

# Travis County District Court Declares Department of Public Safety's Denial of Licenses Illegal

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AUSTIN, TX – Yesterday, the 345th District Court in Travis County granted a declaratory judgment and enjoined the Texas Department of Public Safety (DPS) from enforcing rules it created that deny driver's licenses to immigrants living and working in Texas with authorization from the federal government. The court granted the relief in a suit brought by the Mexican American Legal Defense and Educational Fund (MALDEF) together with co-counsel Graves, Dougherty, Hearon & Moody ("Graves Dougherty") in Austin, Texas, on behalf of six individuals who hold visas authorizing them to reside and work in the United States, as well as a landscaping business that employs foreign workers under the federal H-2B program. MALDEF's case challenged recently-adopted rules and policies of DPS that prevented thousands of persons across Texas from receiving standard-issued licenses even though they possessed valid immigration documents issued by the federal government.

Judge Orlinda L. Naranjo held that DPS acted outside the scope of its legislative authority when it adopted the new rules, and that DPS does not have the authority to deny legal immigrants Texas licenses, to require them to present proof of their lawful presence, or to issue them non-standard licenses in a vertical format that identify them as "TEMPORARY VISITORS" and include their "status date."

Thomas A. Saenz, MALDEF President and General Counsel, stated, "As a nation of immigrants, our tradition, too often violated historically and today, is to welcome immigrants and incorporate them into our society, cognizant of the enduring contributions immigrants have made and continue to make. The unlawful DPS attempt to deny licenses to immigrants violated our national tradition and aspiration, so we welcome the court's wise ruling."

"We are very pleased that the Court halted DPS from implementing its own arbitrary, misguided policies that denied licenses to hardworking immigrants living in the United States with permission," said David Hinojosa, MALDEF Southwest Regional Counsel and lead attorney in the case. "These irrational policies have not only affected those immigrants and their families, causing them to suffer from discrimination, but also impacted hundreds of Texas businesses who legally employ immigrants, and we are glad to put an end to the senseless action."

The court entered the judgment following a hearing yesterday on a motion for judgment. A one-day trial was held in Austin on May 10, 2011 in which the plaintiffs challenged the rules adopted by the Public Safety Commission in 2008 that effectively allowed DPS to exclude otherwise qualified persons from receiving driver's licenses solely on the basis that they held less than one-year visas or had less than six-months remaining of permission on their visas. DPS also changed the appearance of driver's licenses for persons with legal permission to reside in the U.S., but who are not U.S. citizens or legal permanent residents, and shortened the expiration term of licenses for such persons—all without the Texas Legislature ever passing a law authorizing DPS to do such.

Pete Schenkkan of Graves Dougherty Hearon & Moody, P.C., MALDEF's co-counsel, said "We were honored to be asked to help with this important case and are delighted with Judge Naranjo's decision upholding Texas laws and American values."

"DPS created havoc by attempting to inject its political agenda into the lawmaking process," added MALDEF staff attorney Marisa Bono, co-counsel in the case. "The court's judgment puts a stop to that agenda."

A copy of the decision may be found at

[http://www.maldef.org/assets/pdf/JUDGMENT\\_Salazar\\_TX\\_072711.pdf](http://www.maldef.org/assets/pdf/JUDGMENT_Salazar_TX_072711.pdf)