

**REPORT OF THE  
CHIEF LEGISLATIVE ANALYST**

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DATE:           October 6, 2017

TO:             Honorable Members of the Rules, Elections, Intergovernmental Relations and  
                  Neighborhoods Committee

FROM:          Sharon M. Tso  
                  Chief Legislative Analyst

Council File No: 17-0002-S119  
Assignment No: 17-09-0919

SUBJECT:      Resolution (Martinez-Cedillo) to SUPPORT HR 912 (Foster)

CLA RECOMMENDATION: Adopt Resolution (Martinez-Ryu) to include in the City's 2017-18 Federal Legislative Program, SUPPORT for HR 912 (Foster), which would amend the federal criminal code to make immigration consultant fraud a crime and provides other related services to immigrant residents.

SUMMARY

Resolution (Martinez-Cedillo), introduced September 19, 2017, requests support for HR 912, which would amend the federal criminal code and criminalize immigrant consultant fraud. According to the Resolution, the City Attorney has prosecuted a multitude of individuals for crimes originating from immigrant consultant fraud such as grand theft because immigration consultant fraud is not a crime. The Resolution also notes that HR 912 institutes a process where immigrants can withdraw their application if it was submitted with the assistance of an illegitimate provider, thereby protecting victims from damaging their immigration status. Lastly, the Resolution states that HR 912 is consistent with the City's previous efforts to protect immigration communities from fraudulent activity. The Resolution therefore requests that the City support AB 638.

BACKGROUND

On February 7, 2017, Representative Bill Foster introduced HR 912 as part of two separate bills to protect the rights of immigrants. Congressman Foster opined that "It may be easy for anyone to fall prey to deceptive practices. Even worse, many immigrants are unable to stay in this country or legally return due to fraudulent or negligent legal services." The legislation also instructs the Department of Justice (DOJ) and Department of Homeland Security (DHS) to regulate immigration document preparation by compelling immigrants to provide the names of individuals that assisted with their document submission

In addition, the DOJ and DHS are instructed to carry out an outreach program to educate immigrants regarding who may provide legal services and establishes a program to grant awards to eligible nonprofit organizations for direct legal services to immigrants. The legislation is endorsed by the National Immigration Forum and the Lutheran Immigration and Refugee Service.

Departments Notified  
City Attorney

BILL STATUS

2/7/17	Introduced
2/7/17	Referred to the House Committee on the Judiciary
3/9/17	Referred to the Subcommittee on Crime, Terrorism, Homeland Security, and Investigations
3/9/17	Referred to the Subcommittee on Immigration and Border Security

  
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Henry Flatt  
Analyst

Attachment: 1. Resolution (Martinez-Cedillo)

RESOLUTION

WHEREAS, any official position of the City of Los Angeles with respect to legislation, rules, regulations or policies proposed to or pending before a local, state or federal governmental body or agency must have first been adopted in the form of a Resolution by the City Council with the concurrence of the Mayor; and

WHEREAS, the current administration has placed a renewed emphasis on deportation, which could stimulate growth for illegitimate immigration consultants; and

WHEREAS, the City Attorney has prosecuted a multitude of individuals for crimes originating from immigration consultant fraud; and

WHEREAS, Los Angeles residents seeking immigration documents essential for citizenship should be protected from illicit activity that can damage their immigration status; and

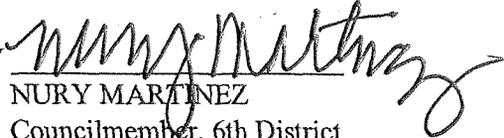
WHEREAS, immigration consultant fraud is not currently a crime, as local authorities will often prosecute "notarios" or fraudulent providers for grand theft and other similar offenses; and

WHEREAS, HR 912 (Foster) would amend the federal criminal code to make immigration consultant fraud a crime and institutes a process where immigrants can withdraw their application if it was submitted with the assistance of an illegitimate provider; and

WHEREAS, HR 912 also provides an outreach program to educate immigrant residents regarding proper legal services and representation in immigration proceedings and establishes a program to award grants to nonprofit organizations for legal services; and

WHEREAS, support of HR 912 is consistent with the City's efforts to protect immigrant communities from fraudulent activity;

NOW, THEREFORE, BE IT RESOLVED, with the concurrence of the Mayor, that by the adoption of this Resolution, the City of Los Angeles hereby includes in its 2017-2018 Federal Legislative Program SUPPORT for HR 912, which would amend the federal criminal code to make immigration consultant fraud a crime and provides additional services to immigrant communities.

PRESENTED BY   
NURY MARTINEZ  
Councilmember, 6th District

SECONDED BY 

SEP 19 2017