

Congress May Go After Con Artists Who Offer Help In Immigration Cases

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They spin visions of a new life in the United States, and give assurances that they can deliver the keys to the door that leads to the American Dream.

But too often, the immigrants who turn to these crooked lawyers or con artists who overstate their ability to do immigration work end up with nothing but more problems, and the scammers end up with their money.

Now, Congress is considering expanding protections for immigrants who might fall victim to these scammers.

Bills in both chambers are meant to address a potential spike in legal fraud against immigrants if Congress approves pathways to citizenship under comprehensive immigration reform. Lawmakers fear more immigrants could be approached by unqualified individuals who overcharge and sometimes offer no services.

"This is a foreseeable problem," said Rep. Bill Foster, D-Illinois, who introduced a House bill that calls for a fine and up to 10 to 15 years in federal prison for fraudulently offering immigration legal services.

Take Tatiana Jimenez, for example.

Jimenez left her native Guatemala seven years ago to escape an abusive relationship and begin a new life in America.

But she endured a different kind of abuse after she arrived in Washington, D.C., and sought legal help on her immigration status. With little knowledge of the system, she turned to an unscrupulous lawyer who had her sign a contract to pay \$2,800 and charged her hundreds of dollars for immigration documents the federal government provides for free.

Several months later -- after a series of canceled appointments from her lawyer -- Jimenez sought help from an immigrant advocacy group that reviewed the matter and confirmed her suspicions: She had been duped. She discovered a front-desk receptionist had been left in charge of her paperwork and little if any progress had been made on her case.

"They assured me this wasn't the way things are, that I wasn't filling out the right documents and the amount of money (I paid) wasn't right, either," Jimenez said, breaking down in tears.

Such deception has long existed in the U.S. and often flies under the radar of authorities targeting higher-value fraud cases.

There is no federal statute that specifically addresses the unauthorized practice of immigration law, though the U.S. Department of Justice said federal authorities are able to prosecute using other statutes. The DOJ would not address whether Foster's legislation as well as a related Senate-approved bill would spur it to pursue more cases -- many of which don't involve more than a few hundred dollars.

Experts say putting a specific federal law on the books would be an effective deterrent in places where local authorities don't have the resources to handle the extra workload. They say these non-lawyers who attempt to handle complex cases can consequently ruin the singular opportunity an immigrant has for immigration benefits, and in worst cases can get their clients deported.

"Every time we have (debates) on immigration reform we have those individuals who try to prey on the disadvantaged," said Doug Stump, president of the American Immigration Lawyers Association. "And many of these people are non-lawyers -- or notaries -- who just kind of come out of the woodwork at a time when it seems convenient."

A federal database alerts state authorities about crooked attorneys or non-lawyers who advertise themselves as notarios -- the Spanish word for notary public that in Latin America implies authorization to practice law. Some states go after the lawyers using consumer laws.

The Federal Trade Commission started keeping track of such complaints in 2006 and gradually saw an increase of annual cases reported by private consumers and the Department of Justice. The FTC's database has nearly 3,000 complaints -- but experts and federal officials agree the scope of the problem is much bigger.

FTC lawyer Michael Waller said many cases go unreported because immigrants living illegally in the U.S. fear legal repercussions if they report the fraud to authorities.

"If I could have one thing, it would be for people to complain," he said. "It's one of the most important things they can do to help stop this kind of fraud."

Since 2002, the Texas attorney general's office has used state consumer laws to shut down more than 75 businesses that unlawfully provided immigration services. Other border states such as California, Arizona and New Mexico have similar laws that allow them to crack down.

One of their targets was Elias Bermudez, a tax preparer who has been ordered at least twice to stop offering immigration services to clients because he was not certified to do so.

In 2009 a county judge in Arizona ordered him to halt the practice after clients alleged they paid thousands of dollars for services they never received. He moved to New Mexico last year but was soon shut down by the state attorney general because he was not authorized to provide immigration consulting services.

Bermudez defended the services he provided his clients and said the proposal to expand the federal government's enforcement role would be a "disservice" to the immigrant community.

"There are a lot of people out there who can do good (immigration) work and are able to do it at a very reasonable price," he said. "And do you think the community is against saving money?"

Besides criminalizing notario fraud, Foster's bill would allow immigrants who were deported because of unscrupulous lawyers to re-file their immigration cases. It also calls for U.S. Citizenship and Immigration Services to create grants for reputable organizations to provide legal services to immigrants.

A section within the Senate's immigration bill, which passed in June, would require anyone assisting an immigrant with legal documents to identify themselves on the paperwork. It would also allow the U.S. attorney general to create more specific regulations to sue immigration service providers.

Some states such as Arizona and Texas say they have no objection to having the federal government offer more help in a crackdown on notario fraud. But it remains unclear how relevant the proposal will be after lawmakers return this month to Washington.

Both chambers appear at odds over specific immigration reform proposals, including a Senate-approved bill that would offer a 13-year path to citizenship for the 11 million immigrants in the country illegally. A majority of House Republicans oppose a pathway to citizenship. Congress also faces looming deadlines on the debt ceiling and spending bills to keep the government running.

Meanwhile, nonprofit groups across the country that help immigrants find legal help are paying close attention to the debate. They say the problem of notario fraud is made worse because they don't have the resources to serve everyone. And those who are turned away because they don't qualify for certain programs often find notarios willing to offer promises they can't keep.

"Sometimes they don't like what they hear from (immigration lawyers) so they turn to someone who tells them what they want to hear," said Manuel Robles, a coordinator with Catholic Charities of Dallas, which has immigration attorneys who help with social services. "I tell people who come here that they have to be honest because we can't help them if they lie about their status."

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