of the actions of defendant, MIRA staff has had to, and continues to, divert and devote time, attention, and resources toward providing direct services to individuals who were improperly denied driver's licenses, renewals, learner's permits, and Massachusetts identification cards.

12. Defendant Anne L. Collins is the registrar of motor vehicles and is named as defendant in that capacity. As registrar, Collins is the executive and administrative head of the RMV. She is charged by statute with overseeing the RMV, implementing its policies and practices, and ultimately ensuring that the RMV discharges its legal obligations. She is also

authorized by G.L. c. 16 § 9 to make rules and regulations for the RMV. The RMV is a division within the executive branch of state government that administers the issuance of driver's licenses, renewals, learner's permits, and Massachusetts identification cards.

#### Class Allegations

13. The individually named plaintiffs bring this action on their own behalf and also on behalf of all other similarly situated persons, pursuant to Mass. R. Civ. P. 23. The class is defined as all persons who reside in Massachusetts (excluding citizens of the United States) who are old enough to qualify for, and who have sought or may seek, a driver's license, renewed driver's license, learner's permit, or Massachusetts identification card from the RMV, but not including those non-citizens who are ineligible to obtain a social security number.

14. A class action is proper because the persons who constitute the class are so numerous that joinder of all members is impracticable, questions of law or fact common to the class predominate over any question affecting individual members, the claims of the individually named plaintiffs are typical of those of the class, the representatives of the individually named plaintiffs will fairly and adequately protect the interests of the class, and a class action is superior to other available methods for the fair and efficient adjudication of the controversy.

#### Facts And Claims

15. By statute, and subject to certain exceptions not applicable to this dispute, no person is permitted to operate an automobile on the roads and ways of Massachusetts unless such person holds a Massachusetts driver's license or learner's permit or unless such person is a non-resident of Massachusetts and holds a valid driver's license issued by another state.

16. By statute, to qualify for a Massachusetts driver's license or learner's permit, a

person need only be over a certain age (with different age requirements depending on whether the person seeks a learner's permit, a junior operator's permit, or a driver's license), meet certain requirements pertaining to driver knowledge, education, and skills, and submit satisfactory documentary proof of age and identity. By regulation, an applicant for a driver's license must also submit proof of residency in Massachusetts. The statute and regulations governing licensure for the operation of an automobile do not require applicants to have any particular immigration status, nor do they empower the registrar to withhold a license or learner's permit based on the applicant's immigration status.

17. By statute, to qualify for a Massachusetts identification card in lieu of a driver's license, a person need only meet an age requirement, and submit satisfactory proof of age and identity to the registrar. The statute and regulations governing issuance of Massachusetts identification cards do not require applicants to have any particular immigration status, nor do they empower the registrar to withhold an identity card based on the applicant's immigration status.

18. Notwithstanding the eligibility of the individual and class plaintiffs to qualify for a driver's license, renewal, learner's permit, or Massachusetts identification card under state statute and regulations, the defendant has adopted or permitted the RMV to adopt policies and practices that have delayed or denied the issuance of driver's licenses, renewals, learner's permits, and Massachusetts identification cards to the individual plaintiffs and class members based on their status under federal immigration law or erroneous conclusions about their immigration status.

19. In instances where driver's licenses, renewals, learner's permits, or Massachusetts

identification cards have been delayed or denied, the RMV has failed to give notice, or adequate notice, to plaintiffs about the basis in the facts or the law for the RMV's actions or about plaintiffs' rights of appeal.

20. In applying these policies and practices to the plaintiffs, the defendant has not only violated state statutes and regulations regarding the issuance of driver's licenses, renewals, learner's permits, and Massachusetts identification cards, but has singled out the plaintiffs for different and inferior treatment on account of their alienage and national origin in violation of the due process and equal protection clauses of the United States Constitution and the Massachusetts Declaration of Rights and in violation of 42 U.S.C. § 1983 and G.L. c. 93 § 102.

21. Plaintiffs, including class plaintiffs, are suffering irreparable harm from defendant's improper delaying and denial of applications for driver's licenses, renewals, learner's permits, and Massachusetts identification cards based on immigration status. Plaintiffs have no plain or adequate remedy at law.

22. There is an actual case or controversy between the plaintiffs on one hand and the defendant on the other concerning the misuse of immigration status and documents as a basis for delaying or denying applications for driver's licenses, renewals, learner's permits, and Massachusetts identification cards, and concerning the adequacy of notice given to plaintiffs about the reasons for actions taken on their applications and their rights of appeal. The controversy can be resolved and the uncertainty removed by the entry of a declaratory judgment.

#### Requests For Relief

WHEREFORE, plaintiffs request that the Court:

1. Issue a declaratory judgment, declaring that defendant Anne Collins in her

capacity as registrar of motor vehicles, and whoever succeeds her, is required to implement policies and practices at the Massachusetts Registry of Motor Vehicles to ensure that: (a) no person who has identified himself or herself as a Massachusetts resident, with reasonable evidence disclosing or supporting the person's residential address in Massachusetts, shall be denied or delayed in their application for a driver's license, renewal, learner's permit, or Massachusetts identification card on the ground that such person has failed to submit evidence establishing any particular status under the immigration laws of the United States, and (b) written notices be promptly given to applicants who are denied or delayed in their application for a driver's license, renewal, learner's permit, or Massachusetts identification card, setting forth the basis in the facts and law for the delay or denial of such applications and the applicant's rights of appeal.

2. Preliminarily and permanently enjoin defendant Anne Collins in her capacity as registrar of motor vehicles, her successors, agents, employees, attorneys, and persons in active concert or participation with them, from taking any actions or steps that would have the effect of: (a) denying or delaying the application for a learner's permit, renewals, driver's license, or Massachusetts identification card on the ground that the applicant has failed to submit evidence establishing any particular status under the immigration laws of the United States, and (b) denying prompt written notices to applicants who are denied or delayed in their application for a driver's license, renewal, learner's permit, or Massachusetts identification card, setting forth the basis in the facts and law for the delay or denial of such applications and the applicant's rights of appeal.

3. Award plaintiffs their costs and attorneys fees.

4. Grant such other relief as this court deems proper.

  
BRAZILIAN IMMIGRANT CENTER,  
INC., and MASSACHUSETTS IMMIGRANT AND  
REFUGE ADVOCACY COALITION, INC.

By their attorneys,

---

Kenneth R. Berman (BBO 040320)  
Shaghayegh Tousi (BBO pending)  
Nutter McClennen & Fish LLP  
World Trade Center West  
155 Seaport Boulevard  
Boston, MA 02210  
(617) 439-2000

Iris Gomez (BBO 201000)  
Massachusetts Law Reform Institute  
99 Chauncy Street  
Boston, MA 02111  
(617) 357-0700

Sarah Wunsch (BBO 548767)  
American Civil Liberties Union of Massachusetts  
211 Congress Street  
Boston, MA 02110  
(617) 482-3170

Of Counsel:

Jeffrey Ross (BBO 648972)  
Ross & Associates  
20 Park Plaza, 6<sup>th</sup> Floor  
Boston, MA 02116  
(617) 338-4040

Dated: December 14, 2006