

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF BRONX

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PEOPLE OF THE STATE OF NEW YORK, by  
ELIOT SPITZER, Attorney General of the State of  
New York,

Petitioner,

-against-

NOTICE OF PETITION

Index No. 932/06

JAMALALI UAGUCHA, INC., d/b/a JAMALALI  
UAGUCHA USA, and MARIA E. MAXIMO, individually  
and as principal of JAMALALI UAGUCHA, INC.,

Respondents,

Pursuant to Executive Law § 63(12).

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PLEASE TAKE NOTICE that upon the verified petition dated April 4, 2006, and the affirmation of Assistant Attorney General Roberto G. Lebron, with accompanying exhibits annexed thereto, Petitioner will move at the Motion Support Office, Room 217, of this Court at 851 Grand Concourse, Bronx, New York, on the 4th day of May, 2006, at 9:30 o'clock in the forenoon, or as soon thereafter can be heard, for an order and judgment made pursuant to Executive Law § 63(12), and General Business Law ("GBL") Article 28-C:

1. permanently enjoining Respondents, their employees, agents, successors, heirs and assigns, directly or indirectly, from engaging in the fraudulent or illegal practices alleged in the verified petition herein;

2. permanently enjoining Respondents from providing immigrant assistance services unless and until they comply with each and every provision of GBL Article 28-C;

3. directing Respondents to provide Petitioner with an accounting of each immigrant assistance service transaction, including the names and addresses of all consumers with

whom Respondents have done business, the amount of money involved in each transaction, and all documentation concerning each transaction within ten (10) days of service of the judgment and order;

4. permanently enjoining Respondents from directly or indirectly destroying or disposing of any records pertaining to their business;

5. directing Respondents to pay restitution and damages to injured consumers identified by the Attorney General after his investigation of the information provided by Respondents pursuant to paragraph three above;

6. directing Respondents to pay a civil penalty of \$7,500 pursuant to GBL § 460-h for each violation of GBL § 460-b, and §§ 460-e(4),(5),(6),(7),(8), and (9);

7. awarding Petitioner \$2,000 in costs against the Respondents pursuant to CPLR § 8303(a)(6);

8. directing Respondents to notify Petitioner of any change of address within five days of such change; and

9. granting Petitioner such other and further relief as this Court finds just and proper.

This proceeding charges Respondents with engaging in fraudulent, deceptive and unlawful acts and practices in violation of GBL §§ 460-b, 460-e(4),(5),(6),(7),(8), and (9), and Executive Law § 63(12).

PLEASE TAKE FURTHER NOTICE that, in accordance with CPLR § 403(b), Respondents' answer and supporting affidavits, if any, shall be served at least seven (7) days before the return date of this petition.

Dated: New York, New York  
April 4, 2006

Yours truly,

**ELIOT SPITZER**  
Attorney General of the State of New York

By: Roberto G. Lebron  
Roberto G. Lebron  
Assistant Attorney General  
Harlem Regional Office  
163 West 125<sup>th</sup> Street, 13<sup>th</sup> Floor  
New York, New York 10027  
(212) 961-4475  
Attorney for Petitioner

Harlem Regional Office  
**GUY H. MITCHELL**  
Assistant Attorney General In Charge

**ROBERTO G. LEBRON**  
Assistant Attorney General  
of Counsel

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF BRONX

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PEOPLE OF THE STATE OF NEW YORK, by  
ELIOT SPITZER, Attorney General of the State of  
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VERIFIED PETITION

Index No. 932/06

JAMALALI UAGUCHA, INC., d/b/a JAMALALI  
UAGUCHA USA; and MARIA E. MAXIMO, individually  
and as principal of JAMALALI UAGUCHA, INC.,

Respondents,

Pursuant to Executive Law § 63(12).  
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The People of the State of New York, by Eliot Spitzer, Attorney General of the State of  
New York, respectfully allege, upon information and belief:

**INTRODUCTION**

1. Petitioner commences this summary proceeding to enjoin Respondents from  
engaging in deceptive, fraudulent and illegal practices in connection with the operation of their  
immigrant assistance service provider business.

**JURISDICTION**

2. The People of the State of New York, by Eliot Spitzer, Attorney General of the  
State of New York, is the Petitioner in this proceeding.

3. Petitioner brings this summary proceeding pursuant to a) Executive Law § 63(12),  
which empowers the Attorney General to seek injunctive relief, restitution, damages and costs  
when any person has engaged in, or otherwise demonstrated repeated or persistent fraudulent or

illegal acts in the transaction of business; and b) GBL §460-h, which empowers the Attorney General to seek injunctive relief, restitution and civil penalties and costs for violations of GBL Article 28-C, the Immigrant Assistance Services Law.

4. Respondent Jamalali Uagucha, Inc., d/b/a Jamalali Uagucha USA (“Jamalali”), is a New York corporation with its principal place of business at 1911 Southern Boulevard, Bronx, New York. Jamalali is a not-for-profit organization that purports to provide immigration services to Central American, Caribbean and other Latino communities of New York.

5. Respondent Maria E. Maximo (“Maximo”) is the president of Jamalali. Maximo operates Jamalali’s office, from which she purports to offer immigration and other services. Jamalali and Maximo are collectively referred to as “Respondents.”

#### FACTS

6. Respondents charge substantial up-front fees for fraudulent and illegal immigrant assistance “services” that include submitting applications to the U.S. Citizenship and Immigration Services (“USCIS” or “Immigration”) for immigration relief that consumers are not eligible for, and typically without the consumers’ authorization or knowledge.

7. Respondents’ practices often provide devastating results such as removal proceedings (generically known as “deportation” proceedings).

8. Respondents advertise their services through the dissemination of flyers offering immigration and other services to New York’s Garifuna (descendants of native Arawaks from the Caribbean island of St. Vincent and West Africans who were relocated by the British to Central America and have immigrated to New York City) and other Latino and Caribbean communities, and also use a website, [www.jamalaliuagucha-garifuna.com](http://www.jamalaliuagucha-garifuna.com), to promote their business.

9. Respondents advertise a legalization program, which is also referred to as a “pilot” legalization program, which purports to provide consumers with a “green card” (a green card is a generic phrase for documentation reflecting an immigrant’s lawfully permanent residence, which is defined as the status of having been fully accorded the privilege of residing permanently in the United States as an immigrant in accordance with the immigration laws. 8 C.F.R. § 1.1 (p)). Respondents charge consumers fees ranging from \$500 to \$2,000 to apply for adjustment of status under this program. Consumers who pay Respondents to apply for adjustment of status under this program typically receive a notice from USCIS indicating that they have not satisfied eligibility requirements. Consumers subsequently receive a notice for a removal hearing.

