

Fact Sheet

June 9, 2011

National Initiative to Combat Immigration Services Scams

The Wrong Help Can Hurt: Beware of Immigration Scams

Introduction

U.S. Citizenship and Immigration Services (USCIS) launched today a national, multi-agency initiative to combat immigration services scams. The immigration scams targeted by this initiative specifically involve the unauthorized practice of immigration law (UPIL), which occurs when legal advice and/or representation regarding immigration matters is provided by an individual who is not an attorney or accredited representative. UPIL endangers the integrity of our immigration system and victimizes members of the immigrant community.

Understanding the gravity of this deceptive practice, the Department of Justice (DOJ), the Federal Trade Commission (FTC), Immigration and Customs Enforcement (ICE), and USCIS have teamed with state and local partners to combat immigration services scams on all fronts.

This national initiative is set upon three pillars:

- Enforcement – encouraging individuals and communities to report scams and ramping up enforcement actions at the federal, state and local levels
- Education – educating the public about how to recognize and avoid immigration scams and how to make smart choices when choosing legal advice and representation
- Continued Collaboration – fostering interagency collaboration to support investigation and prosecution efforts, and increasing the number of legitimate immigration legal service provider organizations and accredited representatives, particularly in underserved areas

USCIS's role in this initiative focuses on the public education element of combating immigration scams that include UPIL.

Unauthorized Practice of Immigration Law

The term unauthorized practice of immigration law generally refers to the provision of legal advice and/or representation regarding immigration matters by an individual who is not an attorney or accredited representative. Legal advice may include:

- How to answer questions on your immigration forms; and
- What immigration options an applicant or petitioner may have.

Background

During the past 18 months, USCIS has worked closely with its federal, state and local partners to learn more about UPIL and how the practice adversely impacts not only immigrant communities, but all USCIS applicants and petitioners. As the first step, USCIS hosted a national stakeholder engagement session in January 2010. Based on the individual feedback received from participants and in an effort to learn more about this issue in local jurisdictions, USCIS identified seven partner cities in which to focus initial efforts: Atlanta, Baltimore, Detroit, Fresno, Los Angeles, New York and San Antonio.

Each partner city hosted meetings with federal, state and local government partners to discuss existing resources, reporting mechanisms and challenges related to investigating and prosecuting UPIL-related

immigration services scams. Following these government meetings, the partner cities hosted engagement sessions with community-based organizations, advocacy groups, state and local government partners and other interested stakeholders to discuss the scope of the UPIL problem in each jurisdiction, introduce the USCIS initiative, and solicit individual feedback to help inform our public education efforts. In each of the partner locations, there has been a significant amount of interest and commitment from federal, state and local partners to work collaboratively to address this issue.

The individual views shared during these engagement sessions helped inform the development and implementation of USCIS's public education strategy, and outreach and educational materials.

Three Pillars: Enforcement, Education, Continued Collaboration

Enforcement

The enforcement component of the initiative focuses on collaboration between federal, state and local law enforcement partners to support investigation and prosecution efforts. As part of this effort, USCIS developed information for our [Web resource center](#) regarding state laws prohibiting UPIL as well as each state's process for reporting having been a victim of UPIL.

Additionally, USCIS has signed a memorandum of understanding with the FTC which for the first time grants USCIS Fraud Detection and National Security officers access to FTC's [Consumer Sentinel Network](#). Sentinel, as the network is called, is a secure online database that holds more than 6 million consumer fraud complaints. Shared with more than 500 law enforcement entities including ICE, DOJ and now USCIS, it is the primary repository for cases involving allegations of immigration services scams. Sentinel will serve as an investigative tool for USCIS Fraud Detection and National Security officers and will bolster communication between organizations on immigration services scam-related cases.

Education

The education component of the initiative focuses on empowering immigrant communities and all USCIS applicants and petitioners to avoid unscrupulous individuals and businesses engaged in UPIL. USCIS's efforts are primarily aimed at providing immigrants with the information they need to make wise choices when seeking legal advice and representation on immigration matters. This information will include guidance on how to verify the eligibility of individuals who claim to be attorneys or accredited representatives, and how to recognize and avoid individuals and businesses that are engaged in UPIL.

Fundamental to this effort is a collection of educational resources developed by USCIS through close collaboration with all our partners and colleagues. The central message of the materials: "*The Wrong Help Can Hurt – Beware of Immigration Scams.*"

The collection includes:

- A [Web resource center](#)
- Brochures
- Posters
- Print public service announcements (PSAs)
- Radio PSAs
- Billboards and transit PSAs
- A Web video

All printed materials and radio PSA scripts are available in English and Spanish; information in 12 additional languages (Arabic, Chinese, Creole, French, Korean, Polish, Portuguese, Russian, Somali, Tagalog, Vietnamese and Urdu) will be available online.

