



ACLU and Human Rights Commission Announce Settlement in Discrimination Case Against the DMV

Vermont DMV to make significant policy changes and pay \$40,000 to settle claims of discriminatory treatment and violation of constitutional rights

FOR IMMEDIATE RELEASE

August 30, 2016

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MONTPELIER –The ACLU of Vermont and the Vermont Human Rights Commission have settled a case with the Vermont Department of Motor Vehicles on behalf of a Jordanian man who was turned over to federal immigration authorities by DMV officials in June 2014. The settlement is the result of a Vermont Human Rights Commission complaint alleging that Vermont DMV employees discriminated against ACLU client Abdel Razaq Rababah based on his race, ethnicity, religion, and national origin and in disregard of Vermont’s Drivers’ Privilege Card (DPC) law, which allows undocumented immigrants residing in Vermont to obtain driving privileges. Mr. Rababah also asserted that the DMV violated his Fourth Amendment rights against unreasonable search and seizure, and his Fourteenth Amendment right to due process of law.

As part of the settlement, the DMV will change its drivers’ license application; develop and adopt policies to prevent DMV staff and police from engaging in the acts that led to Mr. Rababah’s detention; provide anti-discrimination training for all DMV staff and police; provide constitutional policing training to DMV police; and collect and publish demographic data on the targets of DMV investigations. Additionally, DMV agreed to pay \$40,000 to Mr. Rababah to settle his claims.

ACLU-VT Staff Attorney Jay Diaz: “The State of Vermont cannot hold out the promise of legal driving privileges on the one hand and the threat of immigration arrest on the other. Thanks to Mr. Rababah, Vermont DMV is no longer in the business of entrapping people in unconstitutional and discriminatory sting operations. Through this settlement, Mr. Rababah has achieved justice not only for himself but also for the many other individuals the Drivers’ Privilege Card law was intended to benefit.”

In 2014, Governor Shumlin signed the DPC provisions into law, allowing undocumented immigrants residing in Vermont to drive legally. Shortly after the law took effect, Mr. Rababah, a Jordanian national and 10-year resident of Vermont, went to his local DMV office in Dummerston to apply for a Drivers' Privilege Card. Despite the fact that he had already received his DPC permit, DMV officials were openly hostile to Mr. Rababah, provided him with only a temporary DPC, and subsequently initiated a fraud investigation against him which was ultimately found to be based on a DMV employee's alteration of his application.

Rather than reaching out to Mr. Rababah, DMV investigators contacted federal immigration authorities. An immigration official told the DMV's investigator that Mr. Rababah was from a "country of interest" and had overstayed his student visa nearly a decade earlier. The official then asked the Vermont DMV to let them know if they ran across Mr. Rababah in the future.

The DMV investigator then invited Mr. Rababah to a meeting, ostensibly to discuss his DPC application. When Mr. Rababah arrived at the Dummerston DMV as requested, he was confronted by the DMV investigator and two U.S. Immigration and Customs Enforcement (ICE) officials, and promptly arrested. Mr. Rababah subsequently spent nearly a week in a federal immigration detention center and over two years in immigration court proceedings. The DMV also seized and withheld Mr. Rababah's DPC for seven months. Mr. Rababah was ultimately cleared of any wrongdoing by DMV's investigators..

In January 2015, Mr. Rababah filed a complaint with Vermont's Human Rights Commission. The Commission's investigator, in a [33-page report](#), detailed "the myriad extremely harmful measures taken against Mr. Rababah" by the DMV employees who discriminated against him in violation of Vermont's Fair Housing and Public Accommodations law.

Karen Richards, executive director of the Commission: "The Drivers' Privilege Card program was intended to expand eligibility for drivers' licenses and non-driver identification cards to individuals unable to establish lawful immigration status. Actions like those taken against Mr. Rababah, based on his national origin, have a chilling effect on others who may wish to take advantage of this important program. The public interest relief obtained through this settlement will help to ensure that this vital benefit is available to those it is intended to serve without risk of immigration consequences."

ACLU-VT Executive Director, James Lyall: "When state officials insert themselves into federal immigration enforcement, civil rights violations are all but inevitable. It was precisely in response to incidents like this that Vermont created the Drivers' Privilege Card in the first place. The ACLU will continue working to help ensure that the promise of that law is realized."

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