10. Respondents also advertise other immigration services, such as securing employment authorization, and typically charge consumers between \$500 and \$1,000 to submit employment authorization applications. However, Respondents often fail to provide the service.

11. Respondents guarantee results in securing employment authorization or adjustment of status within a couple of weeks or months, but instead apply for immigration relief that consumers are not eligible for, resulting in devastating consequences such as removal proceedings. When consumers demand refunds after learning of Respondents’ fraudulent and deceptive conduct, Respondents refuse to return their money.

**A. Violations of GBL Article 28-C**

12. Respondents offer and provide immigration services, for a fee, that include filing applications for the adjustment of status and securing employment authorization. Therefore, Respondents are immigrant assistance service providers (“providers”) as defined by GBL § 460-a, and are required to comply with the provisions of GBL Article 28-C.

i) Violations of GBL § 460-b

13. GBL § 460-b provides that no immigrant assistance service shall be provided until the customer has executed a written contract with the provider. The written contract shall be in the language understood by the customer, with an English language version of the contract if the customer does not understand English.

14. Respondents have consistently failed to provide written contracts to their customers.

ii) Violations of GBL § 460-e(4)

15. GBL § 460-e(4) prohibits providers from demanding or retaining fees or compensation for services not performed, or for costs that are not actually incurred.

16. Respondents repeatedly and persistently charge consumers up-front fees for immigration services, such as applying for adjustment of status and employment authorization, that are not performed.

iii) Violations of GBL § 460-e(5)

17. GBL § 460-e(5) prohibits providers from advising, directing or permitting customers to provide false or misleading answers on government documents, or to government officials, knowing or having reasonable cause to believe that the answers are false or misleading.

18. Respondents advise and direct customers to provide misleading answers on government documents and to government officials.

iv) Violations of GBL § 460-e(6)

19. GBL § 460-e(6) prohibits providers from disclosing information to, or filing forms or documents with, immigration or other authorities without the knowledge or consent of the customer.

20. Respondents repeatedly and persistently file forms with USCIS without the

consent of the customer.

v) Violations of GBL § 460-e(7)

21. GBL § 460-e(7) prohibits providers from failing to provide customers with copies of documents filed with a governmental entity.

22. Respondents fail to provide customers with copies of documents filed with USCIS, in violation of GBL § 460-e(7).

vi) Violations of GBL § 460-e(8)

23. GBL § 460-e(8) prohibits providers from making false representations or false statements, directly or indirectly.

24. Respondents disseminate flyers that misrepresent requirements for legalization, and the existence and availability of legalization programs.

25. Respondents charge consumers fees to apply for legalization programs for which they are not eligible, without making reasonable inquiries to determine if consumers qualify, or knowing that they do not qualify.

26. When USCIS notifies consumers that immigration applications filed by Respondents on their behalf have been denied, Respondents instruct consumers to disregard the notices.

27. Respondents misrepresent to consumers for whom they have submitted unauthorized asylum petitions but are ineligible for asylum relief, that attending asylum or deportation proceedings is a means toward securing employment authorization or adjusting their status to lawful permanent resident when, in fact, such fraudulent submissions cannot serve as a means to secure these forms of immigration relief.

vii) Violations of GBL § 460-e(9)

28. GBL § 460-e(9) prohibits providers from making guarantees or promises to

customers unless there is a basis in fact for such representation, and the guarantee or promise is in writing.

29. Respondents repeatedly and persistently make oral guarantees and promises to customers to adjust their status or secure work authorization within short time periods.

**B. Violations of Executive Law § 63(12)**

30. By virtue of the conduct set forth above, Respondents have engaged in repeated and persistent fraudulent and illegal conduct in violation of Executive Law § 63(12).

31. Moreover, consumers were victimized by the Respondents' fraudulent activities prior to the enactment of GBL Article 28-C.

**FIRST CAUSE OF ACTION PURSUANT TO  
EXECUTIVE LAW § 63(12): VIOLATIONS OF GBL § 460-b**

32. GBL § 460-b states that no immigrant assistance service shall be provided until the customer has signed a written contract.

33. By engaging in the acts and practices described above, Respondents have repeatedly and persistently engaged in business practices in violation of GBL § 460-b.

34. Respondents' violations of GBL § 460-b constitute repeated and persistent illegal conduct in violation of Executive Law § 63(12).

**SECOND CAUSE OF ACTION PURSUANT TO  
EXECUTIVE LAW § 63(12): VIOLATIONS OF GBL § 460-e(4)**

35. GBL § 460-e(4) states that no provider shall retain fees or compensation for services not performed, or costs that are not actually incurred.

36. By engaging in the acts and practices described above, Respondents have repeatedly and persistently engaged in business practices in violation of GBL § 460-e(4).

37. Respondents' violations of GBL § 460-e(4) constitute repeated and persistent illegal conduct in violation of Executive Law § 63(12).

**THIRD CAUSE OF ACTION PURSUANT TO  
EXECUTIVE LAW § 63(12): VIOLATIONS OF GBL § 460-e(5)**

38. GBL § 460-e(5) states that no provider shall advise, direct or permit a customer to answer questions on a government document, or in a discussion with a government official in a specific way where the provider knows or has reasonable cause to believe that the answers are false or misleading.

39. By engaging in the acts and practices described above, Respondents have repeatedly and persistently engaged in business practices in violation of GBL § 460-e(5).

40. Respondents' violations of GBL § 460-e(5) constitute repeated and persistent illegal conduct in violation of Executive Law § 63(12).

**FOURTH CAUSE OF ACTION PURSUANT TO  
EXECUTIVE LAW § 63(12): VIOLATIONS OF GBL § 460-e(6)**

41. GBL § 460-e(6) states that no provider shall disclose information to, or file any forms or documents with immigration or other authorities without the knowledge or consent of the customer.

42. By engaging in the acts and practices described above, Respondents have repeatedly and persistently engaged in business practices in violation of GBL § 460-e(6).

43. Respondents' violations of GBL § 460-e(6) constitute repeated and persistent illegal conduct in violation of Executive Law § 63(12).

