

CITY COUNCIL  
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON IMMIGRATION

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December 17, 2013

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HELD AT: 250 Broadway - Committee Rm.  
16th Fl.

B E F O R E:  
DANIEL DROMM  
Chairperson

COUNCIL MEMBERS:

Jumaane D. Williams  
Mathieu Eugene  
Ydanis A. Rodriguez

## A P P E A R A N C E S (CONTINUED)

Tsui Yee  
Co-Chair  
Immigration and Nationality Law Committee  
Asian American Bar Association of  
New York

Rio Guerrero  
Immigration Law Attorney  
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COMMITTEE ON IMMIGRATION

CHAIRPERSON DROMM: [gavel] Okay, good afternoon. I'm Council Member Dromm and I'm chair of the New York City's Council's Committee on Immigration. For this last hearing of my first term on the Committee on Immigration we will be hearing three resolutions that touch on issues of great concern to me. Resolution Number 1515 and Resolution Number 2059 support state and federal legislation that seek to combat immigration fraud, and Resolution Number 2057 calls on the federal government to grant Temporary Protected Status or TPS to the Philippines so that Filipinos living in the country at the time of November's incredibly damaging typhoon last month can remain in this country and work without fear of deportation. The committee will be voting on Resolution Number 2057 today. I would like to thank Council Members Vacca for introducing Resolutions Number 2059, and Council Member Eugene for introducing Resolution Number 2057.

Immigration fraud is such a terrible and troubling issue, especially in my community, which is one of the largest, if not the largest immigrant community in the city. Immigrants or

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individuals who want to legalize their status so they can work, support their families and eventually become eligible for citizenship, are the most likely to fall victim to immigration fraud. They go to someone who they think they can trust because they have walked by that person's office for years and it is always full or they were referred to someone by a neighbor or coworker. They pay this person who tells them that everything will be fine, and then a few months may pass or even a few years when this immigrant comes to realize that they are deportable. They wonder to themselves why; how could this be? As it turns out, the person that they paid never filed those papers for them or that person filed them incorrectly. Now what does one do? The purpose of the state and federal legislation that is discussed in Resolutions Number 1515 and 2059 seek to combat this problem by increasing fines for individuals who hold themselves out as immigration service providers and ultimately defraud their clients.

As we all know, on November 8th of this year, the Philippines were struck by a Category 5 typhoon, which led to the deaths of more than 5,000

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2 people, displacing 700,000 Filipinos from their  
3 home and left 11 million people without basic  
4 necessities such as shelter and food. It is  
5 estimated that it will cost as much as \$14 billion  
6 for the Philippines to recover from the damage  
7 caused by the typhoon. How can the Philippines  
8 possibly be prepared to care for those who were  
9 living there at the time of this natural disaster,  
10 let alone those living here in the United States,  
11 when there is so much damage and fear of the spread  
12 of diseases, violence and looting across the  
13 country? Temporary Protected Status is provided to  
14 immigrants living in the United States who are  
15 unable to safely return to their homes because of  
16 an ongoing armed conflict and environmental  
17 disaster or other extraordinary and temporary  
18 conditions that prevent a safe return. In light of  
19 what is going on in the Philippines now, Filipino  
20 nationals clearly fit the requirements.

21 Resolution Number 2057 calls on the  
22 Department of Homeland Security to grant TPS to the  
23 Philippines so that eligible Filipino nationals  
24 would be allowed to legally work and live in the  
25 United States without fear of deportation,

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affording them the opportunity to provide financial contributions to the Philippines. As a co-sponsor of Resolution Number 2057, I would urge my colleagues with me here today to vote aye, and let me say we have been joined by Council Member Jumaane Williams from Brooklyn, Council Member Mathieu Eugene from Brooklyn and we were joined by Council Member Ydanis Rodriguez from Manhattan, and with that, I think we're going to call the vote first. But at the same time, what I'd like to do is to call up the first panel, so Tsui Yee from the Guerrero Yee... from the Asian American Bar Association of New York. Matthew Blaisdell from the American Immigration Lawyer's Association and also Rio Guerrero from the American Immigration Lawyer's Association.

[Pause]

CHAIRPERSON DROMM: Yes, okay and Council member Eugene is here and he would like to make a statement before we actually vote. Council Member Eugene?

COUNCIL MEMBER EUGENE: Thank you very much, Mr. Chair and let me also thank everyone here today for this very important hearing and votes.

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COMMITTEE ON IMMIGRATION

Good afternoon. I am Mathieu Eugene, Council Member of the 48th District in Brooklyn. I would like to thank my colleague and good friend, Council Member Dromm; Daniel Dromm for his co-sponsorship and for bringing my Resolution 2057 before the Council Committee on Immigration today. Reso 2057 calls on the U.S. Department of Homeland Security to designate Temporary Protected Status, TPS, to the Philippines. The TPS designation would permit eligible Filipino nationals already living in the United States to remain in the country while the Philippines recover from the recent devastation to their country.

On November 8th, 2013, the Philippines were struck by a Category 5 typhoon, which caused extensive damage to 36 provinces and surrounding areas. The National Disaster Risk Reduction and Management Council estimates in the wake of the typhoon more than 5,000 people lost their lives, 11 million people have been affected and nearly 700,000 displaced. The UN Office for the Coordination of Humanitarian Affairs stated that 11.2 million people in the Philippines are without basic necessities such as food, shelter, a means of



1 providing for one's family or education. After the  
2 earthquake that struck my country of origin, Haiti,  
3 in 2010, I rallied my colleagues in support of  
4 Temporary Protected Status, TPS, for Haitians  
5 residing here in the United States. I drafted  
6 Resolution 1595 and Resolution 648 calling for the  
7 federal government to designate and then later  
8 renew TPS for Haiti, which both passed with  
9 overwhelming support from my colleagues here in the  
10 City Council. My efforts also brought me to the  
11 National Capital in Washington, DC, where I visited  
12 the White House, Homeland Security and Congress to  
13 renew TPS. I know that our action here with help  
14 from the City Council fronting our efforts and sent  
15 a powerful message to the federal government that  
16 TPS was critical to the relief effort.

18 Many of you here today have also  
19 experienced or been directly impacted by the effect  
20 of natural disasters. Severe flooding, aggressive  
21 winds, electricity outage and other damaging forces  
22 created dangerous conditions for our residents in  
23 New York last year when we were struck by the  
24 tropical storm Hurricane Sandy. It is horrible a  
25 experience for families to endure and these are

1  
2 only magnified when the destructive forces equal  
3 that of the Category 5 typhoon. For the families  
4 from the Philippines who now face the powerful  
5 process of recovering, TPS is a valuable next step.  
6 New York City is an international city. It is home  
7 to almost all nationalities of people. When such a  
8 large scale disaster occurs, regardless of the  
9 country affected, it is imperative that we come  
10 together and offer our support to those in need.  
11 As New Yorkers, we don't stand idly when our fellow  
12 brothers and sisters need help. We take action and  
13 we show our strength, unity and solidarity as a  
14 city. That's why I'm calling on my colleagues on  
15 the Immigration Committee to support Resolution  
16 2057 to call upon the federal government to provide  
17 Filipino families with relief as their homeland  
18 undergoes the process of rebuilding. I know that  
19 we can again send a strong message and achieve this  
20 goal for our brothers and sisters; Filipinos living  
21 in the United States. Thank you very much, Mr.  
22 Chair.

23 CHAIRPERSON DROMM: Thank you, Council  
24 Member Eugene. It's been a pleasure to work with  
25 you on this issue, as always. You're always one

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COMMITTEE ON IMMIGRATION

step ahead of all of us on this and I really deeply appreciate your commitment to the issues affecting our immigrant community. Thank you very, very much.

COUNCIL MEMBER EUGENE: Thank you, Mr. Chair and thank you also for your leadership. Thank you, and your support and your partnership also.

CHAIRPERSON DROMM: Thank you.

COUNCIL MEMBER EUGENE: Thank you.

CHAIRPERSON DROMM: It's good to work with you. With that, I'm going to ask the clerk to call the vote.

COMMITTEE CLERK: William Martin, Committee Clerk. Roll call vote Committee on Immigration, Resolution 2057. Council Member Dromm.

CHAIRPERSON DROMM: Aye.

COMMITTEE CLERK: Eugene.

COUNCIL MEMBER EUGENE: Aye.

COMMITTEE CLERK: Rodriguez.

COUNCIL MEMBER RODRIGUEZ: Aye and I would like also to add my voice to what my colleague here has expressed. Unfortunately, you

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know, we are human beings and we are so different sometimes in the way of how we express our solidarity. Like I'm pretty sure that if a natural disaster were to happen a few miles from here, all of us would be in a different state of mind and sometimes that happens and it's a little bit far from us and even though we express our solidarity, however, you know we have to be there in order to know what all those families are going through or being a Filipino living here, having a relative back there in the country to know that you know, this is tough and so being in my country, our house caught on fire and we lost everything. I know what it is like you know, to be in a place without having anything, so the least we can do is to support this type of resolution; express our solidarity, knowing that we are living in a small planet and it doesn't matter if it's in Asia or Europe, Africa or here. What happens to a human being should also be taken as it happened to all of us, so with that, I express my solidarity and proudly vote aye.

COMMITTEE CLERK: Williams.

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COMMITTEE ON IMMIGRATION

COUNCIL MEMBER WILLIAMS: May I excuse my vote?

CHAIRPERSON DROMM: Yes.

COUNCIL MEMBER WILLIAMS: I just want to be clear. Are we voting on all of them or just 1515?

CHAIRPERSON DROMM: We're only voting on the one relating to TPS.

COUNCIL MEMBER WILLIAMS: So we're only voting on TPS?

CHAIRPERSON DROMM: Right.

COUNCIL MEMBER WILLIAMS: Okay, so yes, I vote aye on 2057. I also would like to add my name to 2059. I want to thank my colleague, Council Member Eugene, for putting in 2057. As was mentioned, I think most people up here and people in the city understand because we have a city of immigrants, the devastation that occurs in other places and we have a history of coming together to do what we can for those places and the Philippines is most deserving of that. America has given and has a history of giving TPS for these certain circumstances, and I'm hopeful that they will do the same here and I'm proud that the City Council

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was able to play a small part in sending that message and making it clear. I vote aye. Thank you.

COMMITTEE CLERK: By a vote of four in the affirmative, zero in the negative and no abstentions, item is adopted, and members, please sign the committee report.

CHAIRPERSON DROMM: Thank you, Mr. Clerk and to our advocates who are here, although we have passed this in this committee, it now needs to go before the Stated Meeting, which will be held on Thursday, for a full vote by the Council for it to be holding and for it to go to the level. So I want to thank my colleagues again and Council Member Eugene for pressing so hard to make sure that this happened. Thank you very much. So I think we're going to turn now to those who are going to give testimony, and I believe we'll start with Tsui Yee from Guerrero Yee, and would you like to start? Can you turn that mic on?

TSUI YEE: Thank you, everybody. My name is Tsui Yee and I am an immigration lawyer. I'm here on behalf of the Asian American Bar

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Association of New York. I would like to submit this testimony in support of Resolution 2057.

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 TPS or Temporary Protected Status...

CHAIRPERSON DROMM: Why don't we just hold 'til you fix this?

