



Bill de Blasio
Mayor

**Department of
Consumer Affairs**

Julie Menin
Commissioner

**Mayor's Office of
Immigrant Affairs**

Nisha Agarwal
Commissioner

December 29, 2014

Ms. Laura Hawkins
Chief, Regulatory Coordination Division
Office of Policy and Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security
20 Massachusetts Avenue NW
Washington, DC 20529-2140

**RE: Request for Comments: Notices of Decisions and Documents Evidencing Lawful Status
DHS Docket No. USCIS-2012-0006**

Dear Ms. Hawkins:

The New York City Mayor's Office of Immigrant Affairs ("MOIA") and the New York City Department of Consumer Affairs ("DCA") submit the following in response to the Department of Homeland Security's ("DHS") request for comment on the final rule regarding "Notices of Decisions and Documents Evidencing Lawful Status."

MOIA promotes the well-being of immigrant communities by recommending policies and programs that facilitate the successful integration of immigrant New Yorkers into the civic, economic, and cultural life of the City. DCA's mission is to protect and empower both consumers and businesses to ensure a fair and vibrant marketplace, and to this end, works to protect New York City's immigrants from harm and educate immigrant-owned businesses about compliance with the law.

Both City agencies, and indeed the City of New York, have a particular interest in protecting its residents from fraudulent and unscrupulous attorneys or immigration practitioners. We take this opportunity to offer our thoughts as you begin implementation of the revised rules.

Represented applicants or petitioners (new 8 CFR 103.2(b)(19))

For individuals who are represented by an attorney or accredited representative, USCIS proposes a default rule of sending original notices to both the applicant or petitioner and his or her representative. This conforms to current USCIS practice, and MOIA and DCA appreciate USCIS's clarity on the issue.

We have some concerns with the revised 8 CFR 103.2(b)(19) which allows for the represented party to request that all original notices, such as requests for evidence and notices of decision,

only to be sent to his or her authorized attorney or accredited representative, with the applicant or petitioner receiving a courtesy copy.

MOIA and DCA agree that sending original notices to only the attorney or accredited representative may exacerbate problems caused by unscrupulous attorneys, service providers, or others engaged in the unauthorized practice of immigration law. Such practitioners may mark forms to request that they exclusively receive original notices without first explaining the consequences to their clients and obtaining clients' informed consent. Many applicants or petitioners have limited English proficiency and sometimes possess low levels of formal education that make them particularly vulnerable to these types of unscrupulous practices. Additionally, unscrupulous practitioners often refuse to give copies of original notices to applicants or petitioners unless they first pay exorbitant fees. As a result, individuals who unknowingly consented to this preference and who are unable to pay such fees may be left in the dark about the status of their application or petition, miss deadlines to submit further evidence, or not have sufficient evidence of their status.

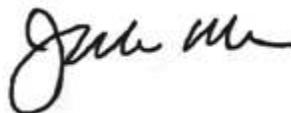
Our agencies also express concern that the rules do not identify a process for individuals who had once requested that original notices be sent exclusively to his or her representative to change this preference at some point later in the life of the application or petition. Implementing such a process is important not only for individuals who have encountered an unscrupulous provider, but also for those who, after filing their application or petition, are exhausted of financial resources and must continue their case without legal representation. Additionally, in many instances, attorneys fail to properly withdraw from representation. Therefore, a clear and simple process to change notice preferences is necessary so that the applicant or petitioner would be able to receive original notices regarding their case. We urge USCIS to make clear the ways in which an individual can change their notification election.

MOIA and DCA appreciate the opportunity to comment on this issue and we look forward to a continuing dialogue with DHS on these and many other issues.

Sincerely,



Nisha Agarwal
Commissioner
NYC Mayor's Office of
Immigrant Affairs



Julie Menin
Commissioner
NYC Department of
Consumer Affairs