

Thursday, April 27, 2006

**DEPARTMENT OF CONSUMER AFFAIRS & MAYOR'S OFFICE OF
IMMIGRANT AFFAIRS REMIND THE NEWEST NEW YORKERS OF THEIR
RIGHTS WHEN USING IMMIGRANT SERVICE PROVIDERS**

***43 Immigrant Service Providers Cited by the DCA for Lack of Disclosure and
Improper Contracts;
City Urges Filing of Complaints for Illegal Practices & Issues Tips to Educate
Immigrants and Businesses***

New York City Department of Consumer Affairs (DCA) Commissioner Jonathan Mintz and Mayor's Office of Immigrant Affairs Commissioner Guillermo Linares today issued a reminder to report illegal practices by businesses providing immigrant services by calling 311, and issued tips to protect from falling victim to fraud. Over the past year, the DCA has cited 43 fee-based immigrant service providers for violations of Local Law 31, including not complying with disclosure regulations and improper contracts. The Commissioners joined representatives from Asian Americans for Equality on the Lower East Side to brief community members and distribute materials.

"Those turning to private businesses for help navigating immigrant services are often the most vulnerable to scams, particularly if they don't know their rights," said DCA Commissioner Jonathan Mintz. "It is illegal to charge a fee for official government forms, provide contracts that do not spell out fees and services, or use deceptive advertisements. We're using every tool we have to protect these newest New Yorkers, whether enforcing against violations of the law, or partnering with our colleagues in government and community organizations to help educate."

"Immigrant New Yorkers work hard and pay for services that should be absolutely reliable and straightforward," said Immigrant Affairs Commissioner Guillermo Linares. "Businesses that offer assistance with immigration procedures cannot suggest that they can guarantee a certain outcome for their clients, and immigrants need to be fully aware of this and other illegal practices. I urge all New Yorkers who are seeking services to first get the facts on what they are entitled to by calling 311."

Over the past year, 43 fee-based immigrant service providers have been cited by the DCA, including violations for:

- Not having proper contracts that itemize all services and fees,
- Failure to maintain adequate bonds, or
- Advertising or implying they provide legal services, when there were no attorneys on staff.

Violators face penalties that include maximum fines of \$2,500 for the first offense, and \$5,000 for each offense thereafter.

Under Local Law 31, any person or business that offers immigrant assistance services* within New York City **must** do the following: (**Attorneys, not-for-profit organizations, federally accredited immigration service providers, elected officials, and government*

employees are exempt).

- **Provide a written contract that itemizes all services, and that lists all fees and costs to be charged for services.** *Contract must be written in the language understood by consumers. If other than English, an English version must also be provided.*
- **Post signs and disclaimers in advertising stating the provider is not an attorney or accredited by the Board of Immigration Appeals, and that providers may not give legal advice.** *Signs must be conspicuously posted and in all languages in which services are provided at the location.*
- **Maintain a \$50,000 surety bond.**
- **Retain copies of all documents prepared or obtained for the customer for three years.**
- **Allow consumers to cancel any contract within three days and receive a full refund.** *This may be waived in writing for providing emergency assistance, as specifically allowed by law.*

Immigrant service providers **cannot** do the following:

- **Charge fees to provide, distribute, or submit official government documents/forms.**
- **Charge fees for services not performed.**
- **Fail to provide consumer with copies of documents filed or sent on behalf of consumer; or refuse to return original documents.**
- **Advertise legal services or give legal advice concerning an immigration matter.**
- **Imply that they have special influence with government entities, or make guarantees unless there is a basis of fact and it is in writing.**
- **Disclose any information to immigration authorities without knowledge or consent of the consumer.**

In addition to enforcement, the DCA works with government agencies, trade groups and community organizations to educate immigrants and distribute free copies of the agency's *Immigrant Service Provider Law Guide* available in eleven languages, including English, Spanish, Chinese, Russian, Hindi, Haitian-Creole, Bengali, Korean, Arabic, Urdu, and Albanian.

To file a complaint or to request copies of the *Immigrant Service Provider Law Guide* call 311, the City's 24-hour Citizen Service Hotline, or visit the DCA online at www.nyc.gov/consumers. Complaints can be filed anonymously, and with the assistance of 311 operators with access to approximately 170 languages.