[Pause]

TSUI YEE: As I was saying, the Asian American Bar Association of New York would like to thank the City Council for bringing forth this resolution 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 its citizens and nationals. The loss of life and property caused by Typhoon Haiyan has been catastrophic. More than 6,000 people have been 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

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2 unquestionably aid the Philippines in its efforts  
3 to recover from such an unspeakable loss.

4           Temporary Protected Status is a  
5 temporary immigration status granted to eligible  
6 nationals of designated countries pursuant to  
7 Section 244 of the Immigration and Nationality Act.  
8 It is granted by the Department of Homeland  
9 Security to foreign countries who are unable to  
10 adequately handle the return of their nationals due  
11 to certain events, for example, in times of ongoing  
12 armed conflict, an environmental disaster or  
13 epidemic or some other extraordinary and temporary  
14 condition.

15           If granted TPS, eligible nationals of  
16 the Philippines can obtain employment  
17 authorization, they can obtain permission to travel  
18 outside of the United States and they would also be  
19 protected against the fear of being deported from  
20 the United States while they are here. It is  
21 estimated that 500,000 Filipinos living in the  
22 United States could qualify for TPS. Studies have  
23 shown that when individuals are granted work  
24 permits so that they could legally work in the  
25 United States, they are able to increase their



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2 income by as much as 15 percent. This means that  
3 if given TPS, Filipino nationals would be able to  
4 significantly help their family members and  
5 countrymen by increasing the remittances that they  
6 already send back to their homeland.

7 Yesterday, the government of the  
8 Philippines formally requested TPS designation from  
9 the Department of Homeland Security. The United  
10 States has had a proud tradition of providing  
11 temporary humanitarian relief to fellow countries  
12 in times of urgent need, as when it granted TPS to  
13 Haiti in 2010 following the devastating earthquake.

14 In light of the above, AABANY supports  
15 the grant of Temporary Protected Status to the  
16 Philippines. Thank you.

17 CHAIRPERSON DROMM: Thank you very  
18 much. Next, please? You'll have to share that  
19 mic. [background voice]

20 RIO GUERRERO: Good afternoon,  
21 Immigration Committee Chair Dromm, Council Member  
22 Eugene, the entire New York City Council and all  
23 present here today. My name is Rio Guerrero. I am  
24 a New York State licensed immigration law attorney,  
25 practicing just across the street here in the

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2 Woolworth building, and I'm also the co-chair of  
3 the Pro Bono Committee of the New York Chapter of  
4 the American Immigration Lawyers Association, known  
5 as AILA. Founded in 1946, AILA is the National  
6 Association of more than 13,000 attorneys and law  
7 professors who practice and teach U.S. Immigration  
8 Law. Thank you for the opportunity to address you  
9 all today.

10           The United States has a long history of  
11 granting relief to people all over the world during  
12 their darkest times. We are a generous nation,  
13 respected worldwide for our humanitarian efforts.  
14 Recently, as Council Member Eugene pointed out, in  
15 January 2010, the United States Department of  
16 Homeland Security granted Temporary Protected  
17 Status, TPS, to the people of Haiti present in the  
18 United States after their home country suffered a  
19 horrific earthquake that decimated its capital and  
20 infrastructure and killed thousands of people. TPS  
21 is an integral component of the comprehensive  
22 humanitarian relief the United States may bring to  
23 bear against a natural disaster crippling a fellow  
24 country and its people. A majority of the over  
25 300,000 Filipino Americans living in the state of

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2 New York reside in the City of New York. I,  
3 myself, am a second generation Filipino American,  
4 born and raised in New York. I do not have the  
5 words to express the grief and the empathy I have  
6 felt over the past five and a half weeks since  
7 Typhoon Haiyan devastated the Philippines. The  
8 images of orphaned children, widowed spouses and  
9 abandoned corpses are too much to bear. Typhoon  
10 Haiyan wrought unprecedented devastation when it  
11 rampaged across the central Philippines, leaving  
12 almost 6,000 people dead and more than 27,000  
13 people injured. It displaced more than four  
14 million people and has affected 12 million others  
15 and has left hundreds of thousands... I'm sorry,  
16 hundreds of millions of dollars in damage. The  
17 countless stories from family and friends and  
18 clients about the human toll inflicted on our  
19 countrymen, our kababayans, are too graphic and  
20 painful to tell, but I will share with you the  
21 story of my Filipina client, Jocelyn, who lives and  
22 works in upstate New York here in the United States  
23 on a temporary visa. She recounted her story to  
24 me. After Typhoon Haiyan hit, she could not  
25 contact her parents, who lived in her hometown of

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2 Tacloban. It was absolute torture for her to watch  
3 footage on television of her hometown wiped off the  
4 face of the earth, and not knowing where her  
5 parents were, if they were dead or if they were  
6 alive. She could not reach them for days.

7 Finally, after four excruciating days, she received  
8 a short text message from her father telling her  
9 that not to worry; he and her mother were alive,  
10 but their home, their belongings, everything they  
11 had was gone. Her parents had borrowed a  
12 stranger's mobile telephone in order to get word to  
13 her that they were alive and with nothing but the  
14 clothes on their backs, they had been traveling on  
15 foot like refugees in their home country, hoping to  
16 reach relatives on another Philippine island  
17 hundreds of miles away just to seek refuge. There  
18 was nothing left; nothing to stay for in the city  
19 where Jocelyn and generations of her family had  
20 been born and raised. Jocelyn's dream to return to  
21 Tacloban to marry her childhood sweetheart next  
22 year will never be realized. She'd come to me to  
23 ask how she could help her family reunite, or at  
24 least how she could help them from so far away.

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2 Here in New York City and throughout  
3 the United States with these tragic images  
4 emblazoned on our minds, we have witnessed our  
5 Filipino American community unite and respond to  
6 the humanitarian needs of our kababayans in swift  
7 and bold acts of selflessness and sacrifice. There  
8 has been no shortage of fundraising events or  
9 donation drives. Seemingly, we cannot give enough  
10 and I have never been so proud of our Filipino  
11 American community.

12 The United States government has  
13 pledged over \$200 million in foreign aid, equipment  
14 and other relief services and materials and the  
15 U.S. Military and U.S. AID forces have been on the  
16 ground in the directly affected areas of the  
17 Philippines since shortly after Haiyan hit, but so  
18 much more must be done to help the Philippines and  
19 its people to fully recover. Indeed, the recovery  
20 will span years. Worldwide relief efforts continue  
21 to supply much needed aid and money to the  
22 Philippines, but eventually those resources will  
23 dwindle. The best and most direct way to deliver  
24 immediate and long-term relief for the Philippines  
25 is the support of family and friends overseas.

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2 Temporary Protected Status offers an amazing  
3 opportunity for Filipinos in the United States to  
4 help their loved ones suffering back home. Prior  
5 to Typhoon Haiyan, at least 10 percent of the  
6 Philippine gross domestic product was due to  
7 foreign monetary remittances and by granting TPS  
8 and work authorizations to Filipinos living in the  
9 U.S., the increase in direct monetary remittance to  
10 Filipinos in the Philippines from their loved ones  
11 here will increase by 15 percent. From this  
12 heartbreaking human tragedy of Typhoon Haiyan, the  
13 U.S. government can create hope and opportunity for  
14 Filipinos in the U.S. by empowering them to help  
15 their country they love so dearly, and in turn, to  
16 rebuild the Philippine economy.

17 I have with me eight separate advocacy  
18 sign on documents addressed to the U.S. government  
19 and the Philippine government seeking TPS  
20 designation for the Philippines that are signed by  
21 U.S. citizens, Filipinos and non-Filipinos, scores  
22 of U.S. Senators and representatives from both  
23 major political parties and hundreds of advocacy  
24 organizations from all over this country. Clearly,  
25 there is comprehensive, national support for TPS

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2 for the Philippines. Therefore, today, united with  
3 all these concerned people, government leaders,  
4 non-governmental organizations and millions of  
5 Filipinos here and all over the world, we support  
6 the New York City Council Resolution 2057, calling  
7 upon the U.S. Department of Homeland Security  
8 Secretary Jeh Johnson to designate Temporary  
9 Protected Status for the Philippines. Thank you.

10 CHAIRPERSON DROMM: Did you provide  
11 written testimony? Is this your written testimony?

12 RIO GUERRERO: Yes, that is, Chairman  
13 Dromm.

14 CHAIRPERSON DROMM: Okay, yeah. Okay,  
15 good, we were just a little lost in terms of  
16 following where we were at with this, okay. So let  
17 me go to the next speaker and then we'll have some  
18 questions.

19 MATTHEW BLAISDELL: Hi. We're  
20 submitting this testimony on behalf of the New York  
21 Chapter of the American Immigration Lawyers  
22 Association, the nation's largest professional  
23 organization of immigration lawyers, and thank you  
24 for the opportunity to contribute to this forum.

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2 AILA New York commends the New York  
3 City Council for the resolutions urging U.S.  
4 Congress to pass legislation aimed at curbing  
5 abuses directed at the immigrant community by  
6 introducing criminal penalties against those who  
7 have falsely claimed that they are authorized to  
8 provide immigration services and urging the New  
9 York Legislature to pass legislation increasing the  
10 penalties for violations to the Immigrant  
11 Assistance Services Act.

12 As the U.S. Supreme Court recently  
13 noted, nothing is ever simple about immigration  
14 law. It's a highly complex, specialized practice.  
15 Many agencies are involved in processing  
16 applications for immigration processes, and these  
17 include U.S. Citizenship and Immigration Services,  
18 U.S. Customs and Border Protection, U.S.  
19 Immigration Customs Enforcement, the Department of  
20 State and the Department of Labor. There are many  
21 forms for many benefits. Adding layers upon layers  
22 of complications are the grounds of inadmissibility  
23 and removability, the related waivers, potential  
24 eligibility for benefits, potential penalties in  
25 forms of relief and countless regulations,



1 statutes, agency manuals, memoranda and abstract  
2 legal concepts and principles that govern every  
3 aspect of immigration practice, a practice that  
4 quite literally changes by the day.

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6 As noted in the proposed declarations,  
7 for clients embarking on an immigration case  
8 requires serious investments in time and money and  
9 an adverse result can end up in banishment from the  
10 United States, permanent separation from family and  
11 the removal to potentially life-threatening  
12 conditions in their home country. The Supreme  
13 Court has therefore also stated that the ability to  
14 remain in the United States may be more important  
15 than any potential jail sentence, which is why  
16 legal representation and criminal proceedings must  
17 now include immigration advice. Thus, it is proper  
18 and just that City Council target unlicensed and  
19 unqualified immigration service providers, or as  
20 they're commonly known, ISPs. However, we believe  
21 this phrase is misleading. Only attorneys and  
22 representatives accredited by the Department of  
23 Justice may provide legal services, which includes  
24 any advice on a matter involving one's legal  
25 rights. This is why both the Code of Federal

1 Regulations and USCIS define the practice of  
2 immigration law in a manner that includes the  
3 selection and preparation of forms in addition to  
4 any advice on any matter concerning one's  
5 immigration status, such as how to answer questions  
6 on these forms and what options an immigrant might  
7 have. Under federal law, the only people who can  
8 advise on immigration are attorneys and non-  
9 attorney representatives accredited with the Board  
10 of Immigration Appeals, known as the BIA. This is  
11 consistent with New York State Courts, which hold  
12 that legal advice includes the preparations of  
13 forms that involved judgment regarding a legal  
14 claim, and include within the practice of law the  
15 preparation of legal instruments of all kinds, all  
16 advice to clients and all actions taken for clients  
17 in matters connected with the law. Likewise, our  
18 New York City Department of Consumer Affairs  
19 instructs that ISPs cannot fill out forms or  
20 prepare customers for interviews, cannot advise on  
21 how to file for or the chances of getting  
22 particular immigration status or to help prepare  
23 for interviews. We therefore believe that such  
24 terms as "unlicensed or unqualified immigration  
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2 services providers" is confusing and misleading and  
3 we therefore urge City Council to use the phrase  
4 "unauthorized practitioner of law" when identifying  
5 those not authorized to provide advice on  
6 immigration matters.