**FIFTH CAUSE OF ACTION PURSUANT TO  
EXECUTIVE LAW § 63(12): VIOLATIONS OF GBL § 460-e(7)**

44. GBL § 460-e(7) states that no provider shall fail to provide customers with copies of documents filed with a governmental entity.

45. By engaging in the acts and practices described above, Respondents have repeatedly and persistently engaged in business practices in violation of GBL § 460-e(7).

46. Respondents' violations of GBL § 460-e(7) constitute repeated and persistent

illegal conduct in violation of Executive Law § 63(12).

**SIXTH CAUSE OF ACTION PURSUANT TO  
EXECUTIVE LAW § 63(12): VIOLATIONS OF GBL § 460-e(8)**

47. GBL § 460-e(8) states that providers are prohibited from making any misrepresentation or false statement, directly or indirectly.

48. By engaging in the acts and practices described above, Respondents have repeatedly and persistently engaged in business practices in violation of GBL § 460-e(8).

49. Respondents' violations of GBL § 460-e(8) constitute repeated and persistent illegal conduct in violation of Executive Law § 63(12).

**SEVENTH CAUSE OF ACTION PURSUANT TO  
EXECUTIVE LAW § 63(12): VIOLATIONS OF GBL § 460-e(9)**

50. GBL § 460-e(9) states that no provider shall make any guarantee or promise to a customer, unless there is a basis in fact for such representation, and the guarantee or promise is in writing.

51. By engaging in the acts and practices described above, Respondents have repeatedly and persistently engaged in business practices in violation of GBL § 460-e(9).

52. Respondents' violations of GBL § 460-e(9) constitute repeated and persistent illegal conduct in violation of Executive Law § 63(12).

**EIGHTH CAUSE OF ACTION PURSUANT TO  
EXECUTIVE LAW § 63(12): FRAUDULENT CONDUCT**

53. By virtue of the conduct set forth above, Respondents have engaged in repeated and persistent fraudulent and illegal conduct pursuant to Executive Law § 63(12).

WHEREFORE, Petitioner respectfully requests that a judgment and order be issued:

1. permanently enjoining Respondents, their employees, agents, successors, heirs and assigns, directly or indirectly, from engaging in the fraudulent or illegal practices alleged in the verified petition herein;

2. permanently enjoining Respondents from providing immigrant assistance services unless and until they comply with each and every provision of GBL Article 28-C;

3. directing Respondents to provide Petitioner with an accounting of each immigrant assistance service transaction, including the names and addresses of all consumers with whom Respondents have done business, the amount of money involved in each transaction, and all documentation concerning each transaction within ten (10) days of service of the judgment and order;

4. permanently enjoining Respondents from directly or indirectly destroying or disposing of any records pertaining to their business;

5. directing Respondents to pay restitution and damages to injured consumers identified by the Attorney General after his investigation of the information provided by Respondents pursuant to paragraph three above;

6. directing Respondents to pay a civil penalty of \$7,500 pursuant to GBL § 460-h for each violation of GBL § 460-b, and §§ 460-e(4),(5),(6),(7),(8), and (9);

7. awarding Petitioner \$2,000 in costs against each Respondent pursuant to CPLR § 8303(a)(6);

8. directing Respondents to notify Petitioner of any change of address within five days of such change; and

9. granting Petitioner such other and further relief as this Court finds just and proper.

Dated: New York, New York  
April 4, 2006

Yours truly,

ELIOT SPITZER  
Attorney General of the State of New York  
Attorney for Petitioner  
Harlem Regional Office  
163 West 125<sup>th</sup> Street, 13<sup>th</sup> Floor  
New York, New York 10027  
(212) 961-4475

VERIFICATION

STATE OF NEW YORK    )  
  ) ss.  
COUNTY OF NEW YORK )

ROBERTO G. LEBRON, an attorney duly admitted to practice law in the courts of the State of New York, being duly sworn, deposes and says:

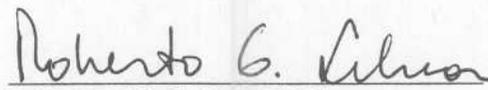
1. I am an Assistant Attorney General in the office of Eliot Spitzer, Attorney General of the State of New York, and am duly authorized to make this verification.

2. I make this verification pursuant to CPLR § 3020(d)(2), as I am acquainted with the facts and circumstances of the matter alleged herein. The basis of my knowledge are the files of the Bureau of Consumer Frauds and Protection and the Harlem Regional Office.

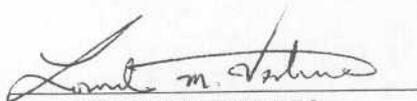
3. The petition herein is true of my own knowledge, except as to the matters stated to be alleged upon information and belief, and as to those matters I believe them to be true.

4. I certify to the best of my knowledge, information and belief that the contents of the verified petition are not frivolous.

5. The reason this verification is not made by petitioner is that petitioner is a body politic and the Attorney General is its duly authorized representative.

  
ROBERTO G. LEBRON

Sworn and subscribed to on  
April 4, 2006

  
NOTARY PUBLIC  
LOURDES M. VENTURA  
Notary Public, State of New York  
Certified in Queens County  
REG. No. 02VE6025413  
Commission Expires 5/24/07

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF BRONX

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PEOPLE OF THE STATE OF NEW YORK, by  
ELIOT SPITZER, Attorney General of the State of  
New York,

Petitioner,

AFFIRMATION  
IN SUPPORT OF  
VERIFIED PETITION

-against-

Index No. 932/06

JAMALALI UAGUCHA, INC., d/b/a JAMALALI  
UAGUCHA USA, and MARIA E. MAXIMO, individually  
and as principal of JAMALALI UAGUCHA, INC.,

Respondents,

Pursuant to Executive Law § 63(12).

-----X  
ROBERTO G. LEBRON, an attorney admitted to practice law in the State of New York,  
affirms the following under the penalty of perjury:

1. I am an Assistant Attorney General in the office of Eliot Spitzer, Attorney General of the State of New York, assigned to the Bureau of Consumer Frauds and Protection and the Harlem Regional Office. I am familiar with the facts and circumstances of this proceeding.

2. The facts set forth in this affirmation are alleged upon information and belief, and are based upon the information in the files of the Bureau of Consumer Frauds and Protection and the Harlem Regional Office.

