



Questions and Answers

Oct. 15, 2008

USCIS KICKS OFF AWARENESS CAMPAIGN PILOT IN FLORIDA ON IMMIGRATION PRACTICE FRAUD *Don't Become a Victim*

QUESTION: Why is USCIS launching this public information campaign?

Unfortunately, many of our customers are victims of immigration practice fraud by individuals and organizations that are not authorized to represent them before USCIS/DHS.

The main objective of the information campaign is to provide information to our customers to help them avoid becoming victims of unscrupulous individuals who are engaged in the unauthorized practice of law and immigration fraud. USCIS will provide our customers with resources and information on how to protect themselves when making a decision about whether to hire someone to help them with the application process.

QUESTION: Do I need to have someone prepare my application or petition or legally represent me before USCIS?

No. You may prepare and file your application or petition with USCIS yourself, or you may choose to have help from someone else. An attorney or an accredited representative who has been authorized by the Board of Immigration Appeals (BIA) may provide you with legal advice and may represent you before USCIS.

An individual or member of an organization may assist you in preparing your immigration application or petition by helping you fill in the blanks on application/petition forms but they may not give you legal advice and they may not be your representative before USCIS. Many states also have rules that limit the activities of non-attorneys, in particular those who assist individuals in immigration matters.

QUESTION: What is the difference between a representative and a preparer?

There is a significant difference between a representative and a preparer. A representative may give you legal advice and help you decide what, if any, application or petition to file with USCIS. In addition, they may prepare your application or other documents, file them with USCIS and communicate with USCIS for you. Only attorneys and accredited representatives may represent you before USCIS. They must file Form G-28, Notice of Entry of Appearance as Attorney or Representative, on which you authorize that individual to represent you before USCIS. In matters filed with USCIS, you may be represented by an attorney or an accredited representative (see below for more information). You may obtain a copy of Form G-28 at www.uscis.gov/forms.

A preparer may help you fill in the blanks on your application or petition or translate documents that you will file with your application. This individual **MUST** complete and sign the application or petition to indicate that they assisted you in preparing the application or petition at your request. These individuals may **NOT** file a Form G-28 with USCIS, and USCIS will **NOT** communicate with them about your case. Preparers may only charge nominal (small) fees and may not claim to be qualified in legal matters or in immigration and naturalization procedure.

QUESTION: How can I verify if an attorney/representative is eligible to legally represent me before USCIS?

First, an attorney must be in good standing of the bar of the highest court of any State, possession, territory, Commonwealth, or the District of Columbia, and not be under any court order restricting their practice of law. The best way to protect yourself is to contact the attorney licensing authorities in the jurisdiction in which the attorney is admitted to the practice of law and confirm that he/she is a member in good standing.

You should also check the List of Disciplined Practitioners on www.usdoj.gov/eoir. (see www.USCIS.gov/immigrationpractice)

Second, an accredited representative of a recognized organization is the only non-attorney who may give you legal advice and represent you before USCIS. A recognized organization is a non-profit religious, charitable, social service or similar organization, which has permission from the BIA to provide assistance to individuals in immigration matters at a nominal fee, if any. Once an organization has been recognized by the BIA, it may apply to have a non-attorney accredited as a representative who may assist you in preparing your application or petition and represent you before USCIS. You may contact the BIA to confirm that the organization and/or accredited representative is currently authorized to represent you.

QUESTION: How can I protect myself?

- **DO NOT** sign blank applications, petitions or other papers.
- **DO NOT** sign documents that you do not understand.
- **DO NOT** sign documents that contain false statements or inaccurate information.
- **DO NOT** make payments to a representative without getting a receipt.
- **DO** obtain copies of all documents prepared or submitted for you.
- **DO** verify an attorney's or accredited representative's eligibility to represent you.
- **DO** report any representative's unlawful activity to the corresponding State Bar Association and/or State Offices of U.S. Attorneys.

QUESTION: Where can I find more information about how to avoid becoming a victim of immigration fraud?

For more information on how to avoid becoming a victim of immigration practice fraud and information on reporting allegations of the unauthorized practice of law or immigration fraud visit: www.uscis.gov/immigrationpractice.