

Protect Yourself from Immigration Fraud

Information Sheet

Who Can Help You with Your Immigration Case?

Only two groups of people may provide legal advice and services on your immigration case: (1) attorneys and (2) accredited representatives of non-profit religious, charitable, or social service organizations established in the U.S. and recognized by the Board of Immigration Appeals (BIA).

A notary public, *notario*, or a *notario publico* is NOT an attorney or an accredited representative and CANNOT provide legal advice or services on your immigration case unless he has been accredited by the BIA and works for an organization recognized by the BIA.

- In the U.S., a notary public is a public officer who is authorized by law to certify documents, take affidavits, and administer oaths.

Immigration consultants and immigration assistance providers are not attorneys and cannot give legal advice or provide legal services. This means that they:

- CANNOT tell you what forms to use or what answers to put on the forms
- CANNOT keep your original documents
- CANNOT do special favors for you
- CANNOT claim to know of secret laws or have special connections to government agencies

What Should You Do To Protect Yourself from Fraud?

Before you pay any money, educate yourself about who may help you with your immigration case

- Do not trust people who claim to have a special relationship with U.S. Citizenship and Immigration Services (USCIS) or who guarantee results.
- Beware of anyone who advertises that he is a notary, *notario* or a *notario publico* and can represent you in immigration proceedings.
- Beware of consultants, travel agencies, and real estate offices that offer legal services in immigration matters.
- Beware of anyone working in the United States who claims to be an attorney in a foreign country and who is not a licensed attorney in the United States.
- Ask to see copies of attorney bar certificates issued by a state in the United States or BIA accreditation letters before accepting legal advice or services.

Follow Some Precautions

- If you decide to use professional services for help with your case, get and keep a written contract.
- Do not pay cash for professional immigration services. If you can, use a check or credit card instead, and get and keep a receipt.
- Never give your original documents (birth certificates, passports, or other documents) to anyone who is helping you with immigration matters.
- Never sign a blank form, application, or petition.
- Do not sign any forms, applications, or papers containing false statements or inaccurate information.
- Beware of anyone who offers to file a legalization application for you as they may be putting you in danger of removal or deportation.

What Should You Do if You Have Been the Victim of Fraud?

Contact a non-profit law office, immigrant rights group, or other trusted community organization for advice.

What Should You Expect from Your Legal Representative?

Only two groups of people may provide legal advice and services in your immigration case:

- attorneys and
- accredited representatives who work for non-profit religious, charitable, or social service organizations established in the U.S. and recognized by the Board of Immigration Appeals (BIA).

ATTORNEYS

In the U.S., an attorney is someone who:

- attended law school and received a Juris Doctor (J.D.) degree;
- is a licensed member of a state bar association in "good standing;" and
- passed an exam given by the state bar association.

An attorney also is called a "lawyer."

Attorneys can give legal advice and provide legal services. They can file papers and applications and represent you before:

- The Department of Homeland Security (DHS)
- The U.S. Citizenship and Immigration Service (USCIS)
- Any immigration court
- The Board of Immigration Appeals (BIA)
- The state court where he/she is a member of the bar

You can ask to see your attorney's licensing documents. You should make a note of the admission number if any.

- There are two places you can learn whether an attorney is licensed and in "good standing":
 - o State Bar Associations keep track of attorneys. A list of the State Bar Associations in the U.S. can be found at <http://www.abanet.org/barserv/stlobar.html>.
 - o The American Immigration Lawyers Association (AILA) can help you find an immigration lawyer. Send an e-mail to ilrs@aila.org or visit their website at <http://www.ailalawyer.org/>.

ACCREDITED REPRESENTATIVES

An accredited representative has been given permission by the BIA to provide immigration legal services.

- Generally, a fully accredited representative may represent you before:
 - o The Department of Homeland Security (DHS)
 - o The U.S. Citizenship and Immigration Service (USCIS)
 - o Any immigration court
 - o The Board of Immigration Appeals (BIA)
- A partially accredited representative can only represent you before USCIS.
- An accredited representative *cannot* represent you in state court on non-immigration matters.

The best way to know that an individual is a legitimate accredited representative is to ask to see a copy of the BIA decision accrediting representative status to the accredited representative and to the BIA recognized organization. Keep in mind that an accredited representative's status expires every 3 years unless the BIA renews it.

- You can also view a list of the non-profit organizations and accredited representatives recognized by the BIA on its website, www.usdoj.eoir/statspub/raroster.htm.

What You Should Expect from Your Legal Representative

Your attorney or accredited representative cannot share what you tell him with anyone else, unless you give him permission to do so. Your legal representative works for you, he does not work for the government.

Your legal representative should:

- Help you find an interpreter
- Be patient and listen carefully to you
- Not harass you about payment
- Explain your options and what is going to happen in court
- Check on the progress of your case
- Keep you informed about your case and answer your questions
- Return your phone calls promptly
- Keep appointments with you

What You Can Do if You Have a Problem with Your Attorney or Accredited Representative

You have the right to hire or fire your attorney or accredited representative, and you should not accept any legal representation that you do not understand or that makes you feel uncomfortable.

Get help if you think your legal representative has cheated you or works for traffickers.

- Contact a non-profit law office, immigrant rights group, or other trusted community organization for advice. They might be able to tell you how to fire or file a complaint against your legal representative.
- Contact the State Bar Association for the state where your lawyer is licensed. A list of the State Bar Associations in the U.S. can be found at <http://www.abanet.org/barserv/stlobar.html>.
- If your legal representative represented you before the immigration court or the BIA, you can file an Immigration Practitioner Complaint Form (Form EOIR-44) with the Executive Office for Immigration Review. The form can be found at <http://www.usdoj.gov/eoir/eoirforms/eoir44.pdf>.

This information is not intended, nor should it be construed in any way, as legal advice. The information does not extend or limit the jurisdiction of the Immigration Courts as established by law and regulation. Nothing in this packet shall limit the discretion of Immigration Judges to act in accordance with law and regulation.