3. I make this affirmation in support of Petitioner's application for injunctive relief, restitution, damages, costs and penalties pursuant to a) Executive Law § 63(12), which empowers the Attorney General to seek injunctive relief, restitution, damages and costs when any person has engaged in or otherwise demonstrated repeated or persistent fraudulent or illegal acts in the

transaction of business; and b) General Business Law (GBL) § 460-h, which empowers the Attorney General to seek injunctive relief, restitution, civil penalties and costs for violations of GBL Article 28-C, the Immigrant Assistance Services Law.

4. Respondent Jamalali Uagucha, Inc., d/b/a Jamalali Uagucha USA (“Jamalali”), is a New York corporation with its principal place of business at 1911 Southern Boulevard, Bronx, New York. Jamalali is a not-for-profit organization that purports to provide immigration services to the Garifuna<sup>1</sup>, Central American and other Latino communities of New York.

5. Respondent Maria E. Maximo (“Maximo”) is the president of Jamalali. (See New York State Department of Law Charities Bureau Registration Certification Forms, Exhibit A.) Maximo operates Jamalali’s office, from which she purports to offer immigration and other services to New York’s Garifuna, Central American and other Latino and Caribbean communities.

6. Jamalali and Maximo are collectively referred to as “Respondents.”

### FACTS

7. Respondents charge substantial up-front fees typically ranging from \$500 to \$2,000 for fraudulent and illegal immigration assistance “services” that include submitting applications to the U.S. Citizenship and Immigration Services (“USCIS” or “Immigration”) for immigration relief that consumers are not eligible for, typically without the consumers’ authorization or knowledge. Respondents’ practices often have devastating results for consumers such as removal proceedings (generically known as “deportation” proceedings).

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<sup>1</sup> “The Garifuna are descended from the native Arawaks of the Caribbean island of St. Vincent and a group of West Africans who landed there when two British slave ships were wrecked off its coast in 1634. In 1797, the British forcibly relocated the group to Central America. In recent decades, thousands have immigrated to New York City, especially from Honduras. Many have settled in the South Bronx.” Seth Kugel, *Neighborhood Report: Bronx Up Close: A Quest to Count the Descendants of Islanders and Castaway Slaves*, N.Y. Times, August 5, 2001, at Section 14, p. 4.

8. Respondents advertise Jamalali's services by disseminating flyers offering immigration and other services to New York's Garifuna and other Latino and Caribbean communities. (See Exhibit B.) Respondents also use a website, [www.jamalaliuaguchagarifuna.com](http://www.jamalaliuaguchagarifuna.com), to promote their business. (See Exhibit C.)

9. Respondents advertise a legalization program, sometimes referred to in Respondents' advertising as a "pilot" legalization program, which purports to provide consumers with a "green card" (a green card is a generic phrase for documentation reflecting an immigrant's lawfully permanent residence, which is defined as the status of having been fully accorded the privilege of residing permanently in the United States as an immigrant in accordance with the immigration laws. 8 C.F.R. § 1.1 (p)). However, consumers who pay Respondents to apply for adjustment of status under this program typically receive a notice from USCIS indicating that they have not satisfied eligibility requirements, and subsequently receive a notice for a removal hearing.

10. Respondents also advertise other immigration services, such as securing employment or "work" authorization<sup>2</sup> (pursuant to 8 C.F.R. § 274.a12, certain classes of aliens<sup>3</sup> are authorized to be employed in the United States without restrictions as to location or type of employment). However, after consumers pay up-front fees ranging from \$500 to \$1,000 for this service, Respondents frequently fail to secure employment authorization documentation.

11. Respondents guarantee results in securing employment authorization or adjustment of status within a couple of weeks or months. However, Respondents process applications for immigration relief that are not applicable to the circumstance of the consumer, or

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<sup>2</sup>Employment authorization is commonly referred to as "work" authorization.

<sup>3</sup>The terms "aliens," "customers," "immigrants" and "consumers" are used interchangeably throughout.

for relief that the consumer has not requested, which often results in removal proceedings or asylum<sup>4</sup> hearings.

**A. Violations of GBL Article 28-C**

12. GBL Article 28-C, which took effect on November 4, 2004, was enacted to regulate immigrant assistance services (people or organizations that provide assistance for monetary compensation) by setting forth rules and providing civil and criminal penalties for violations. NY State Assembly, Memorandum in Support of Legislation submitted in accordance with Assembly Rule III, Sec. 1(e), A. 463-7137B, 227<sup>th</sup> Sess., at 1 (2004).

13. Respondents offer and provide immigration services, for a fee, that include filing applications for the adjustment of status or to secure employment authorization. Therefore, they are immigrant assistance service providers (“providers”), as defined by GBL Article 28-C, § 460-a(1) and (2), and are required to comply with the provisions of GBL Article 28-C. However, Respondents flagrantly violate provisions of that law.

**(i) Violations of GBL § 460-b**

14. GBL § 460-b provides that no immigrant assistance service shall be provided until the customer has signed a written contract, which shall be in the language understood by the customer, and if the language is not English, then an English language version of the contract must also be provided. Moreover, it provides that a copy of the contract must be given to the customer upon its execution, among other requirements. Respondents have consistently failed to provide written contracts to their customers. (See Attorney General Complaint forms of Neil

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<sup>4</sup>Asylum is a form of protection that allows individuals who are outside the country of their nationality and are in the United States to remain because of a persecution, or a well-founded fear of persecution on account of race, religion, nationality, membership in a particular social group, or political opinion. Immigration and Nationality Act, § 101(a)(42).

