

## **Immigrant Group to Sue State Over License Crackdown**

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**Byline:** By NINA BERNSTEIN

### **Body**

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A **state crackdown** that is projected to take away the driver's **licenses** of hundreds of thousands of **immigrant** New Yorkers is unlawful because it usurps federal responsibility for immigration, oversteps **state** law on issuing **licenses** and ignores due process, the Puerto Rican Legal Defense and Education Fund charged in a class-action lawsuit expected to be filed today.

The lawsuit, which names Gov. George E. Pataki and the motor vehicles commissioner, Raymond P. Martinez, as defendants, is the first legal challenge to a new policy that **state** officials have characterized as a means of ferreting out fraud and foiling would-be terrorists. **Immigrant** advocates have denounced the policy as discriminatory against noncitizens and dangerous to highway safety.

The lawsuit, to be filed in **State** Supreme Court in Manhattan, is being brought on behalf of all New Yorkers denied a driver's **license** or identity document for lack of a verifiable Social Security number or an immigration document satisfactory to the Department of Motor Vehicles. Among the seven plaintiffs are a 60-year-old **licensed** asbestos remover who worked in the World Trade Center cleanup, a teenage refugee from Albania and the Irish father of an American-born infant who needs to be driven to medical treatment for her seizures.

Most are here without legal authorization, the court papers say, but two who are in the United **States** legally also had their applications denied by motor vehicles clerks without notice or chance for redress, the lawsuit said.

"Clearly New York **State** has no expertise in enforcing the immigration laws," said Cesar A. Perales, president of the Puerto Rican Legal Defense and Education Fund and the **state** social services commissioner under Gov. Mario M. Cuomo. "It makes no sense to me for New York **State** to have undertaken this new policy -- the federal government hasn't asked the governor and the commissioner of motor vehicles to do this."

**State** officials would not comment on the lawsuit. The governor's office referred a call to the Department of Motor Vehicles, where Christine Burling, a spokeswoman, said officials had not seen the legal papers.

But in recent interviews and at a public hearing last week, Mr. Martinez vigorously defended as a public security measure his agency's move to revoke the **license** of any driver unable to provide a verifiable Social Security number or an immigration document granting a year's legal residence and expiring in no less than six months.

He said New York was one of many **states** tightening the rules for obtaining a driver's **license** since 9/11, in recognition that it has become the most widely accepted form of identification in the nation.

New York is among a dozen **states** that by law do not limit driver's **licenses** to legal residents. In the mid-1990's, to improve child support enforcement, New York, like most **states**, added a requirement that **license** applicants provide a Social Security number. But **state** regulations explicitly allow an alternative: a letter from the Social Security Administration confirming that the applicant is not eligible for a number.

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But when a 45-year-old Queens taxi driver took such a letter to D.M.V. offices, along with a foreign passport and other identity documents, he was not allowed to renew his license because he did not have a valid visa as well, the lawsuit said. Another plaintiff was unable to renew his certification as a professional asbestos remover because the motor vehicles agency denied him a photo ID based on his lack of legal immigration status.

Two other plaintiffs have a legal right to live and work in the United States, but even their status was insufficient. Maria Cubas, 42, a Honduran factory worker who lives in the Bronx, is allowed to stay and work in the United States under temporary protected status granted after a hurricane. But Ms. Cubas was denied a learner's permit because her work authorization's expiration date left her two days short of the six months' validity the D.M.V. now requires -- even though that document will be automatically renewed.

Another plaintiff, Eris Lumi, a 17-year-old Albanian who has unlimited political asylum through his father, was not allowed to take his road test last week, the lawsuit said, after a motor vehicles clerk wrongly accused him of being in the country illegally.

"I felt upset cause I paid the money, and my money went away," the teenager said, referring to \$500 he spent on a driving course and \$80 in application fees. "I want to drive to get a better job." Mr. Perales called national security "a smokescreen" behind which state officials were overstepping their statutory authority: to issue licenses on proof of identity, birth date and driving ability.

"What we're concerned with are people who need driver's licenses to get to work safely, to get their kids to the doctor," he said. "I think everybody should be opposed to this kind of discriminatory policy. This can only result in thousands of people driving in this state without a driver's license, without car insurance."

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## Graphic

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Photo: Eris Lumi, 17, an Albanian refugee, was not allowed to take a driving test after he was wrongly accused of being in the country illegally, a suit says. (Photo by Yoni Brook/The New York Times)

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