

Broken promises

Undocumented immigrants are an easy target for dubious services.

Illinois Attorney General Lisa Madigan filed a lawsuit on Friday against Margaret Carrasco, a well-known immigration activist in Waukegan, for allegedly misrepresenting herself as a lawyer.

By: [Maria Ines Zamudio](#) / October 14, 2011

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After spending 12 days in an immigration detention center, Mario De la Rosa received welcomed news about his pending deportation case.

Within three days of his release, Margaret Carrasco, who De la Rosa said introduced herself as an immigration attorney, went to the family's house to talk about the case. Carrasco promised not only to cancel his deportation but also to help the entire family to obtain legal residency.

Carrasco said she would initially charge \$500.

"She gave me faith and made me feel secure about the future," De la Rosa's partner, Clara, said in Spanish. "I saw her like an angel."

On March 26, Carrasco represented De la Rosa in his first immigration court hearing. She later filled out a political asylum application and gave it to De la Rosa, telling him to hand-deliver it to the judge at his second hearing.

Carrasco failed to attend the May 6 hearing, saying she was sick. As instructed, De la Rosa handed in the application, but the judge summarily denied it for having no basis for political asylum.

The judge told De la Rosa that Carrasco wasn't a lawyer and advised him to go to the National Immigrant Justice Center for proper representation.

"I felt really bad. I was frustrated. How is it possible that she deceived us like this?" De la Rosa said. "We left court thinking, 'What are we going to do? I don't have the money to pay someone else, and what if they do the same thing to us?'"

On Oct. 14, the Illinois Attorney General's Office file a lawsuit against Carrasco alleging that she posed "as a licensed attorney" and "cheated immigrants out of their upfront payments and put them at risk for deportation."

"Because the immigration process is so complex and consumers are often desperate for help, the environment is ripe for scam artists," Attorney General Lisa Madigan said in a press release. "This defendant completely misled consumers who needed help, taking their money and putting them at great risk for deportation."

De la Rosa's story is one of the many cases of dubious immigration services exploiting helpless immigrants unfamiliar with the country's judicial system.

Few researchers have been able to quantify the precise extent of the problem over the years. But a 2004 study published in the Georgetown Immigration Law Journal found that at least tens of thousands across the country are defrauded every year.

The Immigrant's Legal Needs Survey, conducted in 1996, found that two-thirds of noncitizens rely upon personal sources of information to find a legal service provider, and that noncitizens who turn to notarios, or public notaries, are not fluent in English. The study also found that about half of those obtaining help from notarios are living in the country illegally and more vulnerable to fraud.

Despite the paucity of data, the issue has received attention of public officials. In 2004, for example, then-Gov. Rod Blagojevich signed into law a measure that prohibits a notary public, unless he or she is a lawyer, from accepting fees for immigration advice.

And, in June, the Federal Trade Commission, along with several other government agencies, launched an initiative to crack down on these crimes.

Anna Law, associate professor at DePaul University and immigration law expert, said immigrants, especially undocumented ones, are an ideal target for scam artists. "You are dealing with a vulnerable population," Law said. "We are talking about people who don't have a lot of money. The lack of education is also an issue."

"A good lawyer will tell the client what the chances of winning are" before charging or taking a case, said Reid Trautz, director of the Practice and Professionalism Center at the American Immigration Lawyers Association. "Some want to take advantage. They will take the money even though the chance of success is small. A good lawyer will say, 'There is nothing you can do. Save your money.'"

Since 2002, the office has filed 10 lawsuits involving fraudulent immigration services, including the one filed against Carrasco in October.

But immigration experts say most immigration fraud goes unreported.

"They are trying to avoid detention. They are not going to go to the police," Law said, adding that they are afraid the person who defrauded them could alert the immigration agency about them.

Law said the chances for immigration fraud tend to increase whenever there's a surge in deportation cases, as seen after the 2008 implementation of the Secure Communities program, which is designed to share fingerprints of those arrested by local law enforcement agencies with federal immigration authorities.

Since fiscal year 2007, the number of deportations jumped nationally by 35 percent to 392,862 cases in fiscal year 2010.

“The potential for fraud is always there because this area of law is so complex,” Law explained. “But every time there is a change in the law or a new policy, there are new opportunities for scam artists.”

For her part, Carrasco denies all the allegations against her. She says she only identifies herself as a legal representative. “I present myself as Margaret Carrasco; never do I say that I am licensed,” she said. “I make it very, very clear.”

But Carrasco’s business card could be confusing and misleading to immigrants. It has a Loyola Law School logo on the upper left-hand side, and underneath her name it reads, “Graduate of Loyola Law School Jurisprudence 2003.” It also mentions the Chicago Bar Association and the American Immigration Lawyers Association and advises in Spanish, “Don’t sign anything” to anyone arrested or under deportation.

The Loyola Office of Registrar confirmed that Carrasco graduated in 2003, but she is not a current member of either the Chicago Bar Association or the American Immigration Lawyers Association.

She is not licensed to practice law in Illinois, according to Jim Grogan, deputy administrator and chief counsel for the Attorney Registration and Disciplinary Commission of the Illinois Supreme Court.

