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VIA E-MAIL ([REDACTED]@DMV.CA.GOV)

March 11, 2015

Ms. Jean Shiimoto
Director
California Department of Motor Vehicles
2415 First Avenue, Mail Station F101
Sacramento, CA 95818

**RE: Request for Renewal of California Driver License
Mr. Edenilson Antonio Flores Salazar
Driver License Number: [REDACTED]**

Dear Ms. Shiimoto:

I am writing to request the immediate renewal of the California Driver License of Mr. Edenilson Antonio Flores Salazar (Driver License Number: [REDACTED]) who is my *pro bono* client. The California Department of Motor Vehicles (DMV) has incorrectly refused to renew Mr. Flores' Driver License because his Employment Authorization Document (EAD) shows an expiration date of March 9, 2015.

Mr. Flores is a national of El Salvador and he obtained his EAD through his registration in the Temporary Protected Status (TPS) program. In January 2015, the U.S. Department of Homeland Security (DHS) extended the TPS benefits of Mr. Flores and other eligible Salvadorans until September 9, 2016. *See* 80 FR 893 (January 7, 2015), *available at* http://www.justice.gov/eoir/vll/fedreg/2014_2015/fr07jan15.pdf.

In addition, DHS *automatically* extended the validity of EADs issued under the TPS designation of El Salvador for 6 months, through September 9, 2015. *Id.* Accordingly, Mr. Flores continues to be authorized to live and work in the United States under the TPS program.

Mr. Flores has made three unsuccessful attempts to renew his Driver License at the DMV offices in Hollywood and Los Angeles, California. During all three attempts, Mr. Flores has been told that his DHS Employment Authorization Document (EAD) with an expiration date of March 9, 2015 is no longer valid and that he must present a new EAD in order to renew his driver license.

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At all times, Mr. Flores has explained his TPS status and the automatic extension of his EAD by DHS. He has also provided DMV representatives with a copy of the aforementioned *Federal Register* notice and evidence of his TPS re-registration.

Mr. Flores' last attempt to renew his driver license was made on March 10, 2015 at the DMV Los Angeles office. I accompanied Mr. Flores and we met with two DMV Supervisors: Supervisor Sonia and Supervisor Edward Gardner.

At our request, Supervisor Gardner contacted the DMV Legal Department who referred him to the DMV Issuance/Legal Presence Unit. This Unit advised Supervisor Sonia and Supervisor Gardner not to renew Mr. Flores' driver license until he provides a new EAD.

The DMV's actions are illegal under federal law and its continuing discrimination of Salvadorans must stop immediately.

In 2010, I brought this same issue to the DMV's attention. It is deeply worrisome that five years after being made aware of the problem, the DMV continues to discriminate against Salvadorans and possibly other TPS holders, including Hondurans and Nicaraguans. Attached is a copy of the letter I sent to DMV in 2010 and its response.

Based on the foregoing, we respectfully request that DMV cease and desist from its illegal conduct and immediately renew Mr. Flores' Driver License until September 9, 2015. Please call me at 213-537-8472 to arrange a date and time when Mr. Flores can visit his local DMV office to renew his license.

We believe that there are many other TPS holders that have had their Driver License applications incorrectly denied because DMV customer service representatives have failed to recognize the automatic extension of EADs by DHS. Accordingly, we again request the following:

1. DMV should immediately review the Driver License applications of all Salvadoran TPS holders to determine if any of their applications have been erroneously denied based on their immigration status. The review should include all applications filed since March 9, 2001, which is the most recent TPS designation date for Salvadorans.

If any incorrect denials have occurred, their Driver License applications should be immediately approved and made effective as of the date their Driver License expired. DMV should also inform all California and out-of-state police departments and traffic courts about the incorrect denials of Driver Licenses to Salvadoran TPS holders and request that any outstanding traffic tickets related to driving with an expired license be dismissed in the interest of justice because these individuals would have possessed a valid Driver License but for the incorrect denials by DMV.

If any of the affected individuals have been convicted of driving with an expired license, DMV should request that these convictions be expunged and any fines paid returned to the affected parties.

2. DMV should immediately send a memorandum to all DMV customer service representatives and supervisors advising them on the proper way to process Driver License applications for TPS

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holders. DMV should also schedule trainings to ensure that the memorandum is understood by all of its customer service personnel. Finally, the memorandum should become part of the training materials that are distributed to new and existing DMV customer service representatives and supervisors.

3. An independent investigation of the DMV Legal Affairs Division and the DMV Licensing Operations Division, including the DMV Issuance/Legal Presence Unit, should be undertaken immediately. Policies and procedures for these Divisions must be examined to determine the reasons why these DMV entities have failed to properly counsel DMV management and field personnel as to the proper way to evaluate driver license applications of TPS holders, including those of Salvadorans, Hondurans and Nicaraguans.

If these DMV Divisions have failed to properly conduct their affairs, the individuals responsible for these entities should be held accountable and disciplined and/or terminated. This is especially necessary given that in 2010 the DMV was notified of the problem and promised to undertake actions to correct its illegal conduct.

For your convenience, I have attached a copy of the *Federal Register* notice that announces the most recent extension of TPS benefits for Salvadorans. You may also want to visit the following web pages to learn more about TPS:

U.S. Citizenship and Immigration Services:

Temporary Protected Status

<http://tinyurl.com/m6ds73j>

Temporary Protected Status for El Salvador

<http://tinyurl.com/lq4zdaa>

U.S. Department of Justice's Office of Special Counsel for Immigration-Related Unfair Employment Practices:

Extension of Work Authorization for Temporary Protected Status (TPS) and Delayed Enforced Departure (DED)

http://www.justice.gov/crt/about/osc/htm/work_extension.php

Thank you in advance for your immediate response to this request. Please confirm receipt of this letter and contact the undersigned should you have any questions.

Respectfully submitted,

[REDACTED]

Nelson A. Castillo

Pro Bono Immigration Attorney for Mr. Edenilson Antonio Flores Salazar

Attachments

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cc: Mr. Edenilson Antonio Flores Salazar
Mr. David P. Harris, Deputy Director and Chief Counsel, DMV Legal Affairs Division
Mr. Wesley Goo, Deputy Director, DMV Licensing Operations Division
The Honorable Brian P. Kelly, Secretary, California State Transportation Agency
The Honorable Francisco Altschul Fuentes, Ambassador of El Salvador to the United States
The Honorable María Mercedes López Peña, Consul General of El Salvador in Los Angeles
U.S. Department of Justice's Civil Rights Division
U.S. Department of Justice's Office of Special Counsel for Immigration-Related Unfair
Employment Practices