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September 23, 2015

The Hon. Gina Raimondo
Governor
State House
Providence, RI 02903

BY FAX AND MAIL

Dear Governor Raimondo:

I am writing to urge your immediate intervention to address a problem involving the Division of Motor Vehicles that was brought to our attention last week, and that, coincidentally, was confirmed in a *Providence Journal* column over the weekend (enclosed).

Specifically, we have received complaints from former residents of Puerto Rico who have recently moved to Rhode Island and, in accordance with the law, wish to transfer their driver's license here. The DMV has refused to do so, citing problems accessing a database run by Puerto Rico that could be used to electronically verify the status of driver's licenses from that Commonwealth. Instead, the DMV has told these new state residents that, in order to get a Rhode Island license, they must pass the written knowledge exam and road skills test that all new drivers must take. In other words, regardless of whether they have been driving for five, ten or forty years, U.S. citizens moving here from Puerto Rico are being treated like 16-year olds seeking their first driving permit.

The DMV's treatment of these citizens is appalling. They have provided the very thorough list of official documents that DMV policy requires of them – including an original, certified (and translated) birth certificate and a recent officially certified driving record from Puerto Rico. While any database problems Puerto Rico may be failing to address is unfortunate, that is no excuse for DMV to treat new residents from there as if they do not have a valid license.

In addition to willingly providing enhanced documentation that drivers from the 50 States do not need to supply, these individuals have also been required to have their documentation specially processed by the Enforcement section of the DMV at the Cranston office. It is difficult to understand the point of requiring these residents to go through all these extra hoops – including the extra documentation and its inspection by DMV officers with expertise in fraudulent documents -- if electronic verification is the *sine qua non* of authorizing the transfer of a driver's license from Puerto Rico.¹

¹ To make the DMV's actions even less comprehensible, we know of at least one instance where an applicant denied a license transfer was able to obtain, through presentation of a valid passport, a Rhode Island *identification card* with their documents, without the need for review by Enforcement or verification from this elusive electronic database system.

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The DMV's discriminatory treatment of these residents is particularly disturbing, coming as it does on the heels of a federal complaint that we were forced to recently file against that agency. In our formal complaint to the U.S. Department of Justice, which we shared with you at the time, we are challenging the DMV's extraordinary position that it is under no obligation to accommodate persons with Limited English Proficiency, despite clear federal regulatory requirements under a key anti-discrimination law, known as Title VI, that bans state agencies from discriminating against individuals on that basis.

We therefore respectfully, but urgently, ask you to immediately intervene in this matter and order the DMV to accept and transfer licenses from former Puerto Rican residents, notwithstanding any "electronic verification" problems with the Commonwealth, so long as the individuals have complied with all the documentation requirements posted on the agency's website and the Enforcement office has no reason to suspect any fraudulent activity.²

In addition, in light of the timing of this situation so soon after the filing of our Title VI complaint, we want to take this opportunity to ask you to intercede at this time and reverse the DMV's position on their unwillingness to accommodate LEP individuals. An administration committed to equality before the law, as yours is, should not be allowing an agency to undermine that principle by requiring a federal agency's intervention to ensure compliance with fundamental anti-discrimination laws.³

I thank you in advance for your prompt attention to these matters, and look forward to hearing back from you about them at your earliest opportunity.

Sincerely,

Steven Brown
Executive Director

Enclosure

cc: Clare Sedlock
Marcy Coleman

² Although we are willing to stand corrected, we have not heard of any other state where Puerto Rican driver's license transferees are facing the problems that licensees here are facing.

³ We applaud your recent comments confirming your continued work towards allowing undocumented immigrants in Rhode Island to obtain driver's licenses. However, when one considers how the DMV currently treats *documented* immigrants – as demonstrated by their disregard for Title VI – and how, in light of these more recent complaints, the agency treats even some *U.S. citizens* not born here, it is with some trepidation that we think about how such a program could end up being implemented by the DMV.