Carrasco said she didn’t get her license to practice law because after graduating from law school, she faced family problems, including the death of her brother-in-law. She said she doesn’t have to be licensed because she is only a legal representative and works with attorneys and nonprofits. She declined to state with whom she works.

“I know sometimes there is confusion because maybe in Spanish, if you have a degree, they call you licenciada,” she said. “I know it happens. I have a person here in Waukegan that I can’t tell you how many times I tell her, ‘I’m not an attorney,’ she always keeps calling me abogada.” Both words can be used interchangeably in Spanish to mean “attorney.”

But Carrasco was listed under “attorney name” in 40 cases at the Chicago immigration court between March 2010 and June 2011, according to records from the Executive Office for Immigration Review.

Eight of those cases resulted in deportation or “voluntary departure,” while the rest of the cases are still pending, the records show.

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De la Rosa’s family moved to Waukegan in 1999.

“We came here hoping to find a cure” for their son, who is disabled and often has seizures, Clara said. “Now, I know that my son will never recover but I thank God that he is stable. If we had stayed in Mexico, he would not be alive.”

De la Rosa is the sole provider for the family. Clara stays home to take care of her son, who can't speak or walk on his own and eats through a feeding tube.

“If I take him back to Mexico and it is sad to say, but the reality is that if I take him back to Mexico he will die,” she said.

De la Rosa's trouble with criminal law began in 2003, when he was sentenced to a yearlong probation for driving without a driver's license. This triggered a deportation proceeding against him, eventually leading to his “voluntary departure” to Mexico.

But then De la Rosa decided to re-enter the country illegally in April 2003 because his son was undergoing surgery. “I couldn't leave them,” he said about his four children.

Then, on Feb. 11, De la Rosa was arrested for driving with only one functioning headlight. A Waukegan police officer asked for his driver's license and proof of insurance. He had neither.

According to the police report, the officer also found an arrest warrant that had been issued against De la Rosa for violating the terms of his 2003 probation. His current attorney, Mony Ruiz-Velasco, director of legal services at National Immigrant Justice Center, said the violation was a result of his “voluntary departure,” which came three months before the end of his probation.

Clara said when she contacted Carrasco, the family was desperate. She got her phone number from a friend, who knew Carrasco through her work as an immigration activist.

Carrasco had been making a name for herself as an immigration activist in Waukegan. She organized a protest to oppose the 287(g) program, for which the Waukegan Police Department had applied to receive resources for enforcing immigration laws. She also led a campaign against a city ordinance, passed in 2002, that mandates towing the cars of undocumented immigrants.

Carrasco describes herself as one of the most outspoken immigration activists in Waukegan. She was a member of the Waukegan School District 60 Board of Trustees and ran for mayor in 1997.

Carrasco said her decision to advise De la Rosa to file for political asylum came based on the judge's suggestion. “It was the judge who stated that day in court to apply for this form of relief, not me,” Carrasco said. She claimed that she could show the court transcript to prove her claim but, despite numerous requests, failed to provide it.

Once Ruiz-Velasco took over De la Rosa's case, she told him he could file a consumer complaint against Carrasco and guided him through the process. He filed the complaint on Aug. 25.

Two years earlier, an immigration attorney also filed a complaint with the Consumer Fraud Division against Carrasco noting that she was an unauthorized practitioner of law and potentially committing fraud in and around Waukegan.

“Carrasco is performing an unauthorized practice of law and ultimately committing fraud by taking advantage of a disenfranchised segment of society,” wrote the attorney, whose name was redacted from the complaint.

The attorney also submitted a copy of a letter Carrasco sent to her clients promising immigrants the “American dream” of becoming a citizen along with a list of required information.

“She is mucking us ... just because we are undocumented,” Clara said. “She’s just a scam artist.”

Other alleged victims of Carrasco say they are too afraid to file an official complaint.

In April, Carrasco charged a 43-year-old woman and a 28-year-old man \$500 each to start the process of canceling their deportation proceedings.

The woman, who declined to be named for this story for fear of retaliation, described in tears how she was arrested by immigration agents for using someone else’s Social Security number. After she was released from custody, she contacted Carrasco, who went to her house to talk about the case and allegedly promised to cancel the deportation—and even apply for a humanitarian visa, she said.

The woman paid the \$500, after finding a part-time job and saving the money for five weeks. On May 3, Carrasco went to her first court appearance, where the woman was ordered to go back to court on May 15, 2012. “After court, [Carrasco] congratulated me and said, ‘You see, everything is going to be fine,’” she said.

But then her friend called her to tell her that Carrasco was not a lawyer. The woman fell deeper into depression. She is taking anti-depressants and can’t sleep at night. She said she hasn’t been able to get in touch with Carrasco since the court hearing.

About filing a complaint against Carrasco, she said, “I’m afraid of the problems it might bring me.”

The man across town is in the same situation. He was arrested after he was accused of selling false identification cards. The criminal case was resolved when he pleaded guilty to a lesser charge and was sentenced to one year of probation. Then he was transferred to immigration custody. His wife paid Carrasco \$500 to cancel his deportation case, but the couple said they haven’t been able to get a hold of her since then.

“I felt bad. I was counting on her,” he said. “I don’t have money to hire another attorney. If she did this to me, she will do it to other” immigrants facing deportation.