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# ISSUE POLICY BRIEF:

## ON BMV REGISTRATION POLICY CHANGES

Prepared by Florentina Staigers, Public Policy Center  
to the honorable members of the 128th Ohio General Assembly

### Background

In 2008, then Director of the Ohio Department of Public Safety (DPS), Henry Guzman, sought to close a loophole in the law that allowed those with acceptable identification to obtain vehicle registrations for those without it. The loophole had existed for several years prior, but had not come to the attention of the Director until a fatal car accident involving undocumented immigrants occurred that year. However, the Director delayed implementation of the policy change in order to allow time for better understanding and identify problems that would need to be corrected. Ultimately, Director Guzman implemented the policy on August 24, 2009 before his tenure at DPS ended.

On October 8, 2009, the Bureau of Motor Vehicles (BMV) issued a letter to 47,000 Ohio vehicle owners asking them to show an Ohio driver's license or identification card, or a social security number by December 8, 2009 in order to prevent their vehicle registrations from being canceled. The letter was sent following an internal policy change by the BMV that established that third-party transactions such as power of attorney were no longer sufficient for registering vehicles in Ohio. The policy now requires strict compliance with Ohio Revised Code section 4503.10, which requires "the owner's social security number, driver's license number, or state identification number."

Regardless of intent, the effect of the policy changes was immediate: the vehicle registrations of thousands of undocumented immigrants would be canceled. The Ohio Latino Affairs Commission began to receive numerous inquiries from concerned community members, most of them seeking guidance as to what could be done. In just one month, the office received nearly 30 constituent inquiries regarding this issue, and numerous other informal inquiries.



Based on these inquiries, it was determined that Ohio Latino Affairs could best serve the community by doing the following:

- Producing a series of policy briefs, reports, and news briefs to help advise policymakers and inform community leaders as they respond to issues and deal with the consequences of the Ohio BMV policy & implementation.
- Requesting meetings with agency officials to gather additional information on behalf of the Board of Commissioners.
- Observing community meetings to help guide prudent community responses and engagement in the public policy process.

Thus, in accordance with these tasks, this policy brief seeks to advise policymakers regarding the reported consequences of the policy changes, the community's actions undertaken in response, and the community's recommendations on how to resolve the challenges associated with the policy change.

## Consequences

Simply put, two courses of action are available: 1) either individuals and families are leaving Ohio, which will potentially affect local economies, or 2) they are staying, making them vulnerable to unscrupulous businesses that offer them dubious solutions. According to accounts, many individuals and families affected by the BMV policy change are already leaving. Often times, families are comprised of not just undocumented immigrants, but also U.S. Citizens, immigrants, and visa-holders, in other words "mixed status" families. For example, according to the Pew Hispanic Center, about 2 million families nationwide are comprised of U.S.-born citizens but at least one parent who is an undocumented immigrant. A school interpreter from Columbus reported that "citizen children are being uprooted from their schools and moved with little planning...(and) [m]any legal residents and citizens are leaving, as they have family members who are undocumented who have tried but are unable to adjust their status."

Hispanic business associations in Ohio assert that as a result of families leaving, businesses that provide goods and services to these families, and those who employ them will be adversely impacted, which will in turn adversely impact Ohio's economy.

Other economic concerns raised are that Ohio will be losing nearly \$2 million dollars in registration fees, and that for each Ohioan, documented or undocumented, that is not counted in the 2010 U.S. Census, the cities in which they live will lose the opportunity for dollars. Thus, the community members have cited the effect on the local economies, as well as the larger impact on the Ohio economy as important concerns.

While some are leaving Ohio, others are staying here and looking for alternatives. These alternatives range from inconvenient, to risky, to outright illegal, which is why it will be of the utmost importance to help immigrants make these distinctions. Those who stay here will be desperate to keep their jobs and they will be vulnerable to unscrupulous business owners who seek to exploit them by claiming they have legitimate solutions.



