

Immigrant communities are often vulnerable to victimization by individuals who misrepresent themselves as qualified to offer legal advice or services regarding immigration law. Many of these consultants use false advertising and fraudulent contracts, presenting themselves as qualified to help immigrants obtain lawful status, or perform legal functions such as drafting wills or other legal documents. Unethical notarios may charge a lot of money for help that they never provide. In many parts of Latin America, notarios refer to individuals who have received the equivalent of a law license and who is authorized to represent others before the government. In contrast, notaries in the United States are only authorized to witness signatures. Many of the fraudsters that prey on undocumented individuals obtain an American notary public license and use this to fraudulently misrepresent their qualifications to immigrants who ascribe a very different meaning to the term.

Existing state law under the California Immigration Consultants Act (ICA) regulates non-attorneys engaged in immigration form preparation. The ICA authorizes non-attorneys to complete immigration forms under certain conditions, while imposing a number of affirmative requirements on "immigration consultant" form preparers. Most importantly, the ICA prohibits immigration consultants from providing legal advice or services that attorneys perform.

Immigration consultants and notaries compromise the integrity of the legal immigration system, often submitting fraudulent or improperly prepared applications to USICS or the immigration courts. Immigrants who are not proficient in English are often unaware of the inaccurate information on application forms. Enforcement of state law and licensing relies largely on individual complainants, a strategy hamstrung by the fact that many immigrants fear that reporting this fraud will expose their undocumented status. Many victims do not discover the fraud until years after their initial contact with the non-attorney.

Because the problem of notario fraud is especially acute and pervasive throughout the City, it is in the interest of the City to direct consumers towards legal service providers as well as to ensure that all Immigration Consultants operating within the City of Los Angeles are in compliance with state and local laws. It is also in the interest of the city to create a licensing process that will monitor and identify consultants as well as fund investigations and citation of immigration consultants who are out of compliance with the law.

I THEREFORE MOVE that all immigration consultants operating within the City of Los Angeles comply with all provisions of the California Immigration Consultant Act as well as any additional locally tailored provisions that may be developed in order to maintain a valid business license within the city.

I FURTHER MOVE that the CLA, the Office of Finance in conjunction with the City Attorney be requested to report back on the feasibility of developing an immigration consultant permit and requiring all immigration consultants operating within the City of Los Angeles to have to file for this permit. This report should also include a system for investigation, monitoring and enforcement as well as administrative penalties fines and notices to fully combat immigration services fraud.

I FURTHER MOVE that the Office of Finance and the City Attorney work with the County Department of Consumer Affairs to explore the feasibility of a cooperative agreement for investigation and enforcement efforts.

PRESENTED BY:


NURY MARTINEZ
Councilwoman, 6th District

SECONDED BY:




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