Deokaransingh, Savitri Deokaransingh, Lennard Jackson, Anita St. Claire, and Dirk St. Claire, Exhibits D-5 through D-9, respectively.)<sup>5</sup>

(ii) Violations of GBL § 460-e(4)

15. GBL § 460-e(4) prohibits providers from retaining any fees or compensation for services not performed, or costs that are not actually incurred. Respondents violate this section by charging up-front fees for immigration services that are not performed:

“I went to Ms. Maximo on 11/04/04 about my immigration problems, to adjust my status, she guaranteed that I would get my green card and work permit in about 3 months...Also I would need to pay her \$500 for her services, \$175 for work permit fee and \$10 shipping. I told her that I am from Trinidad but she had no problem with that so I paid her the money... In about two or three week [sic] I got another letter say [sic] I have to go to an asylum hearing in Lyndhurst, NJ. I called Ms. Maximo for some advice she told me don't worry, just go and they will give you your work permit...My next letter was now to go to court to have my deportation hearing. I still called her and asked her what to do, she told [sic] not to worry, that is just procedure...Well I found a lawyer [sic] no chance of asylum the case only lasted about 8 months and I decided to take a voluntary departure. My date for departure is 01-23-06.”  
(See S. Deokanransingh Attorney General Complaint Form, Exhibit D-6)

“In May of 2005, I was given the attached informational sheet on a program by Jamalali Uagucha by a friend. I was told they could help me get my green card. Within a couple of days, I called this organization to ask a few questions about their Legalization Pilot Program. I told them I already had an asylum application pending but they told me that, as long as I didn't already have my green card, and had been in the United States for at least four years, I was eligible for this program...In late May 2005 I drove to their office in Bronx, New York. I met with Maria Elena Maximo...I gave her the items they list on the handout sheet - a copy of my passport, a copy of my birth certificate, three character reference letters, a letter from my employer, two

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<sup>5</sup>The consumer complaints annexed herein contain personal information that has been redacted to preserve the consumers' privacy. Consumers Gail Ali, Yvonne Braveboy, Delia Calliste, Ester Calliste, and Debra Walcott (Exhibits D-1 through D-4, and D-11) were also not provided contracts, but they transacted business with the Respondents before GBL §460-b took effect.

passport photos and \$985. My attorney's office has explained to me what immigration-relief program they are 99% sure this organization has signed me up for - the CSS/LULAC legalization program. They have also explained to me the basic requirements that someone must have in order to be eligible - such as having had come to the U.S. prior to January 1, 1982 - and I agree that I am in no way eligible for this program...I have already withdrawn these applications since I am not eligible for them...  
(See Seruwagi Attorney General Complaint Form, Exhibit D-10)

(iii) Violations of GBL § 460-e(5)

16. GBL § 460-e(5) prohibits providers from advising, directing or permitting a customer to answer questions on a government document, or in a discussion with a government official, in a specific way where the provider knows or has reasonable cause to believe that the answers are false or misleading. Respondents violate this section by directing consumers to mislead government officials:

On July 22, 2005, consumer Anita St. Clair went to Jamalali Uagucha "where we were given an Adjustment of Status and a work Authorization Form to fill out, copies were made of all documents including the money order. We then went into Mrs. Maximo [sic] office where she reviewed our forms. She then change [sic] the last page to indicate that we were in the country since 1986... On November 28, 2005 we returned to Mrs. Maximo [sic] office to retrieve a letter which was being held at her office. We were told to disregard that denial letter, by providing a sworn affidavite [sic] by a family member stating that we were in the country since 1986. We told Ms. Maximo that its not true and its illegal."

(See A. St. Clair Attorney General Complaint Form, Exhibit D-8.)

"07-18-05 [sic] with Krishna Inderjeet of Sri Dunge Mardir. I was told that I qualify for a green card because I have been in this country for 10 years...His wife then accompanied us to Jamalali Uagucha Inc. USA office, where we [sic] given an Adjustment of Status Form, Work Authorization Form. Copies were made of all document [sic] including the money orders. We then went into Ms. Maximo [sic] office, where she reviewed forms and changes [sic] the last page to indicate that we were in the country since 1986."

(See D. St. Claire Attorney General Complaint Form, Exhibit D-9.)

(iv) Violations of GBL § 460-e(6)

17. GBL § 460-e(6) prohibits providers from disclosing any information, or filing any forms or documents with immigration or other authorities without the knowledge or consent of the customer. Respondents violate this section by filing forms with USCIS without the consent of the customer:

“In May of 2005, I was given the attached informational sheet on a program by Jamalali Uagucha by a friend. I was told they could get me a green card. Within a couple of days, I called this organization to ask a few questions about their Legalization Pilot Program. I told them I already had an asylum application pending but they told me that, as long as I didn't already have my green card, and had been in the United States for at least four years, I was eligible for this program...In late May 2005 I drove to their office in Bronx, New York. I met with Maria Elena Maximo. She brought me a very long form that I filled in by myself. When I was done, I had some spaces that I had left blank and Maria filled in those blanks in for me. I then signed the application. My attorney has now provided me with a blank copy of an I-687 CSS/LULAC application which I recognized as the form I filled out...My attorney's office has explained to me what immigration-relief program they are 99% sure this organization has signed me up for - the CSS/LULAC legalization program. They have also explained to me the basic requirements that someone must have in order to be eligible - such as having had to come to the U.S. prior to January 1, 1982 - and I agree that I am in no way eligible for this program. I have never intended to assert that I came here prior to January 1, 1982, that I lived in the U.S. during the 1980's or that I ever applied for CSS/LULAC legalization in the 1980s.”

(See Seruwagi Attorney General Complaint Form, Exhibit D-10.)

18. Respondents also violate GBL § 460-e(6) by submitting asylum petitions to USCIS for consumers who are not eligible for asylum and who are seeking other immigration relief. Respondents submit these petitions without authorization from consumers and without informing them of the submission. Respondents' submission of these ineligible asylum petitions often ultimately result in removal proceedings:

"I went to Ms. Maximo on 11/04/04 about my immigration problems, to adjust my status, she guaranteed that I would get my green card and work permit in about 3 months. I would be put in the aylum [sic] program...In about two or three week [sic] I got paper work to go do my fingerprints. After I did my fingerprints, in about two or three week [sic] I got another letter say [sic] I have to go to asylum hearing in Lynbrook, N.J. ... I had to answer questions about my asylum case which I had no idea what to say or do. My next letter was now to go to court to have my deportation hearing... I decided to take a voluntary departure. My date for departure is 01-23-06."

(See S. Deokaransingh Attorney General Complaint Form, Exhibit D-6.)

(v) Violations of GBL § 460-e(7)

19. GBL § 460-e(7) prohibits providers from failing to provide customers with copies of documents filed with a governmental entity. Respondents violate this provision by refusing to provide consumers with copies of documents filed on their behalf with USCIS:

"On August 22, 2005 I contacted the organization (Jamalali Uagucha) by phone to request that they send me a copy of all applications and materials they had filed in my case. They refused to do so, saying I could only come to the office to review the file. I called my attorney's office and they said I should call back and demand they send me a copy, that it was my right to have one, and that I should threaten to report them to the Better Business Bureau and the New York Bar Association if they did not send me one this week. I called back with these threats but again they refused to do so by saying they would only supply me with a copy after I had gone to my interview with CIS. At this point I gave up trying to get a copy because I knew it was going to be futile and they would refuse to release one."

