



**Mayor's Office of  
Immigrant Affairs**  
Nisha Agarwal  
Commissioner

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Testimony of Commissioner Nisha Agarwal

NYC Mayor's Office of Immigrant Affairs

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New York City Council Committee on Consumer Affairs:

“Preventing the Unauthorized Practice of Immigration Law”

Thank you to Chair Menchaca, Chair Espinal and the members of the Committees on Immigration and Consumer Affairs. My name is Nisha Agarwal and I am the Commissioner of the Mayor's Office of Immigrant Affairs.

My testimony today covers MOIA and the Administration's commitment and efforts to protect immigrant New Yorkers from fraudulent and unscrupulous immigration service providers. This Administration has made an unprecedented commitment to New York City's immigrants and we at MOIA have collaborated with our colleagues at DCA, and others within the City and the immigrant community, to not only raise awareness about immigration services fraud, but to also provide safe, free immigration legal services. We recognize that these services are crucial to ensuring the stability and safety of our immigrant communities.

The uncertainty following the election can create fertile ground for fraudulent providers and fear among immigrant communities.

I want to reference the Mayor's recent statements by reaffirming that New York City always has been and always will be an open and welcoming city for immigrants and refugees. We will fight to protect the safety and health of all New Yorkers, regardless of immigration status, and work to ensure that all residents can access the services they need, including education, health care, emergency food and shelter, and public safety resources. We are committed to working together with our partners in the City Council and the community to confront any action that threatens New Yorkers.

For this reason, we are in support of Intro 0746 and look forward to continuing to work with our community and government partners to address the issue of immigration services fraud.

### **IMPACT OF IMMIGRATION SERVICES FRAUD ON NEW YORK CITY'S IMMIGRANTS**

Immigration services fraud is a serious issue that can result in the loss to a victim of thousands of dollars and may place an individual's immigration status and ability to remain in the U.S. in jeopardy. Immigration services fraud often takes the form of a non-lawyer immigration service provider, or an ISP, who claims to be qualified in completing immigration forms and giving legal advice in exchange for money. In many instances the ISP poses as an attorney. After earning the trust of the immigrant, the ISP may make false promises about the immigrant's eligibility for benefits, file false papers, or simply does nothing after being paid. The result can be disastrous for the individual, as this deception can lead him or her to unknowingly submit a fraudulent immigration application to the federal government, placing their case in jeopardy and potentially even leading to deportation. At the very least, the immigrant will also have lost upwards of thousands of dollars in the process.



We believe that one of the keys to combating immigration fraud is community education that focuses on both prevention and encouraging victims of immigration fraud to come forward and report the crime. It can be difficult for anyone who has been a victim of fraud to come forward to report the fraud. For victims of immigration services fraud, in particular, there are often additional challenges that can discourage them from coming forward. Immigrants may be fearful of government and law enforcement generally and fearful of being reported to immigration officials as a result of their coming forward. In addition, many immigrant community members are reluctant to report immigration fraud when the ISP is someone who is deeply embedded in their community, either through friends or family members. Lastly, many victims of immigration services fraud do not even realize that they have been defrauded for various reasons. This may be because they have no way of knowing that the benefit for which they've applied does not exist. In other instances, the immigrant receives communication from USCIS that leads them to believe that their application is in process, not realizing that their application was fraudulent. Because immigration law rivals the tax code in complexity and because immigration applications can be multi-year long processes, many immigrants do not realize that they've been defrauded until years after the incident occurred.

### **MOIA'S WORK TO COMBAT IMMIGRATION SERVICES FRAUD**

Understanding these challenges, MOIA has dedicated our efforts to:

1. Working with our colleagues inside and outside of government to raise community awareness on the issue;
2. Creating simple, easy pathways to filing complaints; and
3. Providing safe, free immigration legal services so that individuals know they have trustworthy providers to turn to.

I will discuss our efforts in each of these areas.

**First, we work with our partners at DCA, other law enforcement agencies, and community-based organizations to coordinate efforts and raise community awareness on the issue.** Our office is an active member of the Protecting Immigrant New Yorkers task force, which is a taskforce of government and community-based organizations convened by the New York Immigration Coalition, dedicated to strengthening enforcement against the unauthorized practice of immigration law through enhanced coordination between government entities. We meet monthly with members like the district attorneys' offices immigrant affairs units, the New York State Attorney General's office, federal agencies, and community based organizations like Make the Road New York, New York Legal Assistance Group, Catholic Charities, and others to share efforts around combating immigration services fraud and jointly promote the rights of immigrant consumers when receiving immigration services.