7 Further, rather than amend the General  
8 Business Law Article 28C, we encourage City Council  
9 to urge the New York State Legislature to amend  
10 Judiciary Law 478. This is the law that defines  
11 the unauthorized practice of law for the state of  
12 New York, and we would amend it to include within  
13 that definition representations that a person who  
14 is not a licensed lawyer or BIA accredited  
15 representative can select, prepare or otherwise  
16 advise on how to answer questions on immigration  
17 forms or provide advice as to what immigration  
18 options a person might have.

19 Because Judiciary 485A classifies a  
20 violation of 478 as a Class E felony, such an  
21 amendment would accomplish the objectives of City  
22 Council. It would basically make immigration fraud  
23 a Class E felony. It would also have the  
24 additional benefits of 1. Providing clarity as to  
25 whom immigrants can turn to for legal assistance

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2 regarding their immigration matters and 2. Bring  
3 New York State in line with federal law, which as  
4 we know from Arizona, takes precedence over state  
5 and local immigration laws. We also urge City  
6 Council to consider legislation that would abstain  
7 from using confusing terms such as "immigration  
8 services" and would instead adopt a definition  
9 utilized by the CFR and USCIS, "pro legal advice."  
10 Such legislation, by accurately defining  
11 immigration fraud, would make it easier to educate  
12 immigrant communities, it would aid local  
13 enforcement and it would resolve conflicts with  
14 federal law, while providing assurance to  
15 immigrants that the person giving them legal advice  
16 has legal training, can be disciplined and can have  
17 his or his license revoked for not following  
18 professional rules of conduct and ethics. It would  
19 further raise the standard of representation  
20 offered to immigrants by encouraging non-lawyers  
21 who have a sincere interest in helping foreigners  
22 to obtain BIA accreditation through the Department  
23 of Justice.

24                   Lastly, while we look to Congress to  
25 adopt a more proactive approach to combating

1 immigration fraud, we wish to note that the  
2 proposed HR 2936, protecting immigrants from the  
3 Legal Exploitation Act of 2013, sometimes referred  
4 to as the Deutch Foster Act, also calls for  
5 penalties for false representation as an attorney,  
6 while it also provides additional mechanisms for  
7 combating immigration fraud, such as directing for  
8 regulations to require identification of the  
9 individual who prepared the forms; enabling  
10 immigrants to withdraw their petition or  
11 application if they did not know that the preparer  
12 was engaging in immigration fraud, while giving  
13 them a means to correct the application or  
14 petition. It allows an exception to the three and  
15 10-year bars to reenter in the United States for  
16 immigrants who left the U.S. on the advice of a  
17 person not authorized to practice law, and it  
18 directs for monies to be paid for educational  
19 programs to demonstrate who can provide legal  
20 services. Lastly, it allots monies to be directed  
21 to eligible non-profit organizations to provide  
22 direct legal services. We therefore recommend that  
23 City Council consider encouraging Congress to take  
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2 action on this piece of proposed legislation as  
3 well.

4           And in closing, we urge City Council to  
5 also look at the New York Immigrant Family Unity  
6 Project and work with AILA and other community-  
7 based organizations to continue to develop ideas  
8 and programs to increase both the quality and  
9 quantity of legal immigration services, the absence  
10 of which is a primary driver of immigration fraud.  
11 Accordingly, we join immigrants and their families,  
12 City Council and other groups and individuals  
13 testifying today to urge that Congress pass  
14 legislation combating immigration fraud. Finally,  
15 we encourage City Council to consider legislation  
16 to similarly address the unauthorized practice of  
17 immigration law in New York City. Thanks for your  
18 consideration.

19           CHAIRPERSON DROMM: Well, thank you all  
20 very much for your testimony. Mr. Blaisdell, I'm  
21 going to come back to you in a minute 'cause that's  
22 a lot of heavy stuff for a non-lawyer like me to  
23 grasp, but I have a number of questions I wanted to  
24 ask. So let me just go to TPS first for the  
25 Philippines. If the Philippines is granted TPS, is

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there some concern about immigration fraud increasing in the Filipino communities and how might we combat that? Would somebody care to comment on that?

RIO GUERRERO: Chairman Dromm, I would think that what's important is that if the Department of Homeland Security grants Temporary Protected Status for the entire country of the Philippines, then the incidence of potential fraud is actually lowered because if the geographic location had been limited to say, just the Visayas region or the Central Philippines, you would have individuals maybe from Northern Philippines saying well, I'm from that region and I would seek immigration benefit. What should be done here is that TPS be granted for an 18-month period for the entire country and I think that is the best way actually to reduce the potential for immigration fraud.

CHAIRPERSON DROMM: In a number of your testimonies, you mentioned if TPS were not granted. Is there any alternative to TPS that would give some benefits if, in fact, TPS is not granted?

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2 TSUI YEE: Well, Chairman Dromm,  
3 Temporary Protected Status is a designation that  
4 was created specifically by the Immigration and  
5 Nationality Act to provide a temporary form of you  
6 know, humanitarian relief for nationals of certain  
7 countries that have undergone disasterous you know,  
8 events, so it's difficult to imagine any kind of  
9 alternative form of relief pretty much you know,  
10 short of granting permanent residence. So I think  
11 it's a measure that was created in order to provide  
12 a temporary form of relief. So I think the answer  
13 to the question would be you know, it's difficult  
14 under the current immigration regulations to  
15 provide anything alternatively.

16 CHAIRPERSON DROMM: How many... did you  
17 want to answer that also?

18 MATTHEW BLAISDELL: Yeah well, short of  
19 like an affirmative benefit that they could apply  
20 for that would grant them temporary residency and a  
21 work permit, I mean there are ICE policies that  
22 could be implemented say, something known as  
23 Deferred Enforced Departure, which basically just  
24 says let them stay here, but don't give them  
25 anything. So that's kind of an emergency measure,



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2 but certainly not something that I don't think any  
3 of us would advocate for as a credible alternative  
4 to TPS.

5 CHAIRPERSON DROMM: Okay, does anybody  
6 know how many New York City Filipinos would be  
7 affected? I think we saw 500,000 in the testimony  
8 in the country, but does anybody have any numbers  
9 on New York City residents?

10 RIO GUERRERO: It's very difficult to  
11 judge that frankly, Chairman. You know, based on  
12 AILA's statistics, there would be potentially  
13 500,000 or more individuals in the country, but  
14 it's very difficult to track their movement in the  
15 country and so therefore I don't think we have  
16 those figures for you today.

17 CHAIRPERSON DROMM: And the 500,000  
18 figure you're getting is from where? Where is that  
19 from?

20 RIO GUERRERO: Specifically, those are  
21 the records of the individuals who have come into  
22 the United States who are Philippine nationals on  
23 temporary visas, but there is no record of their  
24 exit, as well as individuals who have come into the  
25 country lawfully and still are in lawful status

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here in the United States who are Filipino  
nationals.

CHAIRPERSON DROMM: 'Kay and you know,  
one of my frustrations with being the chair of the  
Immigration Committee in the City Council is that  
we can only do so much 'cause it's basically a  
federal issue and we can advocate here or use this  
to become a voice for immigrants in New York City.  
Are there other ideas or suggestions that anybody  
might have or other things that we can do outside  
of this hearing et cetera, so forth and so on?

MATTHEW BLAISDELL: [off mic] Keep  
pushing for TPS.

CHAIRPERSON DROMM: Keep pushing for  
TPS.

[crosstalk]

RIO GUERRERO: Well, I would say that  
you know, certainly a Comprehensive Immigration  
Reform is a very important part of the movement  
today, and we are hoping that obviously you know,  
that we'll see some progress on that in the coming  
year. Obviously, the immigration system needs  
repair and that is what we are all hoping for. TPS  
helps again, as we said, potentially 500,000 or

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more Filipinos, but there are still many immigrants in this city who need our help and so Comprehensive Immigration Reform is I think is something that we would be pushing for.

CHAIRPERSON DROMM: Okay, very good.

Now Council Member Mathieu Eugene has some questions as well.

COUNCIL MEMBER EUGENE: Thank you very much, Mr. Chair and one more time thank you to each one of you for what you are doing for your brothers and sisters from the Philippines because it is so important that also all of us who are living in the United States, regardless of where we came, we should never forget our obligation to the country where we're born because we are definitely fortunate to be in the United States, but we should always remember the challenges and the suffering of our brothers and sisters and thank God United States is such a wonderful country; such a great country. We have to... as citizens of this country, we have to make sure that we continue the ideal of the United States; give back and also help those in need. And I got a few questions, but before I ask my question, I just want to thank

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2 somebody in this room because I was fighting for  
3 TPS and also for immigrants to try to provide you  
4 know, a lot of services to my constituents, but it  
5 was possible not because of me, really. It was  
6 possible because of coalition; because of partners;  
7 people who have been working together who  
8 understand that immigrants you know, have built  
9 this country and they deserve the best this country  
10 can provide. And I wanted to recognize Erin  
11 [phonetic] from NYLAG because she has been and  
12 NYLAG has been such a wonderful partner for me for  
13 TPS and every single day. Thank you very much for  
14 being here. Thank you. Thank you so much. And in  
15 terms of TPS, let me ask you a question. One of  
16 the things because we have this situation when we  
17 just get the TPS for Haitians, when the TPS is  
18 going to be granted, you're going to be busy, guys.  
19 You are going to be busy. I don't know if you  
20 really remember that. The further of TPS and I  
21 remember in my office we served about 250 people so  
22 everybody's going to come, but my question to you:  
23 what do you have in place to overcome you know,  
24 this situation and to help the people who are going  
25 to come to you because you need partners. You need

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a lot of people to serve. Did you put something in place already to make sure that the people; the Filipinos take advantage of the opportunity to fill out their form for TPS?

CHAIRPERSON DROMM: And if I may also just add to that, that was my... really the intent of my question before about increasing immigration fraud because when overwhelming numbers of people like that come out, then there are oftentimes... it gives the opportunity to those who would defraud people to also come out, so that was really the intent. So it's a follow-up and it's a good one. Thank you.

COUNCIL MEMBER EUGENE: Yes, mm-hm.

RIO GUERRERO: An excellent question, I believe Council Member Eugene, and I echo exactly what the Chairman is saying. The potential for immigration fraud is certainly going to be out there immediately. I would say that even just with the announcement yesterday from the Philippine government that they were asking for TPS and there was already floods of emails and calls from individuals who would be seeking these benefits. The American Immigration Lawyers Association

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2 nationally as well as in New York is ready to  
3 obviously mobilize its Pro Bono Committee and  
4 conduct clinics in conjunction with other  
5 organizations such as NYLAG, as Councilman Eugene  
6 pointed out, and a number of other wonderful non-  
7 profit organizations here in the city such as Legal  
8 Services. But I agree wholeheartedly that part of  
9 this process also requires the education of the  
10 public to make sure that they are going to  
11 competent, reputable and ethical legal  
12 representations to help them through this process.