(See Seruwagi Attorney General Complaint Form, Exhibit D-10.)

(vi) Violations of GBL § 460-e(8)

20. GBL § 460-e(8) prohibits providers from making any misrepresentation or false statement, directly or indirectly. Respondents violate GBL § 460-e(8) by disseminating flyers that misrepresent qualifications for legalization, and the existence of a "pilot" legalization program.

21. Respondents' advertisements represent that pursuant to a legalization program, if an applicant has resided in the United States for "four years or less you can apply for Green Card in two years. Five years plus will start processing Green Card in October," presumably in 2005. (See ¶ 23 below, and Exhibit E.)

22. In other advertisements, Respondents refer to the legalization program as a "pilot" program, which ends on May 23, 2005. These advertisements also indicate residency requirements: "If you have been here 4 years or less: you will get work permit in 6 weeks and a Green Card in two years. If you have been here 5 years or more, then you will get work permit in 6 weeks and a Green Card." (See ¶ 24 below, and Exhibit F.)

23. One of Respondents' flyers states the following:

\*As of Friday August 5<sup>th</sup> 2005  
The prices for legalization are:

### LEGALIZATION PROGRAM

#### REQUIREMENTS

- ALL PASSPORTS
- 2 PASSPORT PHOTOS
- BIRTH CERTIFICATE(PLUS)IF YOU HAVE CHILDREN BORN IN THE USA  
Bring birth Certificate and S.S. Card.
- REFERENCE LETTER FROM EMPLOYER
- 3 REFERENCE LETTER NOTARIZED (Ex. Pastor, Social Affiliates, Etc)
- 1 MONEY ORDER \$310.00 (GREN CARD) [sic]
- 1 MONEY ORDER \$175.00 (WORK PERMIT)
- 1 MONEY ORDER \$1,500.00 (OFFICE FEE)

#### TRAVEL PERMIT

- MONEY ORDER DE \$155.00
- MONEY ORDER DE \$500.00
- 1 PASSPORT PHOTOS [sic]
  
- 4 Years or less you can apply for Green Card in two years.
- 5 Years + will start processing Green Card in October.

Address:

JAMALALI UAGUCHA Inc. U.S.A.  
President Maria Elena Maximo  
1911 Southern Blvd.  
Bronx, New York 10460  
1(718)617-34-21  
Fax:1(718)617-34-26

24. Another flyer disseminated by Respondents states the following:

Legalization Pilot Program (end May 23, 2005)

You need:

3 Letters of character References

Letter from Employer

Passport, Birth Certificate

2 Recent Immigration Passport Photos

3 Money Orders for:

\$500 (services fee), \$310 (Green Card forms)

and \$175 (Work Permit) 13 page forms to fill

If you have been here 4 years or less: you will

get work permit in 6 weeks and a Green Card in two years

If you have been here 5 years or more: you will get work

permit in 6 weeks and a Green Card.

25. However, at no time was there a "pilot" legalization program being administered by the USCIS, and the residency periods for the eligibility and processing of green cards represented in the Respondents' advertisements are false. (See Declaration of Mary Mulrean, Deputy Director of Field Operations, USCIS (hereinafter "Mulrean Declaration") ¶¶ 5 and 3, Exhibit G.)

26. Moreover, the May 23, 2005 deadline referenced in the Respondents' advertisements was the filing deadline for applications for legalization under the terms of the settlements in two class actions brought in the late 1980's by immigrants who asserted that they were discouraged from applying for legalization pursuant to the Immigration Reform and Control Act of 1986, which in part, provided amnesty to qualifying aliens.<sup>6</sup>

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<sup>6</sup> See Catholic Social Services, Inc. v. Meese, vacated sub nom, Reno v. Catholic Social Services, Inc., 509 U.S. 43 (1993) (hereinafter "CSS") and League of United Latin American Citizens v. INS, vacated sub nom, Reno v. Catholic Social Services, Inc., 509 U.S. 43 (1993) (hereinafter "LULAC/Newman") settlement agreements,

27. In order to be eligible for legalization under the terms of the settlement agreements, the consumer must have 1) visited an office authorized to accept legalization applications between May 5, 1987 and May 4, 1998 and have been turned away; 2) have entered the United States before January 1, 1982; and 3) must be admissible to the United States as an immigrant in accordance with the Immigration and Nationality Act § 245(A)(a)(4) and not have been convicted of a felony or three or more misdemeanors committed in the United States. (See Mulrean Declaration, ¶ 3, Exhibit G.) None of the consumer complainants for whom Respondent Maximo filed temporary residency applications pursuant to the terms of the CSS and LULAC/Newman settlement agreements satisfy the first two eligibility requirements. (See Exhibits D-8 and D-10.)

28. Respondents also violate GBL § 460-e(8) by misrepresenting the CSS and LULAC/Newman legalization settlement agreements as widely available “amnesty” programs to consumers who visit their office. According to Maximo, the amnesty programs have two components that are identical to the legalization requirements discussed above; one amnesty program for immigrants who have resided in the United States for four years, and another for immigrants who have resided in the country for five years:

“In July or August of 2005 I went to Jamalali Uagucha Inc. I spoke to Maria Maximo. She explain [sic] to me that there were two amnesty programs. An [sic] 4 year and over program. And [sic] an 5 year program. I told her that I were [sic] here over twelve years. She said in return so you are over qualified.”  
(See Jackson Attorney General Complaint Form, Exhibit D-7.)

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and the Declaration of Mary Mulrean, ¶ 2, Exhibits H, I and G, respectively. The May 23, 2005 deadline pursuant to settlement agreements was subsequently extended to December 31, 2005. (See USCIS Press Release, Exhibit J, and Mulrean Declaration, Exhibit G).

