



WHITMAN-WALKER HEALTH

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**BEFORE THE COUNCIL OF THE DISTRICT OF COLUMBIA
COMMITTEE ON TRANSPORTATION AND THE ENVIRONMENT**

**TESTIMONY OF WHITMAN-WALKER HEALTH IN SUPPORT OF BILL 21-736,
IMPROVING ACCESS TO IDENTITY DOCUMENTS ACT OF 2016, AND BILL 21-738,
DRIVER'S LICENSE FAIR ACCESS AND EQUITY AMENDMENT ACT OF 2016
JUNE 23, 2016**

Whitman-Walker Health (WWH) is pleased to submit this statement in support of the “Improving Access to Identity Documents Act of 2016” (Bill 21-736) and the “Driver’s License Fair Access and Equity Amendment Act of 2016” (Bill 21-738).

As a federally qualified community health center, WWH provides the highest quality medical, dental and mental health care, legal assistance, and community health services to many thousands of District residents, including those in the LGBTQ community and those living with HIV. We are a nationally-recognized leader in transgender care and in legal services to the transgender community. In calendar year 2015, we provided health services to 1,138 individuals who identified as transgender or gender-nonconforming, and legal assistance to 480 such individuals. Among the many services we provide to transgender persons are our Name and Gender Change Clinics, which help clients to obtain legal name changes, court orders recognizing their true gender, and name and gender marker changes in driver’s licenses and other identity documents. Our staff and volunteer attorneys have helped 218 unique District residents with such services in the most recent 12 months, and 491 unique District residents with such services since June 2012.

Whitman-Walker enthusiastically supports these bills because most of our legal clients are low-income – approximately 80% of them have incomes less than 200% of the Federal Poverty Level – and many have limited English proficiency. Having accurate identity documents is a prerequisite to fully and equally participate in society, and is particularly critical for transgender individuals. These bills will expand access to documents that all District residents need in order to obtain employment, insurance, public benefits, housing, education, and access to government facilities and places of public accommodation – and to avoid difficult encounters with the police and others in positions of authority.

The Department of Motor Vehicle’s fee schedule is especially burdensome for low-income transgender and immigrant District residents who need to update their vital records and identity documents more frequently than other DC residents. While DC residents who are experiencing homelessness can present vouchers from certified social services providers to obtain an identity card for free (although not a driver’s license), the vast majority of low-income DC residents are required to pay \$20 for an identity document or \$47 for a driver’s license. These fees are cost-prohibitive for people who struggle to meet their basic needs. Many of our transgender DC clients live in poverty, and financial hardship often prevents them from correcting their identity documents to reflect their legal name and true gender. Not having accurate identity documents exposes the already marginalized transgender population to a multitude of harms, including discrimination, harassment, and even violence.

In addition, Whitman-Walker assists substantial numbers of foreign-born individuals and families in immigration proceedings, most of whom are very low-income. The DMV’s fees are burdensome for these clients who have short-term immigration documents, such as work permits, that must be renewed every year (for instance, asylum seekers, Temporary Protected Status

holders, and conditional permanent residents). When these individuals apply for IDs or driver's licenses, the DMV issues them identity documents with expiration dates that mirror their immigration documents. This means that whenever their immigration documents are up for renewal – frequently, every year – so are their identity documents. As an example, an asylum seeker – who has fled their home country, has no or very little resources and whose asylum application will likely be pending for several years due to backlog – is required to pay the DMV fee every year after renewing their work permit. By contrast, the U.S. Citizenship and Immigration Services (USCIS) renews asylum seekers' work permits free of charge based on their understanding that asylum applicants are virtually always have low or no income.

We support the fee waiver proposed in Bill 21-736, the “Improving Access to Identity Documents Act of 2016,” because it will eliminate this significant barrier for many of our transgender and immigrant clients.

The DMV's lack of adequate language services is harmful and discriminatory to DC residents with limited or no-English proficiency. Many if not most of our clients with limited English proficiency (LEP) who attempt to access DMV services have reported some form of language access violation. While we routinely advise our LEP clients to show their “I speak [language]” cards to DMV representatives and ask for language assistance, their requests are overwhelmingly ignored. We also find that the DMV website and other DMV materials are not consistently translated into the foreign languages that are prevalent in the District.

Therefore, we support Bill 21-738, the Driver's License Fair Access and Equity Amendment Act of 2016,” to ensure LEP DC residents' rights to language access and equal treatment when they seek DMV services.

The DMV's lack of fee waiver and adequate language services present compounded hardships for low-income DC residents who are LEP, transgender immigrants. LEP, gender diverse immigrants are virtually barred from obtaining authentic identity documents in the District because they face compounded barriers: the cost-prohibitive DMV fee schedule and the DMV's failure to provide meaningful language access.

For example, it took Ms. Carrera (name changed to protect her privacy) – a low-income DC resident client who is a transgender woman with a pending asylum application and who is learning English – four visits to the DMV with the help of English-speaking friends, two DMV fee payments, and our advocacy outreach to DMV Director Lucinda Babers in order to obtain identification that reflected her legal name and authentic gender marker. At her first visit, Ms. Carrera presented to the DMV with her homelessness voucher and applied for an ID to reflect her court-ordered, legal name and preferred gender marker. At that visit, she requested an interpreter, but was not provided one, and the DMV representative charged her \$20, disregarding Ms. Carrera's voucher from a certified social services provider. After reaching out to Director Babers, Ms. Carrera returned to the DMV and met with a supervisor who appropriately processed her voucher and refunded her the \$20.

Several months later and with the help of her authentic ID, Ms. Carrera found a job and a place to live. She started to save up for a down payment on a car and returned to the DMV to apply for a driver's license. Once again, the DMV representative failed to provide her an interpreter. In addition, the DMV representative refused to accept Ms. Carrera's still-valid driver's license from her home country as proof of ability to drive because "it had to be translated," even though the driver's license was entirely bilingual (Spanish-English). We reached out once again to Director Babers' office, who instructed her staff that bilingual foreign

documents do not need to be translated and that representatives must process valid and bilingual driver's licenses as proof of ability to drive.

When Ms. Carrera returned to the DMV for the fourth time, she met with a supervisor to whom she presented her proof of ability to drive and took the driver knowledge examination test in Spanish, which she passed on the first try. She then paid the \$47 fee and was issued a driver's license with an expiration date matching the renewal date of her work permit: July 2016. This means that once Ms. Carrera renews her work permit for another year with USCIS, she will have to return to the DMV to renew her driver's license as well and she will have to pay the \$47 fee once again. For Ms. Carrera, this will be the fifth visit to the DMV within a nine-month period and she will be out almost \$100 in DMV fees. As a low-income public benefits recipient, Ms. Carrera cannot afford to pay the DMV fees, but appreciates the importance of having identity documents to fully participate in society and to protect herself from being exposed as transgender; therefore, she has no other choice but to keep paying.

Unfortunately, Ms. Carrera's story is not unique as we see many of our low-income, LEP, and/or transgender DC resident clients struggling to obtain and pay for identity documents and vital records. Therefore, we at WWH are grateful for the DC Council's commitment to improving all District residents' access to these documents.

Thank you for your consideration of our statement in support of the proposed bills. If you would like additional information or if we can be of further assistance, please contact us.

Respectfully submitted,

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