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The range of alternatives that have been brought to the Commission's attention are the following:

- Public transportation.
- Car-pooling.
- Community organizations providing housing legal services to those who need to move closer to their work.
- Encouraging businesses to provide transportation services to their workers.
- Vehicle registration under the name of a company.
- Long-term rentals/leases in which the vehicle is in the dealer's name.
- Registering their vehicles under someone else's name, such as a family member or friend that has all the necessary documentation.
- Fraudulent/Counterfeit plates.

Therefore, based on both of these options and the associated concerns, Ohio Latino Affairs will continue to communicate with community leaders regarding the consequences of the changes in order to ensure that local economies are stable in communities where immigrants are leaving, and that community organizations are clear as to reasonable alternatives for those who stay.

## Community Action

In general, Latino-serving organizations and leaders have been frustrated and overwhelmed by the policy changes and believing that there is no apparent solution, they have turned to legal action. Ohio Latino Affairs is aware of the following community responses:

- Organizations and leaders worked together to raise money to hire an attorney to file an injunction against the BMV and to implement an awareness campaign for public officials. The Ohio Hispanic Coalition (Columbus), League of United Latin American Citizens (Ohio), American Immigration Lawyers Association (Ohio), Cincinnati Interfaith Workers Center, Immigration Advocacy Movement (Cincinnati), Spanish newspapers, Hispanic Business Associations, Latino and Immigrant Rights Advocates (LIRA, Dayton) labor unions, faith-based organizations and other state and national organizations have been involved in this effort. The injunction was filed on November 24, 2009.
- Several community meetings and conference calls have been held around the state to educate immigrants about the policy changes and to devise plans of action.
- Local attorneys have also written articles for the Spanish newspapers educating immigrants about the policy changes.
- Additionally, in Toledo, the migrant-serving organization Farm Labor Organizing Committee is planning meetings with local BMV officers to learn more about the application of the registration changes on the local level. Similarly, members of LIRA have spoken with local law enforcement officials and local BMV officials.

While Ohio Latino Affairs has had no involvement in these efforts, the Commission has followed the actions in order to stay informed. The Commission will continue to stay informed regarding the community-led response.



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## Community Proposals

As the Commission gathered information on the impact of the policy changes, the Commission also requested feedback on longer-term solutions. The community's response was primarily a call for immigration reform, and in the absence of this, a statewide legislative proposal that would account for the undocumented immigrants in Ohio. The general sentiment of the community was frustration with mainly the federal government, but also the state government in not addressing the issue of immigration. Therefore, a discussion of federal and state policies is necessary to address the community's concerns.

First and foremost, it is clear that there can be no effective solution without placing the problem in the context of the nation's broken immigration system. Community members have consistently cited the need for federal immigration reform to fully address the issue of registration. Until there is immigration reform, Ohio will continue to face similar challenges involving undocumented immigrants. Ohio has already seen the immigration issue manifest time and time again. Examples include: the Columbus west side fire that led to the death of ten Mexican immigrants; various Immigration and Customs Enforcement raids across the state, rising hate crimes against Latinos, and now the consequences of the registration policy changes. Thus, community members and policymakers need to continue to pressure the federal government to take action on immigration reform. It needs to be clear that although immigration is a federal issue, the consequences of failed action are the burden of the states.

In the absence of immigration reform, there have been several state-level bills that have attempted to address the challenges. However, these narrowly-focused bills have fallen short of the comprehensive solution that is necessary to fully confront the challenges. If Ohio's laws do not account for all persons living and working in Ohio, they cannot fully accomplish their intent to provide safety and security. Based on this, a common theme of the community's recommendations was that the state adopt legislation that would provide a means for all Ohio residents to be able to be identified, tested and licensed, and insured. Furthermore, to address the registration issue in particular, it was suggested that the state adopt a law that addresses "notario" fraud, a common occurrence in which non-attorneys use advertisements or assurances that they are either attorneys or qualified to provide legal services in areas such as immigration.

In conclusion, it is the hope of the Latino community that immigration is addressed on the federal level, as this would be the most comprehensive means of doing so. However, in the event that immigration is side-lined or another congressional effort fails, the community also is directing their attention toward state-level reform.

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