



Legislation Details (With Text)

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**Title:** Resolution calling on the New York State Legislature to increase the criminal penalties for unscrupulous immigration service providers who violate state law.

**Sponsors:** James Vacca, Ruben Wills, Margaret S. Chin, Inez E. Dickens, Lewis A. Fidler, Andy L. King, Peter A. Koo, G. Oliver Koppell, Michael C. Nelson, Deborah L. Rose, Jumaane D. Williams, Ydanis A. Rodriguez

**Indexes:**

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Res. No. 2059

Resolution calling on the New York State Legislature to increase the criminal penalties for unscrupulous immigration service providers who violate state law.

By Council Members Vacca, Wills, Chin, Dickens, Fidler, King, Koo, Koppell, Nelson, Rose, Williams and Rodriguez

Whereas, According to the most recent census, New York City is home to over three million immigrants, many of whom are currently seeking citizenship; and

Whereas, The pathway to citizenship in the United States can be complex and confusing; and

Whereas, For many immigrants it can take up to ten years to obtain citizenship and cost thousands of dollars in legal fees and application costs; and

Whereas, Therefore many immigrants turn to immigration service providers who are not attorneys for assistance; and

Whereas, Many immigrants fall victim to unscrupulous immigration service providers who misrepresent themselves as attorneys, fail to follow state law and take advantage of an individual's lack of status; and

Whereas, Immigrants applying for citizenship, petitioning for permanent residency for loved ones, and pursuing employment-based visas rely on immigration service providers to guide them through a myriad of complicated issues; and

Whereas, Improperly filing immigration documents can have a negative impact on a person's future status, for example, it may lead to detention or deportation; and

Whereas, More needs to be done to curb the abusive practices visited upon the immigrant community by unscrupulous service providers and to ensure that they are properly represented and those who are victimized receive justice; and

Whereas, The Deferred Action for Childhood Arrives ("DACA") program was implemented in 2012; and

Whereas, DACA permits immigrant children who meet certain criteria to apply for deferred action, a temporary form of immigration relief, and apply for employment authorization; and

Whereas, Under DACA, approximately 90,000 immigrant children in New York State could benefit from this program; and

Whereas, Due to the large number of immigrants who will need assistance to navigate the DACA application process it is more important than ever that criminal penalties are enhanced for those who fail to follow State law in providing immigration services in New York City and State; and

Whereas, The provision of immigration services is governed by New York State General Business Law ("GBL") Article 28-C, Section 460; and

Whereas, GBL Section 460-h allows an appropriate court to impose a civil penalty of not more than seven thousand five hundred dollars for each violation of Article 28-C; and

Whereas GBL Section 460-I classifies violations of Article 28-C as Class A misdemeanors punishable by up to a year in prison and a fine not to exceed \$1,000; and

Whereas, Section 460-I also allows the court to impose restitution or reparations paid to the victim of the crime in an amount not to exceed ten thousand dollars; and

Whereas, However, the imposition of these criminal and civil penalties has not had the desired deterrent effect; and

Whereas, Individuals who fail to provide immigration services in accordance with the law take advantage of immigrants and jeopardize their status and future should be punished accordingly; and

Whereas, Therefore the criminal penalty for unscrupulous immigration service providers should be increased from a Class A misdemeanor to a felony to better deter and punish these bad actors and safeguard the immigrant community; now, therefore, be it

Resolved, That the Council of the City of New York urges the New York State Legislature to increase the criminal penalties for unscrupulous immigration service providers who violate state law.

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JSM  
12/3/13