USCIS is committed to educating those seeking immigration help. We remind them that *The Wrong Help Can Hurt*, and that sometimes people pretend to be immigration experts to deceive them and take their money. This is against the law.

Other people may offer to help individuals complete their forms and may have good intentions, but are not qualified to provide advice on immigration law or procedures.

USCIS urges individuals to learn the facts and protect themselves, their families, and their community from immigration services scams.

Continued Collaboration

A key focus of the collaboration component of the initiative seeks to increase the number of Board of Immigration Appeals (BIA)-recognized organizations and accredited representatives, particularly in underserved areas. Organizations seeking to provide legal advice and representation in immigration matters must be recognized by BIA. BIA is part of DOJ's Executive Office of Immigration Review (EOIR).

To this end, USCIS is working closely with partners in the DOJ Access to Justice Program, EOIR programs (the Recognition and Accreditation program and the Legal Orientation and Pro Bono program), and the FTC to expand access to immigration legal services for those who seek legal assistance and/or representation before USCIS. This includes increasing the visibility of the BIA recognition and accreditation process and all free and low-cost services currently available. As part of this effort, USCIS developed information for our [Web resource center](#) regarding becoming an authorized service provider and finding legal services.

In addition, USCIS has developed guidance for its district offices concerning their role in the BIA recognition and accreditation process to ensure that we provide thorough and timely input on all applications filed by organizations seeking recognition and/or requests for accreditation of individuals as representatives.

Lessons Learned

In the course of the engagements in partner cities, some stakeholders raised the following issues.

Scope of the problem

Individual stakeholders explained that many unscrupulous practitioners prey on immigrants, often from within their own ethnic communities, by:

- Charging for services and resources that USCIS provides for free; and
- Claiming that they can help someone obtain an immigration benefit faster than usual or a benefit for which the victim is ineligible.

The stakeholders reported that these practitioners often advertise:

- Through word of mouth
- On fliers
- On storefronts
- Through the Internet
- Through the media

In addition, some stakeholders recognized that many well-intentioned practitioners can cause harm to the immigrants they are seeking to help, if they don't have the requisite immigration experience or education to give sound legal advice.

Public Education Topics

Some stakeholders explained the need for an extensive public education campaign with a focus on how to:

- Identify and avoid UPIL;

- Find trustworthy legal assistance; and
- Report having been a victim of UPIL.

Some stakeholders requested additional information regarding:

- The difference between a “notario,” and a notary public; and
- More general, easily understood information on USCIS forms and fees and the immigration system in general.

Enforcement

Some stakeholders agreed that it remains a challenge for federal, state and local law enforcement to find victims who are willing to report these crimes, due to a lack of understanding about how to report, reluctance to trust government authorities, and the fact that there may be no available immigration remedies.

In many jurisdictions, there was some misunderstanding about the various roles played by USCIS, ICE, FTC, DOJ, and state and local authorities in accepting complaints, investigating, and prosecuting these cases. This confusion points to the need for greater clarity about the roles of each of the relevant federal, state and local government agencies. Some stakeholders highlighted the need for stronger collaboration and enhanced information sharing among federal, state and local government agencies seeking to combat this problem.

Education Vehicles

Some stakeholders identified ethnic media and community leaders as the most effective vehicles for information dissemination. Others suggested providing educational materials in places where immigrants are likely to congregate and share information, including:

- Consulates
- Schools
- English as a Second Language (ESL) classes
- Refugee resettlement agencies
- USCIS offices
- Community-based organizations
- Libraries
- Local businesses

Continued Collaboration

In discussions about how to increase the number of authorized representatives, some stakeholders raised the following issues:

- People needing immigration help are often unaware of the resources that already exist; and
- Organizations providing immigration services need more information on how to become authorized providers and what constitutes UPIL.

Some stakeholders encouraged USCIS to share the list of BIA-recognized organizations with community organizations, congressional offices and other entities that work closely with the immigrant community. Other individual stakeholders suggested leveraging existing grant programs for purposes of this initiative, including grants for immigrant integration, elder abuse or consumer protection, which could potentially be used to fund outreach and capacity building efforts.

Conclusion

Combating immigration services scams is a priority for USCIS and all our partners, and for the past 18 months we have worked together on this initiative. It is an outstanding example of all levels of government working together to fight a serious problem.