29. Contrary to Respondents' representations, the terms of the CSS and LULAC/Newman settlements do not reflect a new amnesty program. (See USCIS press release, Exhibit J.) Respondents file applications to adjust status to temporary resident pursuant to the terms of the CSS and LULAC/Newman settlement agreements without making reasonable inquiries to determine if consumers qualify, or knowing that they do not qualify:

“On July 18<sup>th</sup>, 2005 my husband met with Pundit Krishna Inderjeet about the Legalization Program...His wife accompanied us [sic] Jamalali Uagucha office, where we were given an Ajustment [sic] of status and a work Authorization Form to fill out, copies were made of all documents including the money order...We then went into Mrs. Maximo [sic] where she reviewed our forms...She also told us that in three weeks we will receive receipts in the mail. My husband got his receipts in the mail, but I had to go into her office to get mine. After 90 days we called the number at the back of the receipts they told me to make an appointment at FEDERAL PLAZA. When I got there they told me that it was mailed out to Mrs. Maximo [sic] office. We called her office, she at first denied it was there, until I told her it was an Intent to Deny Letter... We were told to disregard that denial letter, by providing a sworn affidavite [sic] by a family member stating that we were in the country since 1986. We told Ms. Maximo that its not true and its illegal.” The Intent to Deny Application letter indicates that an Application for Status as a Temporary Resident pursuant to the terms of the CSS/Newman settlement agreements was filed, and that she failed to meet several requirements.

(See A. St. Clair Attorney General Complaint Form, Exhibit D-8.)

“In May of 2005, I was given the attached informational sheet on a program by Jamalali Uagucha by a friend. I was told they could get me a green card. Within a couple of days, I called this organization to ask a few questions about their Legalization Pilot Program. I told them I already had an asylum application pending but they told me that, as long as I didn't already have my green card, and had been in the United States for at least four years, I was eligible for this program...In late May 2005 I drove to their office in Bronx, New York. I met with Maria Elena Maximo. She brought me a very long form that I filled in by myself. When I was done, I had some spaces that I had left blank and Maria filled in those blanks in for me. I then signed the application. My attorney has

now provided me with a blank copy of an I-687 CSS/LULAC application which I recognized as the form I filled out...My attorney's office has explained to me what immigration-relief program they are 99% sure this organization has signed me up for - the CSS/LULAC legalization program. They have also explained to me the basic requirements that someone must have in order to be eligible - such as having had to come to the U.S. prior to January 1, 1982 - and I agree that I am in no way eligible for this program. I have never intended to assert that I came here prior to January 1, 1982, that I lived in the U.S. during the 1980's or that I ever applied for CSS/LULAC legalization in the 1980s."

(See Seruwagi Attorney General Complaint Form, Exhibit D-10.)

30. Moreover, when USCIS notifies consumers that CSS and LULAC/Newman applications filed by Respondents on their behalf have been denied, Respondents instruct consumers to disregard the notice:

After completing forms to secure work authorization documents and adjust her status to lawful permanent resident, Ms. St. Clair learned that Jamalali Uagucha submitted an application for status as a temporary resident pursuant to the terms of the CSS/Newman settlement agreements. "On November 28<sup>th</sup>, 2005 we returned to Mrs. Maximo [sic] office to retrieve a letter which was being held at her office. Were told to disregard that denial letter, by providing a sworn affidavite [sic] by a family member stating we were in the country since 1986."

(See A. St. Clair Attorney General Complaint Form, Exhibit F-8.)

31. Respondents violate § 460-e(8) by misrepresenting to consumers for whom they have submitted unauthorized asylum petitions but are ineligible for asylum relief, that attending asylum or deportation proceedings is a means toward securing employment authorization or adjusting their status to lawful permanent resident when, in fact, such fraudulent submissions can not serve as a means to secure these forms of immigration relief:

"I went to Ms. Maximo on 11/04/04 about my immigration problems, to adjust my status, she guaranteed that I would get my green card and work permit in about 3 months... After I did my fingerprints, in about two or three week [sic] I got another letter say [sic] I have to go to an asylum hearing

in Lynbrook, N.J. I called Ms. Maximo for some advice she told me don't worry, just go and they will give you your work permit...My next letter was now to go to court to have my deportation hearing. I still called her and asked her what to do, she told me not to worry, that is just procedure."

(See S. Deokaransingh Attorney General Complaint Form, Exhibit D-6.)

(vi) Violations of GBL § 460-e(9)

32. GBL § 460-e(9) prohibits making any guarantee or promise to a customer, unless there is a basis in fact for such representation, and the guarantee or promise is in writing. Respondents violate § 460-e(9) by orally guaranteeing or otherwise promising to adjust immigration status or secure work authorization within short time periods. Respondents also fail to provide the relief promised:

"I went to Ms. Maximo on 11/04/04 about my immigration problems to adjust my status, she guaranteed that I would get my green card and work permit in about 3 months. In about two or three weeks I got paperwork to go do my fingerprints. After I did my fingerprints in about two or three week [sic] I got another letter say [sic] I have to go to an asylum hearing in Lynbrook, N.J. I called Ms. Maximo for some advice [sic] she told me don't worry, just go and they will give you your work permit. But that didn't happen."

(See S. Deokaransingh Attorney General Complaint Form, Exhibit D-6.)

"My name is Neil Deokaransingh. I am from Trinidad-Tobago. I went to see Ms. Maximo on 11/04/04 about my immigration problems, to adjust my status. She guaranteed that I would get my green card and work permit in about 3 months. The program she would apply for would be the asylum program. I paid her \$500 for her services, \$10 for shipping plus \$175 for the work permit. My paper work came back to my house in NJ. I called Ms. Maximo about the problem [sic] she told me to come in. I took the paper work for her [sic] she told me they forgot something on the application to leave it for her they will take care of it. In about two or three weeks my papers came back again some other stuff was missing. In another two or three weeks the paper work came back this time when I took it back to her I told her that I would like to cancel my application and get my money back. She told me to come back and I can put you in another program."

(See N. Deokaransingh Attorney General Complaint Form, Exhibit D-5.)

“In late May 2005 I drove to their office (Jamalali Uagucha) in Bronx, New York....They assured me that they would file my application right away and that I should receive my work authorization card within four weeks. By mid-July I hadn't received anything so I called them to inquire.”  
(See Seruwagi Attorney General Complaint Form, Exhibit D-10.)

**B. Violations of Executive Law § 63(12)**

33. By virtue of the conduct set forth above, Respondents have engaged in repeated and persistent fraudulent and illegal conduct in violation of Executive Law § 63(12).