13 COUNCIL MEMBER EUGENE: Thank you very  
14 much. Yet another, you know, challenge also we are  
15 facing in the Asian community when we are providing  
16 TPS; setting up people to fail. You know, they  
17 don't understand what TPS is. They don't want to  
18 apply because they don't want to be deported. They  
19 think they are going to expose themselves. You  
20 know, they don't want to... they don't know what it  
21 is exactly. We took a good amount of time; a good  
22 deal of time to teach them; to educate them; to  
23 help them understand there is nothing to be worried  
24 about. Do you think about doing some education and  
25 outreach you know, to the people who would be...

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who would have the fear to apply? And also, do you... are you facing such challenges or so?

TSUI YEE: I would say certainly, yes.

On behalf of the Asian Bar and American Bar Association, I'd like to state that we already have been contemplating putting forth educational seminars and presentations to the public just to educate people on what TPS is. When Deferred Action was announced by President Obama in 2011, you know, I, as the co-chair of the Immigration Committee of AABANY, put together numerous presentations with the Manhattan District Attorney's Office of Immigrant Affairs and we tried to do as much community outreach as we could among the Chinese speaking population just to inform people what exactly Deferred Action or DACA was, explaining that it was not a green card, but it was a temporary reprieve from removal from the United States. So we tried to disseminate as much information; accurate information about what the benefits of applying are as opposed to what the potential risks of applying were as well, and I believe that we were able to dispel many of the myths and the confusion that surrounded Deferred

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Action, so we're hoping that similarly, if TPS were to pass, we would be able to continue providing such educational seminars to the immigrant community.

MATTHEW BLAISDELL: Yes and I recall this was a huge issue when Haiti TPS was announced, not only in New York, but also Miami and in particular more isolated communities such as Rockland and this is really... it's more an issue of logistics than anything and planning. It's getting ahead, being in the right newspapers, on the right television programs, getting the right materials to the representative's office and really staying ahead of this, and I remember I think I've met you, Council Member Eugene at an event put together by CUNY and Citizenship Now in Flatbush, which was a triumph. I was logistics and volunteer work and more events like that, having had experience, just being able to stay ahead of it as soon as we know that TPS is going through their regulatory process. I think you know, working with the city agencies; with MOIA; with City Council with you guys and planning these kinds of events in target... very targeted information campaigns is



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huge 'cause I mean TPS... explaining what it is and really isn't, it's not that complicated, but the message has got to come from the right people and from trusted sources, so places where the immigrants; in particular in this case the Filipino community actually are. So it's really got to be a collaboration between us, but mostly you guys and the advocacy of organizations.

COUNCIL MEMBER EUGENE: And another

thing that I was mentioning before, you know, in my questions, because many people you know, call and they want me just to... they won't take the opportunity to fill out the application because they don't have the money; the fee. They don't know if there's a waiver. They don't know. They may be qualified, but because they don't have the money and they don't have the right information, they may say, "I don't have the money; you know, I don't have the fee. I'm not going." So I would like you to keep in mind and to do any effort possible to reach out with those people because they are people who don't have... who cannot afford the fee, but they are still qualified because there is a waiver also and I want you to put everything

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in perspective and in place to make sure that as many people as possible benefit from this humanitarian gesture from this great country, the United States. And to conclude, I want you to know that we from the Immigration Committee and we are fortunate to have a leader like Council Member... the chair of Immigration, Council Member Droom, who has been here you know, available and we are willing to work together with you to make sure that as many people as possible benefit from this humanitarian gesture. Feel free to contact us and I want to remind you also on Thursday we are going to vote on the City Council; the entire City Council will be voting on the resolution. You are all invited and we have a press conference, Chairman Dromm and myself. We are going to have a press conference at 1:00 on Thursday on the steps of City Hall. Please, feel free to come and bring also everyone who wants to be part of that. Thank you very much. Thank you, Chair Dromm. Thank you, Mr. Chair.

CHAIRPERSON DROMM: Thank you, Council Member Eugene. So Mr. Blaisdell, just a couple of questions in your testimony.

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2 MATTHEW BLAISDELL: Mm-hm.

3 CHAIRPERSON DROMM: On page two at the  
4 bottom, you said, "We therefore believe that terms  
5 such as "unlicensed or unqualified immigration  
6 service provider" is confusing and misleading and  
7 we therefore urge the City Council to use the  
8 phrase "unauthorized practitioner of law" when  
9 identifying those not authorized to provide advice  
10 in immigration service matters." And I think that  
11 is a very important point. I think what we're  
12 trying to achieve with our resolutions...

13 MATTHEW BLAISDELL: [interposing] Mm-  
14 hm.

15 CHAIRPERSON DROMM: Is to be able to...  
16 there are some immigration service providers who go  
17 beyond what they are allowed to offer in terms of  
18 advice. Our immigrant communities don't  
19 necessarily understand the difference; that we have  
20 a very big problem in Jackson Heights, the  
21 community that I represent, with notarios, who in  
22 their homeland you know, in countries in South  
23 America and Spanish speaking countries, it's really  
24 a lawyer, but of course, an abogado is different  
25 level, so is there any difference in terms of the

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burden of proof to convict people on charges if they... if you have to show that they are an unauthorized practitioner of law versus illegally giving illegal or unauthorized immigration service advice? And I don't know if I'm being clear on that, but...

MATTHEW BLAISDELL: Well, I mean it's hard to be clear because it's such a confusing mess. It's not... the problem with the local law is it doesn't define what is the practice of law, so I mean we can look to the federal regulations that define practice for immigration law, which I kind of laid out there, and that's actually echoed in DCA's ISP handout you know, for consumers, but it's not there in the law and when you bring these complaints I think to DCA at the current moment, I think they really don't know what to do with it and how would they really tease this information out. That's why I think it's very important to have in the laws the specific acts that these individuals can perform and the specific acts that they can't 'cause right now, it basically says that an ISP can provide any service related to any matter regarding someone's immigration matter. That's generally

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2 interpreted as doing everything short of going to  
3 court. I mean and you'll probably hear a little  
4 bit more about this later, but New Immigrant  
5 Community Empowerment did this amazing report that  
6 found 23 of ISPs actually advertise that they  
7 perform legal advice, which you know, I mean if you  
8 filed a complaint about that, they're just going to  
9 come back and say, "Well, what is legal advice?  
10 It's not in the law." They advertise. Some of  
11 them blatantly said that they're an immigration  
12 attorney's office. That one's probably pretty  
13 easy. None of them have the "Not an Attorney" sign  
14 posted. That's an easy violation to write them up  
15 for. 15 percent of them identified themselves as  
16 immigration specialists. Now, they're not supposed  
17 to do that under the law, but they frequently get  
18 away with it, even if you take pictures of the  
19 advertising because again, it just gets kind of  
20 murky. And you know, most of them had provided  
21 other on-site services that they're lawfully  
22 authorized to do. There's no question about it, so  
23 when they just tack on immigration at the end,  
24 people assume oh well, there's no issue with them  
25 doing all of this stuff. Why can't they just take

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my full case on for representation doing this stuff? And at the end of the day, 41 percent of the respondents said that they felt that they were the victims of fraud by an ISP, but how do you tease that out and how do you... I mean the local law is almost never used by the District Attorney's Office; you know, maybe only once or twice in the last few years 'cause it doesn't get at the heart of the crime, which is immigration fraud. It deals with signage and with contract language and that kind of stuff, but are they getting terrible advice? Quite often they are, and that's the problem.

CHAIRPERSON DROMM: I have to admit that one time I wanted to sent out an iContact blast to you know, my email list and used the word advice rather than some other phrase that my attorney told me was not the correct word, so even as the chair of the Immigration Committee, it still remains somewhat confusing to me.

MATTHEW BLAISDELL: Mm-hm.

CHAIRPERSON DROMM: Have you brought these concerns to the State Legislature at all?

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2           MATTHEW BLAISDELL: We're working with  
3 them on that at this very moment and we'll know in  
4 a few days kind of where we stand on some of these  
5 issues. But in terms of introducing you know, a  
6 new bill, not as of yet, but we've got kind of like  
7 a coalition of community-based organizations that  
8 have been putting together a whole panoply of  
9 solutions, some of which are legislative, including  
10 amending 478, but also we could amend the Scheme to  
11 Defraud Bill. That's one thing that enforcement  
12 agencies really want, so they could up the  
13 penalties and prosecute cases involving more than  
14 one victim, but that's still kind of shoehorning  
15 immigration fraud into a white-collar crime  
16 statute. Ideally, we'd have something that could  
17 come at the local level and/or at the state level,  
18 which really says these people can do this and  
19 there's a Private Right of Action; you know,  
20 immigrants can bring lawsuits. Give you know, the  
21 DAs a toll that they can really use.

22           CHAIRPERSON DROMM: And so I'm going to  
23 invite you to come in at another point as well to  
24 talk with me a little bit more in depth about this  
25 so I can just...

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[crosstalk]

MATTHEW BLAISDELL: 'Kay.

CHAIRPERSON DROMM: Wrap my mind around it. In the last page of your testimony also, you mentioned eligible non-profit organizations to provide direct legal services.

MATTHEW BLAISDELL: Mm-hm.

CHAIRPERSON DROMM: When you refer to non-profit organizations are you referring to those who have lawyers on premise or that... one of the issues I always try to get...

[crosstalk]

MATTHEW BLAISDELL: Mm-hm.

CHAIRPERSON DROMM: At even with IOI funding, Immigration Opportunity Initiative funding that we dole out is that we really want to see direct services to the community...

MATTHEW BLAISDELL: Yeah.

CHAIRPERSON DROMM: Versus hearing people out and then referring them over to another person who's going to take the case so...

MATTHEW BLAISDELL: Mm-hm.



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COMMITTEE ON IMMIGRATION

CHAIRPERSON DROMM: Just can you tell me a little bit more about what your thinking is on that?

MATTHEW BLAISDELL: Well, at this rate eligible non-profit... this comes from HR 2936.

CHAIRPERSON DROMM: Mm-hm.

MATTHEW BLAISDELL: And I'm not sure exactly how they're defining it, but since...

[crosstalk]

CHAIRPERSON DROMM: Mm-hm.

[crosstalk]

MATTHEW BLAISDELL: This is a Congressional bill, I'm assuming that it has to be you know, consistent with the regulations and those are basically...

[crosstalk]

CHAIRPERSON DROMM: And will those... Yeah.

[crosstalk]

MATTHEW BLAISDELL: BIA recognized organizations, I think you know, like some of the organizations I think present here today who have had non-lawyers go through this training process, so they become certified that they can do certain

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stuff in immigration law. They have to be... you know, have certain requirements for supervision, access...

{crosstalk}

CHAIRPERSON DROMM: By an attorney.

[crosstalk]

MATTHEW BLAISDELL: To resources.

CHAIRPERSON DROMM: Mm-hm.

MATTHEW BLAISDELL: And they can only charge nominal fees, which is legally defined as practically nothing, so they're not-for-profit organizations. They know what they're doing and they're overseen by the Department of Justice.

CHAIRPERSON DROMM: Okay, good.

Alright, I think that I'm going to end this panel here 'cause we have several other panels that want to speak and I appreciate all of you coming in today and you sharing information with us. Thank you very, very much.

