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Latino immigrants at risk of being exploited by “notarios”

SEATTLE – Latinos across Washington state lose thousands of dollars, their jobs and the chance to live legally in the U.S. because of erroneous legal advice and a frequently exploited translation hitch. That’s why the Washington Attorney General’s Office today announced three new settlements with individuals accused of illegally providing immigration advice.

“The defendants improperly gave legal advice and used titles such as ‘notario’ and ‘notary public,’ which can confuse immigrants,” Washington Attorney General Rob McKenna said. “Worse, our investigation showed some individuals were given inaccurate advice that prevented them from obtaining immigration benefits they might have otherwise qualified for.”

“The victims of these notarios are hard-working immigrants who are entitled to live and work here legally,” McKenna continued. “They are trying to comply with the complex laws that allow them to stay in this country but their efforts are sabotaged by unlicensed immigration assistants who do not know or keep up with immigration law.”

SETTLEMENTS

The state reached settlements with the following defendants:

Frank Herrera, of Walla Walla, and Herrera’s Services Unlimited. He’ll pay more than \$10,000 to reimburse the state’s litigation costs plus restitution to eligible consumers, under the agreement filed in Walla Walla Superior Court.

Immigration and Translation Services, of Yakima, and owner Adelina S. Esquivel. She’ll pay more than \$4,000 to reimburse the state’s litigation costs plus restitution to eligible consumers, under the agreement filed in Yakima County Superior Court.

La Voz De Skagit, of Mt. Vernon, and owners Oscar Hernandez and his wife, Rosalinda. They’ll pay a \$5,000 civil penalty and nearly \$6,000 to reimburse the state’s litigation costs, under the agreement filed in Skagit County Superior Court.

The settlements don’t require the defendants to admit any wrongdoing, but failure to comply with the terms could result in additional civil penalties. They must display signs in their offices informing potential customers that

they aren't attorneys and are prohibited from giving advice about obtaining visas, work permits, citizenship or any other immigration status.

Assistant Attorney General Jim Sugarman, of the state's Consumer Protection Division, led the settlement negotiations. He said immigration is one of the most complicated areas of the law.

"Only an experienced, licensed attorney can give you reliable advice on how and when to apply for a visa or citizenship," Sugarman said. "Our goal is to protect immigrants from those who aren't qualified to make those recommendations."

The Consumer Protection Division is investigating more than two dozen other notario cases and expects to bring additional enforcement actions.

MARIA VILLEGAS BÁÑALES' STORY

Maria Villegas Bñales was a teenager when her father applied for petitions to bring his children from Mexico to the U.S. Carlos Villarreal, of Roach Law in Pasco, said her father filed the papers with assistance from Frank Herrera.

Many years later, after Villegas Bñales had already come to the U.S. from Mexico, Herrera advised her and her siblings to waste no time in filing applications for green cards. Villegas Bñales, now in her 30's and living in Walla Walla, paid him more than \$350 in 2008 to help her fill out new paperwork.

But she lost that money, as well as the government's filing fee of more than \$2,000. At an immigration office in Eastern Washington, Villegas Bñales learned that the papers had not been filed correctly. Worse, she was soon notified that her application was denied and that she would be deported.

Her new attorney, Villarreal, was able to help her avoid deportation. A few weeks ago, Villegas Bñales became a legal permanent resident. Her husband and a sister also became permanent residents and her father became a U.S. citizen, thanks to Villarreal's help.

WASHINGTON IMMIGRATION ASSISTANCE LAW

In most Latin American countries, a "notario" is a licensed attorney. But the similar-sounding English term, which translates to "notario publico," means something entirely different. In the United States, a notary public can administer oaths and witness signatures – but that's all. He or she isn't an attorney and can't give legal advice.

"It's like the word football," Villarreal said. "Football in Mexico is completely different than football in the United States. Same word; different meaning."

Washington's Immigration Assistant Practices Act (RCW 19.154) requires that anyone who charges for help on immigration matters must register as an immigration assistant with the Washington Secretary of State, unless that person is already licensed as an attorney.

Immigrant assistants can help translate forms and obtain documents such as birth and marriage certificates. But immigration assistants can't tell a person which forms to fill out and their knowledge and experience can vary.

REPORTING COMPLAINTS

Undocumented immigrants are frequently reluctant to report that they are victims of fraud or unfair business practices. But complaints are necessary for law enforcement and government regulators to build a case against bad actors and bring justice.

Contact the Attorney General's Office if your immigration assistant:

- Advertised as a "Notario Publico" or "Notary"
- Is not registered with the Secretary of State as an immigration assistant
- Did not provide a written contract in your language
- Encouraged you to file a certain petition or document
- Did not give you a three-day right to cancel
- Claims to receive special treatment from immigration officials
- Kept your original documents
- Charged for services you did not receive
- Guaranteed results
- Threatened your immigration status for refusing to pay more money

If you believe you have been a victim of an immigrant scam, file a complaint with the Washington Attorney General's Office online at www.atg.wa.gov (<http://atg.wa.gov/EnEspanol.aspx>) or call 1-800-551-4636 between 10 a.m. and 3 p.m. weekdays.

RESOURCES

Free information for immigrants and refugees can be found online at www.washingtonlawhelp.org.

To find a registered immigration assistant, contact the Washington State Secretary of State at 360-725-0377 or visit their web site at www.sos.wa.gov, but remember, registration does not guarantee the proper knowledge or experience so ask for references.

To find a licensed immigration attorney, contact your local county bar association, the American Immigration Lawyers Association, www.aila.org, or the Latina/o Bar Association of Washington, www.lbaw.org.

If you are low-income and have a non-criminal legal problem outside King County, call the Northwest Justice Project's CLEAR hotline at 1-

888-201-1014 from 9:15 a.m. until 12:15 p.m. weekdays. In King County, call 211 between 8 a.m. and 6 p.m. weekdays.

The Northwest Immigrant Rights Project provides legal services to immigrants and refugees and offers workshops for those who want to know if they are qualified to petition for their family members to get legal status in the U.S. Information is available online at www.nwirp.org. Western Washington residents may call 800-445-5771 or 206-587-4009. In Eastern Washington, call 888-756-3641 or 509-854-2100. Calls are answered on weekdays; ask for the Citizenship Unit.

DOCUMENTS

[Herrera Complaint](#)

[Herrera Consent Decree](#)

[Immigration and Translation Services Complaint](#)

[Immigration and Translation Services Consent Decree](#)

[La Voz De Skagit Complaint](#)

[La Voz De Skagit Consent Decree](#)

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