



[American Immigration Lawyers Association \(AILA\) California Chapters](#)
Southern California, Northern California, Santa Clara Valley, San Diego

UPDATES & FACTS ON AB 1159- IMMIGRATION REFORM ACT
August 12, 2013

OVERVIEW

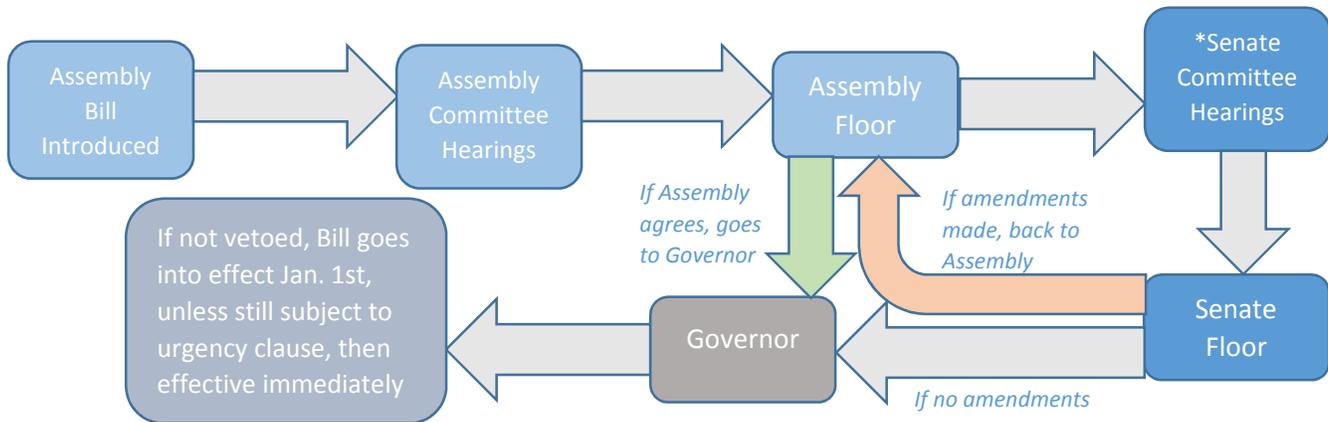
The California Chapters of the American Immigration Lawyers Association (AILA) oppose AB 1159. AB 1159, entitled the Immigration Reform Act is being touted as a “consumer protection measure” aimed at reducing or eliminating fraud in immigration services prompted by the ongoing Congressional efforts of federal immigration reform. However, to the extent that it focuses on additional regulations and less on enforcement of existing regulations already intended to address such fraud, this bill will have a harmful effect on consumers who are in most need of qualified legal services- the very population this law purportedly intends to protect.

The AILA Chapters in the State of California, represent the majority of licensed immigration attorney members across all geographic areas of this State. Together, the AILA California Chapters constitute over 2,131 immigration attorneys in this diverse State, which is home to over 10.2 million immigrants.¹ Against this backdrop, our Chapters have declared a unified opposition to a law that would negatively affect the community we serve. Our members appreciate the importance of quality honest representation, and equally condemn fraud that wreaks havoc on immigrant communities. We have thus kept the line of communication open with the drafters of this new legislation to convey our concerns that the focus and method of this bill will not achieve its intended purpose, and instead may have the ill-effect of generating more fraud. Toward this end, the bill continues to see multiple amendments but the timeline is not slowing down. Time is needed to have meaningful collaboration on addressing very real problems that the immigration bar is not unfamiliar with and has long been working to address. The drafters continue to miss the mark by insisting on the rushed passage of a bill that is not well-developed to achieve its goal.

Legislative History & Process

AB 1159 originated in the California State Assembly earlier this year in an entirely different form as an Education Bill. It made its way through the Assembly, passing early in May 2013. Then, newly elected Assemblywoman Lorena Gonzalez was added on as author along with Senator Kevin De Leon by July 2013 when the Bill was gutted and amended to become an “immigration services” bill intended to curb consumer fraud, and backed by the California State Bar. Below is a chart of the State Legislative process for this Bill along with a detailed chronology up to date.

¹ According to the U.S. Census Bureau, California was home to 10.2 million immigrants in 2011.



- 02/22/2013 California Assembly Bill 1159 was first introduced by Assemblymembers Blumenfield and Bloom as an Act to amend an Education Code.
- 05/09/2013 Bill cycled through Assembly process, voted through and ordered to the Senate.
- 05/28/2013 Lorena Gonzalez assumes office as California State Assemblymember for the 80th District of San Diego, (replacing Ben Hueso who was elected to the State Senate in a special election in March 2013).
- 07/10/2013 AB 1159 is “gutted and amended”² from an Education Bill to an Immigration Services Bill with Assemblymember Lorena Gonzalez as the author and Senator Kevin De Leon as the principal co-author. It further contains an urgency clause³. Re-referred to Senate Committee on Appropriations.
- 07/11/2013 Re-referred to Senate Committee on Rules.
- 08/12/2013 The Bill remains in the Senate Committee on Rules.*

Advocacy Summary

As illustrated in the chronology above and below, it has been approximately one month since AB 1159 was publicly introduced, and it is moving swiftly through the legislative process. The Bill’s authors are intent on passing it by September 2013 to be implemented effective immediately.