ALL PANELISTS: Thank you. Thank you, sir. Thank you very much. Thank you.

CHAIRPERSON DROMM: Okay, our next panel is Jennie Encalada from NICE; Audrey Carr from Legal Services and Joseph Rosenberg and Mario

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COMMITTEE ON IMMIGRATION

Russell from New York Catholic Charities. [off mic] Give it to him, yeah. Give him the whole stack, yeah. Yeah, they pass it out, yeah. Thank you. [background voices] Okay, let's start over here on my left.

JENNIE ENCALADA: Good afternoon. My name is Jennie Encalada. I'm with NICE, the New Immigrant Community Empowerment. Good afternoon, Chair Dromm and members of the New York City Council Committee on Immigration. NICE is a community-based non-profit organization that for 10 years has been serving, organizing and advocating with low-wage immigrant workers.

As part of our work since 2010, we have had an active campaign to end fraudulent, predatory and substandard practices of businesses targeting our community. Key among these businesses with shady practices are multi-service businesses providing some sort of immigration services amongst the provision of travel services; tax preparation; notary services and other services; stand-alone ISPs and also unscrupulous attorneys. My organization is also a member of the Anti-Immigration Fraud Working Group, a newly formed

1  
2 working group of community-based advocacy and legal  
3 service organizations working together on  
4 legislative advocacy and outreach initiatives to  
5 tackle the issue of immigration services fraud in  
6 New York City and New York State.

7           The immigration laws in this country  
8 are very complicated and the consequences of  
9 violating the laws are very serious. It is crucial  
10 that immigrants have access to sound advice;  
11 however, the barriers such as cost, language and  
12 uncertainty of whom can help leave immigrants  
13 vulnerable to predatory and individuals who have  
14 ties to the community and who are in a position to  
15 exploit them with false or misleading promises.  
16 This is often the case with notario publicos, who,  
17 in many Latin American Countries are very  
18 experienced, licensed lawyers. However, in the  
19 U.S., a notary public can only certify that a  
20 person signing a document is who they claim to be.  
21 In other countries, travel agents are authorized to  
22 assist in applying for visas, though this is not  
23 true in the U.S., as these services involve  
24 decisions that directly affect a person's legal  
25 rights. The potential consequences of bad advice

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are many and serious. Immigrants can lose substantial amounts of time and money. They potentially miss out on opportunities for immigration benefits, for which they may actually be eligible. They may be placed into removal deportation proceedings. They may be held in federal detention facilities where they lack many of the constitutional protections granted U.S. citizens or they may miss their immigration hearings, resulting in orders of removal. Families are ripped apart and there's often little that can be done to repair the damage. Moreover, no advice can be as harmful as bad advice. Immigrants are not in a position to understand the nuances of American immigration law. Even if the person giving advice states that she can help, by holding herself out as an expert, she implies that there is nothing that can be done.

New York State regulates the provision of Immigration Services in General Business Law, Article 26C and New York City regulates the same through Administrative Code Section 20-770 to 777, Local Law 31. As Consumer Affairs statutes, these laws focus on requirements pertaining to contracts;

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2 signages; disclaimers in advertising; document  
3 retention; maintenance of assurity and preventing  
4 providers from falsely holding themselves out as  
5 attorneys or from providing legal advice. Both  
6 laws draw a distinction between those authorized to  
7 provide legal representation and those who cannot,  
8 identified as immigration assistance service  
9 providers, ISPs. However, these concepts do not  
10 adequately address the issues inherent in the  
11 practice of law. In particular, they do not define  
12 legal advice and do not address issues related to  
13 competency, ineffective assistance or avoiding  
14 conflicts of law with the federal regulations or  
15 state courts. In fact, Local Law 31 prevents  
16 providers from giving legal advice or engaging in  
17 the practice of law. It also states that ISPs can  
18 provide any form of assistance in relation to any  
19 proceeding, filing or action for immigrants,  
20 regarding their immigration status. Neither law  
21 specifies what ISP can and cannot do. Further  
22 enforcement tends to rely on consumer complaints;  
23 however, immigrants, particularly those living in  
24 the shadows, rarely file complaints with a  
25 government agency, alleging injuries at the hands

1 of an ISC without organizational assistance. Thus,  
2 while both General Business Law Section 460 and  
3 Local Law 31 provide some protections against  
4 abusive business practices, the simultaneously  
5 provide an air of legitimacy for non-lawyers;  
6 notarios, travel agents, multi-service, quasi-  
7 religious organizations et cetera to provide an  
8 unlimited amount of services pertaining to  
9 immigration status, with no standards regarding the  
10 quality of these services and no method by which  
11 consumers can complain if they receive bad service.  
12 The very fact that the law confides the idea of an  
13 ISP as a legitimate business tends these businesses  
14 an air of legitimacy.  
15

16 Indeed, my organization recently co-  
17 authored a study, that Matthew mentioned earlier,  
18 that found that multi-service agencies and stand-  
19 alone ISPs regularly advise that they provide legal  
20 advice, that they do not follow the signage or  
21 contract requirement for the local and state laws  
22 and that they falsely guarantee success. The  
23 report was co-authored by NICE and the Community  
24 Development Project at the Urban Justice Center and  
25 showed that predatory, substandard and fraudulent

1 practices are commonplace and not merely limited to  
2 a few bad actors. So the report I'll just  
3 highlight a few. I know Matthew went over them  
4 earlier. But so 23 percent of ISP advise that they  
5 provided legal services, no ISP had a "not an  
6 attorney" sign posted. And many ISPs also  
7 advertise on-site non-immigration services such as  
8 tax preparation, car insurance, legal translation,  
9 real estate, notary public and divorce lawyers, and  
10 in addition, 41.4 percent of survey respondents  
11 felt that they were victims of fraud of an ISP.  
12 Non-lawyers have not acquired professional  
13 training; they are not subject to professional or  
14 ethical obligations; they are not subject to  
15 effective oversight and they are not required to  
16 carry malpractice insurance. This absence of  
17 accountability combined with potential for  
18 significant profits creates an extremely powerful  
19 incentive for multi-service travel agencies, quasi-  
20 religious organizations, notarios and the like to  
21 identify themselves as ISPs and purport to be able  
22 to provide advice on matters affecting their  
23 immigrants' legal rights. It is in their financial  
24 interest to provide false assurances to encourage  
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2 immigrants to apply for benefits that they are not  
3 eligible for and to provide false information  
4 regarding the status of a case. When their clients  
5 complain, they are often rude and dismissive and  
6 sometimes threaten to report the client to  
7 authorities.

8           The immigrant community would be better  
9 served by limiting so-called immigration services  
10 to clerical activities such as providing  
11 translations or transcriptions, taking photographs  
12 or arranging medical appointments. Because of the  
13 importance and complexity of these matters, we  
14 believe that efforts should focus on providing  
15 access to quality counsel, rather than throwing  
16 open the doors to fraudulent practices for highly  
17 vulnerable communities. Because immigrants without  
18 lawful presence are extremely hesitant to report  
19 the type of behavior described above, it is all the  
20 more important that any bill addressing this issue  
21 contains strong, specific language with real  
22 penalties to enable enforcement agencies to  
23 effectively prosecute violations. Thank you for  
24 your time and consideration.

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2 JOSEPH ROSENBERG: Good afternoon,  
3 chairman Dromm. My name is Joe Rosenberg. I'm the  
4 Executive Director of the Catholic Community  
5 Relations Council. It's an organization that  
6 represents the Archdiocese of New York and the  
7 Diocese of Brooklyn to implement common policy of  
8 priorities before the City Council and the Mayor's  
9 office. Mario Russell, who drafted the testimony  
10 and is an expert in this field, is in court today,  
11 so I'm going to represent him.

12 I am here today to speak briefly in  
13 support of two important issues brought forward  
14 today by this committee; the designation of the  
15 Philippines for Temporary Protected Status and  
16 enhancing the penalties for perpetrators of illegal  
17 fraud against immigrant victims. Before I begin,  
18 I'd like to say a word about the Catholic Charities  
19 of the Archdiocese and its Immigrant Refugee  
20 Services, which is headed by Mario Russell. For  
21 nearly 100 years, the Catholic Charities of the  
22 Archdiocese has worked to help immigrants and  
23 refugees fleeing persecution and abuse to find safe  
24 haven in the United States; reunite with their  
25 families legally; obtain proper work authorization;

1  
2 apply for naturalization; learn English and civics  
3 and better integrate into U.S. workforce. Because  
4 of the extent of its work with immigrants and  
5 refugees, Catholic Charities recently merged five  
6 programs, which starting tomorrow will relocate as  
7 a new division at 80 Maiden Lane, just three blocks  
8 from here. They are Immigration Legal Services,  
9 Refugee Resettlement Services, the multi-Lingual  
10 New Americans Hotline, the Unaccompanied Minors  
11 Detention Program and the recently added  
12 International Center, which offers over 45 English  
13 as a second language, job readiness and culture and  
14 integration classes through a network of 200  
15 volunteers.

16 Catholic Charities joins this  
17 committee's call for the Department of Homeland  
18 Security to designate the Philippines for Temporary  
19 Protected Status. In early November 2013, Typhoon  
20 Haiyan struck Southeast Asia and in particular, the  
21 Philippines. In its wake, the typhoon left 6,000  
22 Filipinos dead; four million displaced, their homes  
23 destroyed or damage and over 2.5 million in need of  
24 emergency food, and Haiyan was the second deadliest  
25 Philippine typhoon on record and the most powerful

1  
2 ever recorded. While we are proud that Catholic  
3 Relief Services has been in the forefront of  
4 assistance in the Philippines from day one, TPS is  
5 a necessary and compassionate response, as it was  
6 for Haiti after the earthquake, El Salvador and  
7 Honduras after the hurricane and Montserrat after  
8 the volcanic eruptions in the 1990s. This will  
9 allow for continued relief and rebuilding to occur  
10 in that country.

11 The Catholic Church in the United  
12 States and the Archdiocese are strengthened by and  
13 grateful for the presence of Filipino nationals in  
14 our parishes and want to stand in solidarity with  
15 them. On November 15th, Cardinal Dolan and Senator  
16 Schumer stood on the steps of St. Patrick's calling  
17 specifically for the federal government to grant  
18 TPS for Filipino nationals in order to prevent  
19 their possible deportation.

20 Catholic Charities also joins this  
21 committee's call for the enhancement of penalties  
22 against perpetrators of deliberate, intentional and  
23 planned legal fraud against immigrant victims. We  
24 believe that effective and robust prosecution with  
25 meaningful sanctions are as essential to ensure the

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2 production of future victims and immigrant  
3 communities as it is to ensure the integrity of  
4 laws and the legal process. During its weekly  
5 Thursday Immigration Legal Intake and  
6 Consultations, Catholic Charities, attorneys and  
7 accredited representatives all too frequently  
8 encounter immigrants who have lost their life  
9 savings or have taken on debt they cannot sustain  
10 to pay the thousands of dollars in fees charged by  
11 predators who promised to do something they knew  
12 was not possible, and who claimed to have the  
13 license, authority and experience with immigration  
14 to do it. These victims come to our office  
15 confused, suffering and worst of all, with very  
16 little hope.