34. Moreover, the following consumers were victimized by the Respondents' fraudulent activities prior to the enactment of GBL Article 28-C:

“My friend call [sic] me [sic] told me it [sic] have a woman in the Bronx name [sic] Maria at 1911 Southern Boulevard and you can get your work permit and social security number ... When I went to the office I walk [sic] in with all of my documents... I gave her five hundred dollars cash [sic] when I call after that and she always keep telling me to hold on I will hear from immigration which I never did...When I went in she told me she could only apply for asylum which I told her she will have to withdraw it because Trinidad do [sic] not have Asylum. She said she don't [sic] refund any money the only thing she can do is to put it toward my daughter [sic] petition.”  
(See E. Calliste Attorney General Complaint Form, Exhibit D-4.)

“I was told by Maria Maximo that I will get my work permit and social security and if I pay her \$500 and she files the application on my behalf...I called several times over the months until I returned some time in April 2005 and she said she doesn't refund money but will put it towards filing [sic] a petition with my husband...”  
(See D. Calliste Attorney General Complaint Form, Exhibit D-3.)

“A friend referred me to Maria Maximo organization in the Bronx. On 10-01-04 I visited the office and began proceedings for a work permit through this organization, which was gauranteed [sic] within a period of four (4) months. I paid a total of \$685.00 and nothing was [sic] materialized and I never got my money back.”  
(See Walcott Attorney General Complaint Form, Exhibit D-11.)

"I called M. Maximo and told her that she did not inform me about filling [sic] for asylum. I visited her before the appointment date and she said that is the way the application has to be done for me to get through with green card. She told me to tell the judge that I am afraid to go back to my country. That did not sound right to me and I told her but she insisted that I tell the judge that I am afraid to go back although I was not afraid."

(See Braveboy Attorney General Complaint Form, Exhibit D-2.)

"My husband, children and I have lived in the United States for almost ten years and we are originally from Trinidad. Around May of last year, we learned about a non profit organization in the Bronx called Jamalali Uagucha, Inc. who could help us people obtain work authorization. The president of that organization is a woman named Maria Maximo. My husband and I met with her several times. She assured us that she could obtain work authorization for us...Around February 2005, we received a notice for the entire family to appear for an interview at the asylum office in Rosedale. We met with Ms. Maximo and showed her the paper from the asylum asking us to appear for an interview. She told us not to worry. She told us to go to the interview... We attended the interview. It was an interview for asylum. We never intended to apply for asylum and we never knew that we applied for asylum until the interview in the asylum office. Now our case has been referred to an immigration judge for removal proceedings."

(See Ali Attorney General Complaint Form, Exhibit D-1.)

"I was told by Maria Maximo that I will get my work permit and social security card if I pay her \$500.00 and she files the application on my behalf. I told her that not only I [sic] don't think that I can get it that way but that I would be married soon and my husband will petition for me [sic] she said I would only make the process easier [sic] I agreed and paid her \$500.00 as well as filled out a money order for \$175.00 to USCIS and \$10.00 dollars [sic] postage...I called several times over the months until I returned some time in April 2005... and about a month later I got a letter in the mail stating the [sic] my application for asylum as [sic] been denied because I have not sent in any documents supporting why I qualified for asylum...I did not ask her to apply for asylum and only learnt [sic] of it when I received the letter from immigration."

(See D. Calliste Attorney General Complaint Form, Exhibit D-3.)

"I am a citizen of Guyana, South America. I visited Jamalali Uagucha Inc. on 10/22/04 after a friend told me that this organisation [sic] is helping illegal persons to obtained [sic] work permit and green card. I spoke with Ms. Maria Maximo who said that the information I received was true and I was given a list of required items...She said I will received [sic] a work permit within six weeks to three months and green card within a year...An application for asylum was filled without my consent after the incompletely filled application forms returned to my home twice. When I received notice from the U.S. Dept. of Homeland Security acknowledging my asylum application I called M. Maximo and told her that she did not inform me about filling [sic] for asylum...At present, I am before [sic] judge for removal proceedings."

(See Braveboy Attorney General Complaint Form, Exhibit D-2.)

After meeting Ms. Maximo and requesting that she file work authorization papers, but realizing that she instead submitted an asylum application to USCIS, consumer Gail Ali sought to review her file. "Around February 2005, we received a notice for the entire family to appear for an interview at the asylum office in Rosedale...We went back to Ms. Maximo's office after we received notice that our case had been referred to an immigration judge...I asked her if I could see our file. She refused to show it to me. I do not have a copy of the asylum applications."

(See Ali Attorney General Complaint Form, Exhibit D-1.)

"She [Ms. Maximo] assured us that she could obtain work authorization for us...Around February 2005, we received a notice for the entire family to appear for an interview at the asylum office in Rosedale. We met with Ms. Maximo and showed her the paper from the asylum asking us to appear for an interview. She told us not to worry. She told us to go to the interview. She assured us that we had applied for work authorization. She said that we would have to be interviewed three times to receive work authorization."

(See Ali Attorney General Complaint Form, Exhibit D-1.)

"When I received notice from the U.S. Dept. of Homeland Security acknowledging my asylum application I called M. Maximo and told her that she did not inform me about filling [sic] for asylum. I visited her before the appointment date and she said that is the way the application has to be done for me to get through with green card [sic].

(See Braveboy Attorney General Complaint Form, Exhibit D-2.)

**Respondent Maximo Is Individually Liable**

35. Maximo serves as the president of Jamalali. (See Exhibit A.)

36. Based on the extensive evidence annexed to the Petitioner's petition, it is clear that Maximo directs and controls every aspect of the immigration services offered by Jamalali, and that she participated in and had knowledge of the fraudulent and illegal activities set forth above.

37. Indeed, all eleven (11) consumer complaints indicate that Maximo dealt with and made representations directly to consumers, and that she submitted documents and forms to USCIS in connection with their transaction. (See Exhibits D-1 through D-11.)

**CONCLUSION**

38. Respondents' fraudulent and illegal immigration assistance service provider business preys upon New York's Garifuna and other Hispanic and Caribbean immigrant communities. Respondents' customers seek to lawfully adjust their immigration status or obtain work authorization, and trust and rely upon Respondents' representations and advice. However, Respondents abuse their reliance and trust by fraudulently and illegally inducing consumers to pay substantial up-front fees for services they did not request and are not qualified to receive, creating devastating results for them, such as having to appear for asylum and removal proceedings.

39. Therefore, Petitioner respectfully requests that this Court grant the relief requested in the Verified Petition.

Dated: New York, New York  
April 4, 2006

  
ROBERTO G. LEBRON