



Executive Summary

National Stakeholder Engagement Combating Immigration Scams and the Unauthorized Practice of Immigration Law September 20, 2013

On September 20, 2013, USCIS hosted a national stakeholder engagement to discuss recent immigration scams and USCIS's efforts to strengthen its partnership with other federal agencies to combat this trend through the unauthorized practice of immigration law (UPIL) initiative.

USCIS Director Alejandro Mayorkas provided introductory remarks and was joined by other USCIS leadership, as well as officials from the Federal Trade Commission (FTC), Immigration and Customs Enforcement Homeland Security Investigations (ICE HSI), the Department of Justice (DOJ) Executive Office for Immigration Review (EOIR) and the Executive Office for United States Attorneys (EOUSA). The panel spoke about each agency's efforts to combat immigration services fraud and how they are partnering with USCIS to prevent UPIL through public education, capacity building, and enforcement. In addition, USCIS unveiled three new UPIL brochures that provide helpful information for USCIS applicants/petitioners, those providing immigration assistance, and organizations or individuals looking to become authorized immigration service providers.

Background

In June 2011, USCIS partnered with the FTC, DOJ, and ICE to formally launch the UPIL initiative. USCIS defines UPIL as the provision of legal advice and/or representation regarding immigration matters by an individual who is not an attorney or a representative accredited by the Board of Immigration Appeals (BIA). The initiative aims to reduce the number of victims of UPIL by educating and empowering members of immigrant communities, building the capacity of authorized immigration service providers, and working with federal, state, and local law enforcement agencies to increase the number of investigations and prosecutions related to this practice.

Over the course of the past two years, USCIS has made significant strides in making this issue one of national interest amongst various communities, including immigrant, advocacy, policy, and law enforcement groups across the United States. To date, USCIS has conducted over 2,000 UPIL-related engagements nationally, provided over 400,000 public education materials, and forged over 50 new partnerships with additional federal, state and local partners.

U.S. Citizenship and Immigration Services

During this engagement, USCIS spoke about a recent telephone scam targeting USCIS applicants and petitioners. Specifically, scammers impersonate government officials, in some cases USCIS officials, and call applicants indicating that they must pay various amounts of money immediately to avoid having their application denied. In most instances, scammers ask for personally identifiable information (Social Security number, A-number, or a Passport number), identify issues within the immigration record, and then solicit payment over the phone to correct the discrepancy.

In response to this scam, USCIS urged applicants to avoid contact with individuals presenting themselves as government officials who are soliciting payment over the phone, as USCIS will never ask for payment over the phone. As a point of distinction, USCIS took time to address a new form of outbound customer service that has recently been implemented. When calling the USCIS National Customer Service Center, a USCIS customer now has the option to request a call back rather than wait in the telephone queue. In these instances, customers should anticipate receiving a call from USCIS within 24 hours after placing the initial request. USCIS would like to encourage applicants and petitioners to

understand the difference between this new service and the immigration scam referenced above, as USCIS will only make outbound calls to those who have requested this service and will never ask for any form of payment over the phone.

In addition to providing information regarding this recent immigration scam, USCIS also unveiled three new bilingual brochures that target:

- 1) USCIS applicants or petitioners looking to apply for immigration benefits;
- 2) Individuals looking to provide assistance to a friend or family member applying for an immigration benefit; and
- 3) Individuals or groups looking to become authorized immigration service providers.

These plain language brochures are available for free download by visiting the “Educational Tools” section of www.uscis.gov/avoidscams. To receive a hard copy of this brochure, stakeholders can place a request through their local USCIS field offices. Each brochure is currently available in both English and Spanish; USCIS is currently working to release these brochures in 13 additional languages.

Federal Trade Commission

As the lead federal agency for consumer protection, the FTC provided stakeholders with information regarding its role in combating UPIL and other immigration services scams. A primary role of the FTC is to take complaints from the public as well as from law enforcement agencies pertaining to consumer fraud. The FTC representative asked for stakeholders’ assistance in encouraging and assisting the immigrant community members to report complaints whenever possible. A primary role of the FTC is to administer the Consumer Sentinel Network, which is the central repository of consumer complaints. While anyone may report a complaint, the data entered into this secure online database is available to over 2,000 law enforcement agencies.