17                   Next month, Catholic Charities and the  
18 St. John University School of Law Immigration  
19 Litigation will be representing the case of Mrs.  
20 S., a woman from Maui, who was placed in  
21 deportation proceedings because a fraudulent  
22 practitioner convinced her then-husband to file a  
23 late amnesty application for her. She was 18 at  
24 the time, so several later, when Mrs. S. discovered  
25 what happened, she wrote a letter to DHS and

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2 withdrew the application, but it was too late. The  
3 application had been denied and Mrs. S. was  
4 scheduled to appear in Immigration Court. Now  
5 single, she was raising three U.S. born children,  
6 all of them under 10 years old. What's worse,  
7 because Mrs. S. is in deportation proceedings, it  
8 will be far more difficult for her to benefit from  
9 any future immigration law reform should it be  
10 enacted. Like her, innocent and unwitting victims  
11 of fraud therefore suffer twice the punishment.

12           New York's immigrants are in need of  
13 competent, low-cost or free immigration legal  
14 services. That is what is done at the Catholic  
15 Charities, both for the Archdiocese of New York and  
16 at the Diocese of Brooklyn, but New York's  
17 immigrants also need to know that services exist,  
18 where they are located and when they are available.  
19 This is what our New Americans Hotline does in New  
20 York City and throughout New York State. With the  
21 understanding that the best first step is to  
22 protect against fraud and abuse is to give good  
23 information, we answer over 25,000 calls a year and  
24 make over 50,000 referrals to legal services and  
25 resettlement providers. We therefore urge that the

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necessary and appropriate outreach and information tools, beginning with the New York State and New Americans Hotline being made part of any enhanced protections against the abuse of immigrants. Thank you for placing these three resolutions on your committee and thank you for your time and consideration.

CHAIRPERSON DROMM: Thank you. Miss Carr?

AUDREY CARR: Good afternoon. My name is Audrey Carr and I direct the Immigration Program at Legal Services NYC. As the Chairman knows, Legal Services is the largest provider of free legal services to the poor in the nation. We have a robust immigration practice at Legal Services. We represent clients seeking naturalization, renewing their green cards, applying for work permits and we have a very large practice helping immigrant victims of crime, as well as domestic violence.

Many of the clients that have come to see us have been victims of notarios, individuals who have falsely represented themselves as licensed immigrant American attorneys. These notarios take

1 large sums of money from immigrants and offer them  
2 nothing in return. Often, notarios submit  
3 immigration applications for individuals who may be  
4 ineligible for the immigration benefits they are  
5 seeking, and in some cases they submit applications  
6 that cause immigrants to be placed in removal or  
7 deportation proceedings, which, in turn, leads to  
8 our clients being separated from their families.  
9 So in an effort to combat notario fraud, the  
10 Manhattan District Attorney's office created the  
11 Office of Immigrant Affairs in 2007, where  
12 immigrants living in Manhattan, who paid exorbitant  
13 fees to attorneys and non-attorneys alike, could  
14 file a complaint with the DA's office if they  
15 received no services for the fees they paid and in  
16 return, the DA's office will investigate the matter  
17 and where warranted, bring criminal charges against  
18 the immigration service provider. Moreover,  
19 whenever there are new or updated immigration  
20 initiatives announced by the federal government,  
21 such as Deferred Action or Temporary Protected  
22 Status; the Diversity Visa Program, the Manhattan  
23 DA hosts workshops and seminars for immigrants to  
24 inform them of their rights and to make them aware  
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of fraudulent ads or practices they may encounter when they're seeking immigration service.

We have also found that because so many immigrants are victims of notarios, that it's impossible for them to seek redress a lot of the times 'cause they don't speak the language or if they are victims of crime, they're afraid to call the authorities for that reason. So I think that anything that the City Council can do, as well as the State can do to enforce existing laws to prohibit folks who think that they can take advantage of immigrants would be well worth it and I'm not going to go through my whole testimony, but it's there. Thank you.

CHAIRPERSON DROMM: Well, thank you, Miss Carr and let me just start off by saying an extra special thanks also to Mr. Rosenberg for coming. I deeply appreciate the church's involvement in this issue and you've been... not you, but Mario has been to a number of our hearings and I really appreciate that very much.

JOSEPH ROSENBERG: Well, thank you for your leadership on this issue. These are very

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important issues and it's marvelous that they're before you.

CHAIRPERSON DROMM: Thank you and I think the church has a special voice in a lot of this stuff, so thank you. My big question I guess today is should we outlaw ISPs? And I don't know another way around it. We have the language that Mr. Blaisdell had spoke about. I'm thinking aloud and maybe I shouldn't do that in a hearing, but I'm wondering if even if we changed the language and no matter what we do, if we allow people to allegedly provide services of some sort or another who are not community-based non-profits perhaps or something of that sort, that we're going to continue to face this problem no matter what. Does anybody care to comment on that?

AUDREY CARR: So personally, I would say yes because I think unless the organization has a licensed lawyer or has staff who have been trained to be BIA accredited representatives, then they're doing a huge disservice to the community because as the previous speaker, Matthew, said and as we've said here, immigration law is so complicated and even amongst ourselves who practice

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law you know, we're always looking at the regulations; we're always talking to each other to make sure that we're interpreting things correctly. So if you're not... I mean if you're not trained in this area of the law, it's very, very difficult to advise people and you harm a lot of folks.

CHAIRPERSON DROMM: You know, in Jackson Heights we had American Immigration Federation; I believe that was the name of the organization. They were immigrant service providers; allegedly had an attorney on hand supervising cases. I think that the name of the woman on television was La Abogada or something like that and yet, on a Friday afternoon the very first year I was in office within the first few months of my taking office, 13 people arrived at 10 minutes to 5:00 who had been terribly defrauded between \$3,000 and \$7,000 each for services that were either not provided or for simple things such as writing a letter for something that they knew even writing a letter was not going to have any difference in their case. So I'm even wondering the fact that having a lawyer on hand doesn't necessarily mean that they're going to get the

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2 services that are necessary and thinking aloud, I'm  
3 wondering how we can fight that without just  
4 eliminating these ISP services and having people go  
5 directly to the church or to NICE or something like  
6 that. I mean that's kind of where I'm headed with  
7 this. I think in your testimony also, Miss  
8 Encalada, you did say, "Because of the importance  
9 and complexity of these matters, we believe that  
10 efforts should be focusing on providing access to  
11 quality counsel, rather than throwing open the  
12 doors to fraudulent practices." So I think you're  
13 thinking maybe somewhere to my thinking and I think  
14 in another place in your testimony Local Law 31  
15 prevents providers from giving legal advice or  
16 engaging in the practice of law, but the lack of  
17 enforcement I think on the part of the Department  
18 of Consumer Affairs; that's who I believe would  
19 regulate this.

20 JENNIE ESCALADA: Mm-hm.

21 CHAIRPERSON DROMM: Prevents the abuses  
22 from happening. So, I'm wondering what your  
23 relationship is like with the Department of  
24 Consumer Affairs. Do you refer people over to them  
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when you learn of these fraud cases? How does that work within your organization?

JENNIE ENCALADA: So what I want to say about that is that we do encourage that if there is some sort of fraud that's happening that it is reported to the Department of Consumer Affairs so that it can be followed up with. I know that there... that we, you know, have tried to have conversations with them to see how that can better happen. I'm not really sure what the status of that would be right now, but what I did want to say in regards to what you had said earlier is that... and what was mentioned too that immigrants you know, often won't go to or like have some fear towards you know, making a complaint and will instead go to community-based organizations to you know, talk about these issues, and just from what we've heard from our members at NICE is you know, kind of also what you were saying earlier, but I think it goes into like the media as well; you know, as what they're hearing on TV. And I know I was just talking to one of the organizers last night who was telling me the story about someone who had come to talk to her and said that they had

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heard someone talking who... someone who had presented as a lawyer and was saying oh, well, Obama just passed this immigration law and like you know, this... you need to get your paperwork done like fast, and it's kind of like that information that is just being you know, spread around and then they're being taken advantage of.

CHAIRPERSON DROMM: I mean I remember when DACA happened and every light post in Jackson Heights had a flyer up you know, legal advice.

JENNIE ENCALADA: Mm-hm.

CHAIRPERSON DROMM: Call this number with a little tear-off on it, you know. What a terrible way for people to get information or to try to seek some legal advice and I would suspect that... that's also where I was heading on the TPS with the Philippines as well; that we may see that happen if, in fact, we start to see TPS becoming a reality. Audrey, in your testimony also you mentioned the Manhattan DA's office.

AUDREY CARR: Yes.

CHAIRPERSON DROMM: Having an Immigration Fraud Bureau. Do any of the other boroughs have that?

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COMMITTEE ON IMMIGRATION

AUDREY CARR: No, and in fact, you can, if you're in another borough, you can ask the Manhattan DA to take a look at what's happening, but you know, they have no enforcement power, so they would have to negotiate with the DA of Staten Island, for example, and get them interested in pursuing a criminal case against somebody in Staten Island.

CHAIRPERSON DROMM: So do you know if this has been suggested or is that something NICE might've spoken about? What's NICE's relationship like with the DA in Queens? Have you had an opportunity to discuss these issues with them?

JENNIE ENCALADA: I'm not sure. I can get back to you on that.

CHAIRPERSON DROMM: Uh-huh. I will say on the record that I am concerned about what's happening in the Queens DA office because I have been hearing a lot of complaints and that's why I asked that loaded question, but I think that this is a good idea. Audrey, do you know if it's been working or how that's going and is this something that we would want to replicate in the other boroughs?

1  
2 AUDREY CARR: I think it works really  
3 well in Manhattan. I have referred several clients  
4 to them and they have actually you know, sat with a  
5 client, taken a written complaint and investigated  
6 the issue and then gotten back to the client on  
7 what happened when they investigated. So I think  
8 it would be a really great issue if we could have  
9 such a bureau in every DA's office in the city.

10 CHAIRPERSON DROMM: Mm... do you know  
11 how long that has been around?

12 AUDREY CARR: Since 2007 in Manhattan.

13 CHAIRPERSON DROMM: 2007, okay.

14 AUDREY CARR: Yeah.

15 CHAIRPERSON DROMM: I wasn't aware of  
16 it, alright. Alright, I think that's about it for  
17 now. We do have another panel as well to talk, but  
18 I thank all of you for coming and very, very  
19 important testimony. Thank you.

20 AUDREY CARR: Thank you, Chairman.

21 [Pause]

22 CHAIRPERSON DROMM: So we have our next  
23 panel, Irina Matiychenko; Prarthana Gurung from  
24 ADHIKAAR, and Irina is from New York Legal  
25 Assistance Group; Christina Efelo from Filipino



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Concerns and Melissa Chua from New York Legal Assistance Group, and pardon me if I said the name incorrectly. [background voices] I did alright? Yeah, there's four. They're going to get another chair, yeah, 'cause it's our last... yeah, it's our last panel, so we're going to do the four. Thank you. You can testify and everything at this point. Okay, you can begin.

PRARTHANA GURUNG: Good afternoon. My name is Prarthana Gurung and I'm here representing ADHIKAAR, a community-based organization working with the Nepali-speaking population in New York City. We're based in Queens and we work for human rights and social justice for all communities, and I'm here to submit a testimony in support of Resolution 1515.

Today, I'm just sharing with you a story of one of our members; one of our brave members who stood up and shared with us; her story to be told at today's hearing. Unfortunately, she was unable to come because she's at work. While she has not yet been able to find justice for herself, this member has made it possible for us to be here today in telling her story and in hopes of

1  
2 lobbying for legislation that can prevent future  
3 incidents of immigration fraud.

