

**AABANY's Testimony before NYC Council on Temporary Protected Status for the
Philippines and Immigration Fraud Prevention (12/17/13)**

[Tsui Yee Opening Greeting and Thank You for Opportunity to Testify]

The Asian American Bar Association of New York thanks Council Members Eugene and Dromm for bringing forth this resolution to call upon the Secretary of the Department of Homeland Security to grant Temporary Protected Status designation for the Philippines. We join them in urging that TPS designation be granted in light of the devastating effects that Typhoon Haiyan has had on citizens and nationals of the Philippines.

The loss of life and property caused by Typhoon Haiyan has been catastrophic; more than 6,000 people were killed, while over 4 million people have been displaced from their homes. Victims and their families are in dire need of assistance, and if granted, Temporary Protected Status would unquestionably aid the Philippines in its efforts to recover from such unspeakable loss.

Temporary protected status is a temporary immigration status granted to eligible nationals of designated countries pursuant to Section 244 of the Immigration and Nationality Act. It is granted by the Department of Homeland Security to foreign countries who are unable to adequately handle the return of its nationals due to certain events - for example, in times of ongoing armed conflict, an environmental disaster or epidemic, or other extraordinary and temporary conditions.

If granted TPS, eligible nationals of the Philippines can obtain employment authorization; can obtain authorization to travel outside the United States; and would also be protected against removal from the United States. It is estimated that 500,000 Filipinos living in the United States would qualify for TPS. Studies have shown that when individuals are granted work authorization, they are able to increase their income by 15%. This means that if given TPS, Filipino nationals would be able to significantly help their family members and countrymen by increasing the remittances that they can send back to their homeland.

Yesterday, the government of the Philippines formally requested TPS designation from the Department of Homeland Security. The United States has a proud tradition of providing temporary humanitarian relief to fellow countries in times of urgent need, as when it granted TPS to Haiti in 2010 following the devastating earthquake. In light of the above, AABANY supports the grant of Temporary Protected Status to the Philippines.

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Moreover, AABANY strongly supports City Council Resolutions 1515 and ____, and commends the City Council for its efforts to combat immigration fraud and the unauthorized practice of law.

Resolution 1515 calls upon the United States Congress to pass and the President to sign S. 1336, the "Immigration Fraud Prevention Act of 2011," which would impose criminal penalties on any

individual who falsely represents him or herself as an immigration attorney or an accredited immigration representative. Resolution No. ___ calls upon the New York Legislature to increase the criminal penalties for unscrupulous immigration service providers who violate state law.

As a bar association representing the interests of New York Asian-American attorneys, judges, law professors, law students, and other legal professionals, AABANY is acutely aware of the harm that unscrupulous and fraudulent immigration service providers have caused to the immigrant community. The unauthorized practice of law is a problem that has particularly plagued the Asian Pacific American immigrant community, due to language and cultural barriers, among other reasons.

According to the U.S. Census Bureau, Asians were our country's fastest-growing race or ethnic group in 2012. Not only did the Asian population rise by 530,000, or 2.9 percent, in the preceding year, to 18.9 million, but moreover, more than 60 percent of this growth came from international migration. As more and more immigrants apply for lawful permanent resident status in the United States, the potential for unauthorized practitioners to take advantage of this vulnerable population will no doubt increase. The immigration law is a notoriously difficult and complex area to navigate. Unfortunately, many bad actors exploit this confusion and complexity for their own financial gain, to the detriment of the victim.

As Co-Chair of AABANY's Immigration and National Law Committee, I have worked together with the Manhattan District Attorney's Office Immigrant Affairs Program in putting together seminars and presentations to educate the immigrant community on how to avoid being the victim of immigration fraud. At these presentations, we have been able to educate the public on how to identify common scams and how to avoid them; how to determine whether the individual they are considering on hiring is a licensed attorney or accredited immigration representative; and how to report a crime if they were indeed the victim of immigration fraud.

Throughout the course of the seminars that we held and which were attended by several hundred audience members, it was clear to us the prevalence and enormity of this problem. Victims of immigration fraud not only suffer substantial financial loss in terms of often exorbitant fees that they pay to the unscrupulous service providers – many times their life savings if not weeks' or months' worth of modest earnings – but often find themselves facing deportation or detention as a result of an improperly filed petition or application.

In light of the distinct possibility that TPS designation may be granted to the Philippines, the potential for more bad actors to further prey upon the immigrant population is almost a given. It is more important than ever that criminal penalties be enhanced to deter and punish those who violate state law.

Thank you.

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The Asian American Bar Association of New York was formed in 1989 as a not-for-profit corporation to represent the interests of New York Asian-American attorneys, judges, law professors, legal professionals, legal assistants or paralegals and law students. The mission of AABANY is to improve the study and practice of law, and the fair administration of justice for all by ensuring the meaningful participation of Asian-Americans in the legal profession.