MOIA and DCA are also in a task force with the Office of the New York State Attorney General. As part of this partnership, we recently co-hosted a 3-day telethon and media campaign in partnership with the Hispanic Federation and Telemundo. During these 3 days, the Hispanic Federation coordinated a media campaign on Telemundo and Univision radio and television programs that provided viewers with information about their rights when receiving immigration services and encouraged individuals to call the hotline to find out if their rights may have been violated. Callers who may have been victims of immigration fraud were referred to file complaints with the New York State New Americans Hotline and were able to make an appointment for a free, safe immigration screening with qualified providers. We received over 900 calls, referred 292 individuals to file a complaint, and referred 542 individuals to safe immigration legal service providers. We also invited our partners from the Protecting Immigrant New Yorkers task force to participate in media interviews discussing our joint efforts to combat immigration fraud.

We also work regularly with members of the ethnic media to share timely anti-fraud information and resources. For example, in July of this year, shortly after the Supreme Court decision that halted the executive action programs, we quickly organized a community and ethnic media roundtable to disseminate clear information about the Supreme Court decision, emphasize the need for community members to be wary of fraudulent providers, and tell individuals how to get free, reliable immigration help. A representative from DCA spoke on the roundtable and shared tips on how community members can protect themselves against fraud when seeking immigration help.

In addition, MOIA has a robust outreach team that is regularly deployed to community events, town halls, parent meetings, and faith-based organizations within the immigrant community with up-to-date information about changes in immigration law over which there may be confusion in the community. They are given fraud alerts on how to refer community members to the New Americans Hotline to file a complaint and how to refer individuals to safe immigration legal services.

**Second, MOIA also works with our city agency partners to ensure that community members can file complaints against fraudulent providers simply and easily.** We have worked with 311 to make sure that anyone who calls 311 with a question regarding immigration fraud is automatically transferred to the New York State New Americans Hotline where they can file a full complaint against the ISP.

We have also worked with the New York City Police Department to ensure that police officers are trained on the topic and know how to recognize the crime when it occurs. In February of this year, we worked with NYPD to issue an Operations Order that directs all NYPD officers to



provide information to fraud victims about how to file a complaint with the NYS New Americans Hotline. The Operations order also directs officers to accept police complaint reports, if the officer believes it to be required. Additionally, in June, MOIA provided a training at the Police Academy for all members of NYPD's Community Affairs Bureau. The training provided information about common scams and how to help victims who seek assistance from the police. MOIA has also met with the NYPD's New Immigrant Outreach Unit to discuss potential shared outreach opportunities between the NYPD immigrant community liaisons and MOIA's outreach staff.

**Lastly, MOIA and this Administration has invested significantly in providing safe, free immigration legal services at trusted community-based locations like schools, CBOs, and libraries through our ActionNYC and NYCitizenship programs.** We strongly believe that you cannot provide community education to individuals about how to avoid fraudulent providers without also providing a safe alternative for where they can go to access services. ActionNYC provides safe, free immigration legal services in community-based locations citywide. NYCitizenship provides free citizenship services at select libraries throughout the city. In addition, every ActionNYC provider has received training on how to spot immigration services fraud and how to direct their clients to file a complaint. We are working with our partners at the New York Immigration Coalition to continue training ActionNYC providers on spotting and addressing fraud.

## **CONCLUSION**

We at MOIA are very aware that immigrant New Yorkers are particularly vulnerable to scams and fraudulent immigration service providers, especially in light of the current political climate where there may be a lot of confusion about what immigration benefits are and are not available. That is why we continue to encourage anyone who has a question about their immigration case or status to get free, safe immigration legal help through ActionNYC. With over 3 million immigrant New Yorkers, there is a lot of work still left to be done to educate our community members about their rights when receiving immigration services and increasing access to immigration legal services. I want to recognize the work of the Committees on Immigration and Consumer Affairs for paying attention to these issues that impact immigrant New Yorkers. We look forward to continuing to work with you all on Intro. 0746 and on addressing the issue of immigration services fraud together with partners at other government agencies and community organizations in the coming years.