4           In 2010, our member was sharing an  
5 apartment with a roommate who gave her false  
6 promises to bring her son from Nepal; her son, whom  
7 she had not seen in more than eight years. This  
8 roommate connected our member with the roommate's  
9 own brother and sister-in-law, who falsely  
10 represented themselves as international business  
11 owners, describing themselves as having the  
12 capacity and connections to reunite our member with  
13 her son. For one year, our member labored as a  
14 domestic worker day in and day out, while she  
15 received calls from her roommate and the roommate's  
16 brother, constantly harassing her for more and more  
17 money each time. Each time they called, they  
18 promised her things that were moving in the right  
19 direction and that it wouldn't be long until she  
20 would be reunited with her son. One year passed  
21 and nothing happened, save for the over \$8,500 she  
22 had given to her roommate and the brother; money  
23 that was paid by hard work, sweat, tears and  
24 countless loans made from close friends and even  
25 the member's employer. Not only was our member

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suffering psychological stress and harassment in the U.S., but also her son was equally as stressed and was being harassed by the roommate's brother in Nepal. Each promise ended in disappointed and each claim of progress ended in despair. This unfortunate situation affected our member's relationship with her husband, her son and soon she, too, became depressed and was admitted into the hospital not too soon afterwards. She then decided to ask for her money back altogether and return back to Nepal. As expected, her roommate did not return the money immediately, holding our member off by telling her that they would give her the money tomorrow; the day after; next week for sure, but time was running out, as our member's husband in Nepal fell very ill and she was forced to return back before being able to pursue a case. Fortunately, our member was able to contact us about her experience and we were able to document her story. This story illustrates a common theme that many in our community face, the experience of long-time separation from their families, which often leads to a level of despair where they become

1  
2 vulnerable to immigration schemes such as the one  
3 told today. This is not an uncommon story.

4           ADHIKAAR is deeply rooted in the  
5 Northeastern Queens neighborhoods where the Nepali-  
6 speaking community has exponentially grown in the  
7 past 10 years. We have heard countless stories of  
8 false promises told by many in positions of power  
9 within the community; that supposedly they have the  
10 ability to create papers out of thin air, but for a  
11 hefty price. Last year, we were recently  
12 successful in aiding members to winning back a  
13 total of \$50,700 from a Nepali national who took  
14 the false identity of a sister of a famous Nepali  
15 politician and used her supposed connections in  
16 committing immigration fraud. With the help of the  
17 Manhattan DA's office, this individual by the name  
18 of Hit Shrestha was arrested and charged with fraud  
19 in April of 2012. We applaud the brave men and  
20 women who came forward to share their stories in  
21 the Hit Shrestha case, but most importantly, we  
22 want to raise the voice of our member whose story  
23 we shared today. Currently, there are two  
24 perpetrators of immigration fraud that we are aware  
25 of. These people are freely committing crimes

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against the community members and we have had very little support from the Queens DA's office. While we have still been unable to get legal support from the borough, we continue to collect stories and testimonials from our members. The fight still continues. The cases are numerous, but those who are willing to share their stories to the public are few. If legislation such as Resolution Number 1515 passes, this would give those victims of immigration fraud ammunition to fight back against the injustices they've experienced. In the very words of our member herself, "I request you to give justice to all the victims." Thank you.

CHAIRPERSON DROMM: Thank you.

CHRISTINA HILO: Good afternoon, Chair Dromm and members of the Immigration Committee. My name is Christina Hilo. I am the Northeast Coordinator for Task Force Haiyan and representative of the National Alliance for Filipino Concerns, NAFCON. Thank you for this opportunity to testify in support of Reso Number 2057, which calls upon the Secretary of the U.S. Department of Homeland Security to grant Temporary

1  
2 Protected Status designation of the Philippines and  
3 eligible Filipino nationals.

4           So the process of achieving TPS entails  
5 two steps. First, the Philippine government must  
6 make a request to the U.S. government for the  
7 designation. Second, the U.S. President must  
8 instruct the Department of Homeland Security to  
9 place the Philippines on this TPS list. TPS does  
10 not require congressional process. The campaign  
11 has been focused on demanding that Philippine...  
12 our campaign has been focused on demanding that  
13 Philippine President Benigno Aquino III through  
14 Philippine Ambassador Jose Cuisia make the request  
15 to the U.S. government, and as of yesterday, the  
16 Philippines government has requested for TPS. So  
17 the first step is done, so now we're onto the next  
18 step, and this... if passed, TPS could benefit  
19 hundreds of thousands of Filipinos in the United  
20 States and many more of their families and loved  
21 ones back home. Following the massive devastation  
22 of Typhoon Haiyan or as we know it, Yolanda,  
23 designating the Philippines for TPS would provide  
24 critical relief. We strongly urge for the  
25

1  
2 Department of Homeland Security to grant the  
3 Philippines Temporary Protected Status.

4           Thank you again for this opportunity to  
5 testify today and in working with task Force  
6 Haiyan. We have been working with other community  
7 groups, especially the New York State Nurses  
8 Association that have already sent relief teams;  
9 nurses, not only in Filipino background, but also  
10 Haitian community as well, where they have served  
11 thousands of families already in medical needs.  
12 And also, we have members of our own from NAFCON  
13 that are there on the streets in the Philippines in  
14 these devastated areas. One of them is actually  
15 from New York, who is going to Palo, Leyte, which  
16 is right next to Tacloban and they are providing  
17 direct relief specifically to the women and  
18 children and these women and children there,  
19 especially in the Philippines are at risk of rape  
20 and also other... even having pregnancy during this  
21 really hard time and so, we're also providing  
22 relief to those areas that are not being talked in  
23 the media at all. So again, Task Force Haiyan and  
24 NAFCON are also grateful for the council's support  
25 for the typhoon relief efforts and for the campaign

1  
2 for TPS designation of the Philippines and eligible  
3 Filipino nationals. I'm just going to take the  
4 time to say thank you to Council Member Eugene and  
5 also Chair Dromm in introducing this reso and  
6 holding a hearing on this resolution on TPS for the  
7 Filipino community. And I want to also thank  
8 Council Member Van Bramer for supporting us in this  
9 time... during this hard time, as he has come to  
10 several of our events already. So thank you and  
11 let's push for TPS for our Filipino kababayan here.

12 CHAIRPERSON DROMM: Very good. Thank  
13 you.

14 MELISSA CHUA: Good afternoon. My name  
15 is Melissa Chua. I'm a supervising attorney with  
16 the New York Legal Assistance Group. The new York  
17 Legal Assistance Group commends Council Member  
18 Eugene and Council Member Dromm for this measure  
19 and joins them in their call for Temporary Status  
20 TPS designations for the Philippines.

21 As we all know, on November 8th,  
22 Typhoon Haiyan, the most powerful tropical storm  
23 ever recorded, struck the Philippines causing  
24 unprecedented destruction and loss of life to a  
25 community that had just weeks prior been hit by a



1  
2 7.2 magnitude earthquake. As one of the largest  
3 providers of free immigration legal services in the  
4 country, the New York Legal Assistance Group has  
5 seen firsthand the plight of foreign nationals  
6 living in the United States when disaster strikes  
7 their home. We know from all of our experience  
8 working with hundreds of Haitian nationals after  
9 the 2010 earthquake the enormous benefits that TPS  
10 can have. Indeed, due to the widespread  
11 devastation of the Philippines only days after  
12 Typhoon Haiyan, NYLAG drafted a letter, co-signed  
13 by Council Member Eugene, Filipino American  
14 organizations from around the country and our other  
15 partners, calling for the United States to grant  
16 TPS to Filipino nationals as a way to strengthen  
17 the Filipino economy in its time of need and to  
18 allow Filipino nationals living in the United  
19 States to contribute to rebuilding their economy.

20 The United States, as we've talked  
21 about already, has a long history of providing  
22 temporary humanitarian refuge to counties affected  
23 by natural disasters in the form of TPS. The  
24 Secretary of the Department of Homeland Security  
25 can designate a country for TPS when certain

1  
2 conditions exist, such as a natural disaster, which  
3 temporarily prevent that country's nationals from  
4 safely returning home. Once an individual receives  
5 TPS, they are not removable from the United States,  
6 can obtain work authorization and may be granted  
7 travel authorization.

8           In the wake of this immense tragedy,  
9 the benefits of TPS could be enormous for Filipino  
10 nationals of the United States and the Philippines.  
11 For Filipino nationals in the United States, TPS  
12 would offer temporary protection from being  
13 returned to the Philippines. Moreover, the work  
14 authorization associated with TPS could allow  
15 Filipinos to send even greater sums of relief and  
16 recovery money back home to the Philippines. In  
17 this sense, TPS would not only protect individuals  
18 who would be in danger by returning home, but would  
19 also empower Filipino nationals temporarily living  
20 in the United States to aid in the recovery of  
21 their own homeland. Indeed, yesterday, as we've  
22 discussed, in a statement recognizing the  
23 humanitarian and economic need for TPS, the  
24 Philippine government formally asked the Department  
25 of Homeland Security to designate their country for

1  
2 TPS. Now the decision on whether or not to  
3 designate rests with the Department of Homeland  
4 Security.

5           The devastation and loss of life in the  
6 Philippines are monumental. In the wake of this  
7 immense tragedy, the benefits of the TPS to the  
8 Philippines cannot be understated. TPS would  
9 protect individuals who'd be endangered by  
10 returning home and empower Filipino nationals  
11 temporarily living in the United States to aid in  
12 the recovery of their homeland. For these reasons,  
13 the New York Legal Assistance Group urges the  
14 Department of Homeland Security to grant TPS to the  
15 Philippines and we stand ready to provide free  
16 legal assistance to the Filipino community if and  
17 when TPS is granted. Thank you.

18           CHAIRPERSON DROMM: Thank you and  
19 Irina?

20           IRINA MATIYCHENKO: Thank you. Good  
21 afternoon. My name is Irina Matiychenko and I am  
22 the Director of Immigrant Protection Unit of New  
23 York Legal Assistance Group. First, I want to  
24 thank City Council members for holding this hearing  
25 and I am testifying on the resolution about

1  
2 immigration fraud, but I want to specifically thank  
3 you for your initiative in advocating for TPS for  
4 Filipinos. We really recognize it and appreciate  
5 and we know that you were the first to bring this  
6 issue, and just taking advantage for Mr. City  
7 Council Eugene, who left, I can freely speak about  
8 him now. And I want to take this chance to thank  
9 him tremendously for everything he is doing on  
10 behalf of his constituents, as well as for  
11 immigration community at large, as you all, and we  
12 really appreciate it.