In the bulk of conversations both in conference calls and meetings with the California State Bar, their position has been that this bill is necessary in light of the potential for immigration reform and the consumer fraud that would come with a high volume of cases; they continue to cite to the example of the

² “Gut & Amend” refers to a process when amendments to a bill remove the current contents in their entirety and replace them with different provisions. It is a last-minute practice that lawmakers sometimes use to get their bill passed during the waning days of a session.

³ A bill with an “urgency clause,” allows it to bypass standard deadlines. It refers to added language in a bill which states the bill will take effect immediately upon enactment. A two-thirds vote is required for passage of the bill (as opposed to a majority vote an ordinary bill would need).

loan modification crisis as a justification for this added regulation of immigration attorneys and consultants. The State Bar, through Executive Director Joseph Dunn and incoming President Luis Rodriguez, have explicitly referenced the Client Security Fund, which is a fund that the State Bar sponsored to help protect consumers of legal services by alleviating losses resulting from the dishonest conduct of attorneys. Director Dunn stated that they will use fees generated from AB 1159 toward the Client Security Fund. Yet, in the State Bar's own data, the State Bar notes that "[t]he most typical losses reported are theft of client personal injury settlement funds" and "losses caused by the loan modification schemes."⁴

In meetings with Assemblywoman Lorena Gonzalez, she has consistently emphasized that AB 1159 is going through no matter what. As a newly elected Assemblymember, this is Ms. Gonzalez' first sponsored bill. She has taken a firm stance that she will not be swayed by letters or calls, and that she is intent on this bill's passage. Her tone has been to request workable amendments to the bill while being defensive to the idea that this bill should be slowed down in order to allow for a more collaborative process.

Senator Kevin De Leon has made a commitment to hear concerns about the bill, and not rush it through unless it is satisfactory. In a meeting with him, he acknowledged he needs to review it further. Senator De Leon is the Chair of the Senate Appropriations Committee. For now, the bill remains in the Senate Committee on Rules.

- 07/13/2013 AB 1159 was *first* introduced to certain members of the immigration bar via conference call with the State Bar, who initially invited them to discuss UPL issues. The concerns raised during this call over this bill were the impetus for further weekly calls wherein the State Bar and Assemblywoman's office have sought input from select immigration practitioners to amend language to the bill.
- 07/30/2013 The AILA California Chapter Chairs, working in a coalition, released the first formal Statement of Opposition on behalf of their members detailing concerns about this bill.
- 07/31/2013 Conference call between the State Bar, including Executive Director Joseph Dunn, incoming President Luis Rodriguez, & LACBA ILS, AILA National ExComm & SoCal leadership
- 08/01/2013 Meeting between Assemblywoman Lorena Gonzalez in San Diego & AILA San Diego, SoCal and National ExComm leadership
- 08/07/2013 Meeting between Senator Kevin De Leon in Los Angeles & AILA National ExComm, AILA SoCal and LACBA ILS leadership
- 08/08/2013 Meeting between State Bar and Assemblywoman Lorena Gonzalez & AILA National leadership, and AILA NorCal leadership

Lobbyist

AILA National with the backing of the AILA California Chapters has retained a Lobbyist to assist us at the California State Capitol by effectively conveying the concerns that our members share in the face of such an

⁴ The State Bar of California, Client Security Fund 2011 Activities Report
(<http://www.calbar.ca.gov/LinkClick.aspx?fileticket=ySJFgwML69I%3D&tabid=1270&mid=3618>)

onerous bill. In this regard, the Lobbyist is not only representing our interests as advocates but those of the clients and the communities whom we serve, as they stand to be the most affected by ineffective legislation that will not curb consumer fraud. Faced with the requirement of a 2/3 vote in the Senate in order to pass, it is paramount that concerns about the passage of this bill are properly presented to the California State Legislature.

The Lobbyist that AILA has retained has worked on hundreds of pieces of legislation primarily dealing with public safety, consumer rights, worker protections and health care, and has represented small nonprofit organizations, as well as, larger professional associations. The Lobbyist previously served as a Chief of Staff in both the California State Senate and California State Assembly where he handled all aspects of a fast paced environment and achieved dozens of legislative and budgetary victories. He has also had experience as a consultant to an Assembly Committee. As the largest professional association of immigration attorneys, AILA has considered that having a lobbyist on this issue is an important resource to guide our efforts in securing not only the integrity of our practice, but also the effective service and advocacy on behalf of our clients.

ACTION PLAN

The AILA California Chapters continue to call upon the California State Legislature to act responsibly by considering the significant concerns and negative ramifications such an overly broad bill will have on the practice of immigration law and consumers in the State of California. We continue to oppose AB 1159 as drafted, and although we continue to keep the line of communication open with its drafters, we believe the rushed timeline in which the bill has been presented does not allow for meaningful collaboration to pass this type of legislation this year.

We continue to encourage our members to voice their concerns directly to their California State Legislative representatives, the Senate Committee members, the bill's drafters, including Assemblymember Lorena Gonzalez, Senator Kevin De Leon and the California State Bar.