

**REPORT OF THE
CHIEF LEGISLATIVE ANALYST**

DATE: June 19, 2017

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

FROM: Sharon M. Tso *WEL FOR*
Chief Legislative Analyst

Council File No: 17-0002-S85
Assignment No: 17-06-0650

SUBJECT: Resolution (Martinez-Ryu) to SUPPORT AB 638 (Caballero)

CLA RECOMMENDATION: Adopt Resolution (Martinez-Ryu) to include in the City's 2017-18 State Legislative Program, SUPPORT for AB 638 (Caballero), which would provide that attorneys and organizations accredited by the Executive Office for Immigration Review (EOIR) shall be the only individuals allowed to charge fees for services related to an immigration matter and other related regulations necessary to enforce the new provisions.

SUMMARY

Resolution (Martinez-Ryu), introduced May 26, 2017, supports AB 638, which would only allow licensed attorneys and EOIR accredited representatives to charge fees for services related to an immigration matter. According to the Resolution, the Trump administration's emphasis on deportation could stimulate growth for illegitimate immigration consultants. The Resolution notes that California's current law, the Immigration Consultant Act, provides a narrow definition of individuals eligible to charge fees for services related to an immigration matter, as immigration consultants cannot advise clients which immigration documents to secure. Lastly, the Resolution states that AB 638 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 14, 2017, Assemblymember Anna M. Caballero introduced AB 638 as part of a substantial bill package designed to combat issues and concerns facing millions of Californians, including poverty and the growing housing crisis. According to Assemblymember Caballero's website, AB 638 is intended to combat immigration fraud, stop the unauthorized practice of law, regulate immigration service providers, and protect consumers in need of assistance in immigration matters. The Central American Resource Center (CARECEN) is a sponsor of the bill because of how it protects immigrant rights and eliminates ambiguities present with the current system of immigration consulting services.

The bill also includes related provisions that require the Secretary of State to notify existing immigration consultants that immigration consulting is prohibited as of January 1, 2019 and

categorizes any client records or information obtained during the scope of an investigation relating to immigration consultants as privileged information.

Departments Notified

City Attorney
Police

BILL STATUS

2/14/17	Introduced
3/23/17	Referred to Judiciary Committee
4/25/17	Re-referred to Appropriations Committee
5/3/17	Assigned to Appropriations Committee Suspense File
5/26/17	Passed as amended (Ayes 12. Noes 5.)
5/31/17	Read third time. Passed. Ordered to Senate
6/14/17	Referred to Judiciary Committee



Henry Flatt
Analyst

Attachment: 1. Resolution (Martinez-Ryu)

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, immigration consultant fraud is a serious crime that causes the victim to lose substantial sums of money and can damage an applicant's immigration status; and

WHEREAS, the Trump 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 violations such as practicing law without a license, grand theft, and other related crimes resulting from immigration consultant fraud; and

WHEREAS, currently, California's Immigration Consultant Act (ICA) provides a narrow definition of who can provide immigration consultant services, as the current law prohibits immigration consultants from advising clients on which immigration documents to secure; and

WHEREAS, AB 638 (Caballero) would provide that attorneys and organizations accredited by the Executive Office for Immigration Review (EOIR) shall be the only individuals authorized to charge clients or prospective clients a fee for providing services associated with filing an application related to an immigration matter; and

WHEREAS, support of AB 638 is consistent with the City's efforts to protect immigrant communities from fraudulent activity; and

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 State Legislative Program SUPPORT for AB 638, which would alter the current law to only permit licensed attorneys and accredited EOIR representatives to charge fees for services related to an immigration matter.

PRESENTED BY


NURY MARTINEZ

Councilmember, 6th District

SECONDED BY