13           New York Legal Assistance Group is one  
14 of the largest providers of free legal services in  
15 New York and we provide assistance on various  
16 immigration issues. We represent people in  
17 Immigration Court and fraud immigration, and we are  
18 also known for our litigation on behalf of  
19 immigrants that's in back litigation and plus  
20 actions on behalf of immigrants on various  
21 immigration issues. We are also, NYLAG working  
22 closely with immigrant communities throughout New  
23 York City. We have more than 50 sites. We have a  
24 connection with most community-based organizations,  
25 and we use this connection in order to educate

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2 these communities and to specifically educate about  
3 immigration fraud. And the widespread phenomenon  
4 of unauthorized practice of fraud must be addressed  
5 head on as we continue to fight for immigration  
6 reform. If we don't do it now, in addition to  
7 thousands of those who have already been defrauded  
8 by so-called immigration service providers and  
9 notarios, thousands more immigrants will be taken  
10 advantage of by dishonest practitioners. Today, it  
11 is high time to address this issue and NYLAG  
12 applauds the New York City Council for this  
13 resolution aiming to further combat immigration  
14 fraud. Immigration law is very complex and its  
15 practice requires significant training, knowledge  
16 and experience and even for us, licensed at 20 with  
17 many years of experience in immigration law, in  
18 order to continue our practice we have to go to  
19 continuing legal education and to confirm our  
20 ability to practice law every two years. But so  
21 many people who have no trainings and no knowledge  
22 of immigration law are allowed to do this according  
23 to the current laws in New York State. And we know  
24 very well what can happen if they're misleading or  
25 erroneous advice from unlicensed legal

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2 practitioners; that this advice can be devastating  
3 and all that damage is irreversible. And NYLAG has  
4 first knowledge of what's happening with those who  
5 are victims of immigration fraud and we have  
6 extensive experience in fighting immigration fraud  
7 and in educating people and educating communities  
8 how to prevent immigration fraud. And this  
9 extensive experience actually leads to the fact  
10 that Attorney General Schneider, who closed two  
11 larger organizations that provided cultural and  
12 immigration services, petitioned the New York Court  
13 for appointing NYLAG to be a receiver in these two  
14 huge cases and Judge Justice Copprick [phonetic]  
15 appointed NYLAG in 2012 and since that time, NYLAG  
16 reviewed more than 10,000 cases where people in  
17 most cases were defrauded by in some cases  
18 unlicensed and in some cases just unqualified  
19 practitioners. That is why we know how important  
20 to fight immigration fraud and how it is important  
21 to pass the laws that provide an instrument for  
22 fighting crisis of immigration fraud.

23 I don't want to repeat what was said by  
24 my colleagues so comprehensively and specifically  
25 about the definition of unlicensed and unqualified

1 immigration service providers, and I completely  
2 concur these terms contain some confusion. First,  
3 it's not clear what criteria would be used to  
4 identify unqualified services providers. And  
5 furthermore, it implies that qualified service  
6 providers who are not attorney or accredited  
7 representative can still provide immigration  
8 services. And even though the last statement is  
9 accurate under the current state law, GB Bill  
10 Article 28C, it contradicts the very goal of the  
11 proposed federal bill that provided only attorneys  
12 and accredited representatives allowed to represent  
13 immigrants in any immigration proceedings. We do  
14 recognize that this law that passed in 2006 was a  
15 well-intentioned effort to target abuses by non-  
16 legal practitioners, who often provide incorrect  
17 legal advice and are engaged in unethical behavior,  
18 but we believe that it has not reached the goal of  
19 preventing continuing harm to our immigration  
20 population and it certainly has been not adequate  
21 response to this problem. As one of American  
22 writer says that you can avoid the reality, but we  
23 cannot avoid the consequences of avoiding reality.  
24 I believe that we tried to avoid reality; that this  
25

1 law doesn't work. This law doesn't provide any  
2 protection to those who need immigration services,  
3 and actually we believe that it may bring more harm  
4 than protection from immigration fraud. That is  
5 why, again, I concur with Matthew, who urged City  
6 Council to support instead of amending this or  
7 do... amend Judicial law and to make it illegal to  
8 provide assistance and to provide consultation on  
9 any legal matters. And actually, under current law  
10 it says that giving that it allows to give legal...  
11 not legal advice; it doesn't say that it's legal  
12 advice, but to fill out applications for  
13 naturalization for adjustment of status, et cetera.  
14 And we know so very well that what harm may be done  
15 if these applications are completed incorrectly and  
16 actually, this does amount to legal advice because  
17 this is absolutely the same as to construct to give  
18 legal advice by people who are not authorized by  
19 law to do so, and that is why we urge you to  
20 advocate before our legislature and to amend the  
21 existing Judicial law instead of pursuing or  
22 amending existing clauses that still allows people  
23 to practice law; people who do not have the right  
24 to do so.  
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In addition, considering your active role in immigration, even though you complain that since it's federal law, it's your ability to do... to affect the immigration law is somehow restricted, but I believe that this firm has all power and has all opportunity to pursue those merits that our immigration community needs. And this law is a federal law that aims to protect and to punish those who represent themselves as authorized representatives. It's a great law and it's very important for this law to pass, if the law will punish those who are doing so, but if the law just leaves behind all those who have suffered as a result of actions by these folks, even though if they are punished and if they pay a fine or they even serve their terms, it doesn't change the situation for those who have been defrauded by this action. That is why we believe that it would be wise and it would be very timely to raise an issue of remedies for those victims of immigration fraud. And as I said, we have firsthand knowledge, unfortunately, after reviewing 10,000 cases. We realized how legal protection; how legal remedies these people can ask for now and in many cases they

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2 lose their immigration benefits and their  
3 immigration remedies forever. They found  
4 themselves in more proceedings; there is no  
5 remedies. They found themselves to be subject to  
6 three, 10 years bar if they leave the country et  
7 cetera, et cetera, and that is why we believe that  
8 in your law has to have provisions that allow  
9 victims of immigration fraud to benefit from  
10 immigration provisions and as those who are victims  
11 of other crimes, you may apply for UST Visas and we  
12 believe that victims of immigration fraud should  
13 have the same relief; the same remedy to just fix  
14 the serious damage that was caused by action of an  
15 unauthorized practitioner. Thank you.

16 CHAIRPERSON DROMM: Thank you, Miss  
17 Matiychenko and all the other witnesses who gave  
18 testimony today. I was just reviewing your written  
19 testimony as well and I'm beginning to believe that  
20 your statement here is correct; in particular, this  
21 law incorrectly implies that merely assisting with  
22 immigration forms is unrelated to giving the legal  
23 advice. Indeed, the signing of a contract with a  
24 client to assist him or her in the completion of  
25 immigration forms is equivalent to providing legal

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advice that is appropriate for that client to submit such forms. If this advice is unsound, it can have severe legal consequences for the client. For instance, if an applicant for naturalization has a criminal record, an immigration service provider who blindly fills out the form runs a high risk of getting the client deported and I see...

[crosstalk]

IRINA MATIYCHENKO: Thank you. You say that much better than I did.

CHAIRPERSON DROMM: Well, you wrote it, so I want to give you credit for it, but...

[crosstalk]

IRINA MATIYCHENKO: Thank you.

[crosstalk]

CHAIRPERSON DROMM: You've clarified...

IRINA MATIYCHENKO: [interposing] Yes.

CHAIRPERSON DROMM: As our last witness here today...

IRINA MATIYCHENKO: [interposing] Yeah.

CHAIRPERSON DROMM: A very complicated issue in very few sentences and it is of deep concern to me that the state law, although well-intended, as you said, really has not done what it

1  
2 was intended to do I think in the long run and  
3 that's why I want to have further discussion with  
4 the advocates on the legislation that Council  
5 Member Vacca has introduced. So I appreciate you  
6 coming in and really making that very clear for me,  
7 both representatives; Legal Services and just to  
8 say to Christina, I really appreciate you coming  
9 in. We had a great event in Elmhurst on Typhoon  
10 Haiyan and to reiterate your point that  
11 registration for TPS does not prevent one from  
12 applying for non-immigration status in other areas  
13 as well, and I think that's an important point to  
14 be made in terms of educating our communities and  
15 then finally, to ask one question of Prarthana  
16 Gurung from ADHIKAAR as well. Can you just go... I  
17 need to hear a little more, if you can; if you're  
18 comfortable, what is going on with the Queens DA's  
19 office? This is... I keep hearing this. I need to  
20 know more and I would really love to get something  
21 on the record here because I need something to go  
22 to them with.

23 PRARTHANA GURUNG: Yeah, so for the  
24 case that I briefly mentioned that we were able to  
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win, we worked with Manhattan DA's office,  
specifically with a lot of help from...

CHAIRPERSON DROMM: [interposing] Was  
it a Queens resident?

PRARTHANA GURUNG: Yeah, so the reason  
why we were able to get the help of Manhattan DA's  
office is because many of the transactions were  
done in the borough of Manhattan. With the same  
case, there were many other people who were not  
able... it was a collective group, but there were  
many people who were... had also been defrauded by  
the same woman, Hit Shrestha, but who were not able  
to get their money back because those transactions  
happened in Queens. For whatever reason, you know,  
these were split. We worked with specifically  
Rosemary Yu, who was an attorney at I guess the  
immigration community within the Manhattan borough  
DA's office. With Queens DA, I'm not exactly... I  
can't give you names right now, but our ED, Luna  
Ranjit, has been in touch with people at Queens DA  
trying to get further with that initial case and  
also other cases that we've been made aware of  
through stories and testimonies, and it seems like  
we've kind of hit some type of a wall, for whatever

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2 reason. I think I've heard the excuse of like  
3 okay, well, you know, we'll take your story down,  
4 but you know, they won't get back to us in time;  
5 you know, there's a backlog; just you know, the  
6 normal excuses. And I feel like for whatever  
7 reason; whatever's going on there; whether it's you  
8 know, understaffed or the fact that there isn't a  
9 specific committee set aside for immigration fraud  
10 you know, they're not... they're not being as  
11 responsive as Manhattan DA's office was, so for  
12 whatever reason that is, yeah. But what specific  
13 names or people that we have contacted ourselves, I  
14 can follow up with you.

15 CHAIRPERSON DROMM: I know that my  
16 office has been in touch with your office on...

17 [crosstalk]

18 PRARTHANA GURUNG: Right.

19 CHAIRPERSON DROMM: On some of these  
20 issues as well.

21 PRARTHANA GURUNG: Mm-hm.

22 CHAIRPERSON DROMM: Kind of I use these  
23 forums; these hearings as Irina also said, as an  
24 opportunity to get onto the record some of the  
25 frustrations and things that we're dealing with, as

1 well as to get onto the record, as you noticed in  
2 today's hearing, we took the vote earlier, then  
3 after the testimony came afterwards not to be rude  
4 to anybody, but because I had to let those council  
5 members go to other hearings and actually there's  
6 some bill signings that are going on over at City  
7 Hall; a large number of bills. At the end of the  
8 term of the Mayor and so that's been stretched out,  
9 so in order to accommodate everybody and the City  
10 Clerk as well, that's why we did things the way  
11 that we did, but I just want to emphasize the  
12 importance of everybody coming in and explaining  
13 these issues and giving testimony and how seriously  
14 it is taken and how, as we move to the next step,  
15 which I do believe we'll be successful in in regard  
16 to TPS, on Thursday that the council will pass this  
17 legislation and then will be able to be used as  
18 more evidence to why we should do that. And I'm so  
19 glad that the Filipino president has now come on  
20 board with this request and we look forward to  
21 moving together on this. So I want to thank all of  
22 you for coming in as well as the members of the  
23 audience and I'm going to adjourn this meeting.  
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COMMITTEE ON IMMIGRATION

Thank you. [gavel] Happy Holidays, everybody, yes.



C E R T I F I C A T E

World Wide Dictation certifies that the foregoing transcript is a true and accurate record of the proceedings. I further certify that I am not related to any of the parties to this action by blood or marriage, and that I am in no way interested in the outcome of this matter.



Date: 01/08/2014