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## **CONSUMER AFFAIRS CITES IMMIGRANT SERVICE PROVIDERS FOR NOT COMPLYING WITH NEW DISCLOSURE LAW**

### ***New Free Guides Educate Immigrants and Businesses***

New York City Department of Consumer Affairs (DCA) Commissioner Gretchen Dykstra and Mayor's Office of Immigrant Affairs Commissioner Guillermo Linares today announced 76 immigrant service providers have been cited citywide by the DCA for not complying with a new law aimed at protecting immigrants from unscrupulous businesses and scams. The DCA also announced it will work with government agencies, elected officials, trade groups and community organizations to distribute free copies of the Immigrant Service Provider Law Guide in eleven languages, including English, Spanish, Russian, Hindi, Haitian-Creole, Chinese, Bengali, Korean, Arabic, Urdu, and Albanian.

"There is nothing more vital than legitimate advice about immigration services, especially for new New Yorkers who have the right to know the quality of help they're getting, that they don't have to pay for official government forms, and must have contracts in the language they understand," said DCA Commissioner Gretchen Dykstra. "Many businesses follow the rules, but there is more work to be done and we are aggressively enforcing the recently enacted law. Consumers are better protected when businesses know and abide by the law. To that end we've created free publications in multiple languages, and thank our partners for helping us spread the word."

"I know from firsthand experience that the road to citizenship is not simple, and that helping immigrant New Yorkers navigate this process without them being deceived is a tremendous service not only for them but for our communities and City," said Immigrant Affairs Commissioner Guillermo Linares. "Our newest New Yorkers work hard to make ends meet and to contribute to our City. Circulating the DCA guide will help to safeguard the savings and aspirations of immigrants."

Of 117 citywide inspections over the past five months, 76 fee-based immigrant service providers were cited by the DCA for not complying with Local Law 31. Violations were issued for not making required disclosures such as posting signs that they were not attorneys even though they advertised 'legal services,' failure to provide written contracts that itemize all services and fees, and failure to maintain adequate bonds. Penalties include maximum fines of \$2,500 for the first offense, and \$5,000 for each offense thereafter.

Working with the New York State Department of State, the DCA also created a palm card explaining the difference between a notario publico and a notary public, which will also be widely distributed in English and Spanish. In some Spanish-speaking countries, a notario publico is a legal advisor, whereas in the United States a notary public is not. Notary publics must be licensed by the Department of State.

Secretary of State Randy A. Daniels said, "It's very important that Spanish speaking immigrants understand the difference between what a notary public does in the United States, and what a notario is licensed to do in different countries. Too often, people

are confused or misled, thinking they are receiving informed legal advice, when in reality they are victims of fraud. In New York State, only lawyers admitted to the Bar Association are qualified to provide legal advice. I applaud Mayor Bloomberg and Commissioners Dykstra and Linares for producing these cards, and warning the public about this important consumer issue."

Under Local Law 31, any person or business that offers immigrant assistance services\* within New York City must do the following:

- **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 for three years, copies of all documents prepared or obtained for the customer.**
- **Allow consumers to cancel any contract within three days and receive a full refund.**

*\*Attorneys, not-for-profit organizations, federally accredited immigration service providers, elected officials, and government employees are exempt.*

Immigrant service providers subject to this law cannot:

- **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.**

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