In addition, the FTC discussed recent enhancements that the agency has made to make reporting immigration complaints easier. These measures include redesigning its website, www.ftc.gov, to elevate immigration fraud. With the click of one button, individuals are now able to report a complaint or to describe a type of fraud. In addition, the FTC allows people to share information anonymously or with minimal case specific details. All of the enhancements noted should create a more user friendly environment and make reporting simple. The FTC also provides consumer education materials and brings its own civil enforcement actions in federal district court.

U.S. Immigration and Customs Enforcement, Homeland Security Investigations

ICE HSI assured stakeholders that the agency is dedicated to investigating crimes that threaten the integrity of the immigration system. As part of the agency’s efforts to detect, deter, and investigate immigration fraud, HSI leads the Document and Benefit Fraud Task Force in 19 cities throughout the country. HSI explained that these task forces work in cooperation with USCIS Fraud Detection and National Security and other federal, state, and local partners to target and dismantle criminal organizations to include the unauthorized practitioners of law.

In instances where fraudulent immigration applications are filed by unauthorized practitioners, HSI can pursue federal charges for crimes such as visa fraud, smuggling of illegal immigrants, conspiracy, mail fraud, and false statements. HSI has been active in pursuing immigration fraud investigations on both the federal and state levels, resulting in many convictions, and sending a strong message of deterrence through several highly publicized cases.

HSI highlighted the following cases:

- In March 2012, Armando Garcia was sentenced to 81 months incarceration and ordered to pay restitution of over \$1.2 million as a result of an investigation conducted by HSI’s San Diego field office. Garcia and his cohorts defrauded more than 150 undocumented individuals by claiming to be immigration officers, employees and attorneys. The victims were told that, for a fee, Garcia and his team would lawfully obtain USCIS documents that would enable the victims to reside and work legally in the U.S. Garcia and his team prepared various USCIS applications based upon fraudulent documents that they had created and then submitted these fraudulent

applications to USCIS, while their clients believed that they were paying Garcia to file legitimate applications on their behalf.

- As a result of another HSI investigation, Clover A. Perez was sentenced in January 2012 in the Southern District of New York to 121 months incarceration for defrauding clients of thousands of dollars. Perez filed false immigration benefit applications and used clients' names to obtain lines of credit, which she used for her own benefit. Perez charged phony fees that were not actually required, and continued to take money from clients long after their applications had been rejected. Perez made more than \$500,000 in illicit proceeds from these schemes.
- In July 2013, after a 13-day jury trial, Evelyn Sineneng-Smith was found guilty of charges including encouraging or inducing illegal immigration for private financial gain and mail fraud. The evidence uncovered through an HSI investigation showed that Sineneng-Smith operated an immigration consultation business in San Jose, California, from 1990 to 2008. Through her position as an immigration consultant, she advised foreign nationals, mainly Filipino citizens who came to the United States on visitors' visas, to apply for a U.S. Department of Labor certification as a path toward obtaining lawful permanent residence even though she knew that her clients did not qualify for this status. She charged her clients \$5,900 to file such applications and encouraged her clients to overstay the time allowed under their tourist visas and work illegally in residential healthcare facilities.

HSI also explained their partnership with the Department of Justice's Executive Office for Immigration Review (EOIR) to share leads, trends and data regarding immigration fraud and patterns. These combined efforts have brought criminal and civil actions against those who commit immigration services fraud.

Department of Justice, Executive Office for U.S. Attorneys

Building upon its successful collaboration in the 2011 UPIL initiative, the Executive Office for U.S. Attorneys (EOUSA) provided information to the stakeholders regarding the role of U.S. Attorney Offices (USAOs) in the prosecution of criminal offenses associated with UPIL. EOUSA underscored the willingness of the USAOs to participate in roundtable discussions, community meetings, and local forums to highlight the serious consequences of immigration fraud scams. EOUSA will continue to support the strong commitment of the USAOs to educate their communities about efforts to combat immigration fraud. As part of the current UPIL initiative, EOUSA will assist with coordination of USAO outreach efforts and will advise the stakeholders of successful criminal prosecutions conducted by the USAOs to apprehend criminals who prey upon immigrant populations and communities. EOUSA will also coordinate information-sharing among the USAOs regarding the UPIL initiative, as well as sharing and highlighting Best Practices, which will benefit the USAO and law enforcement community.

Department of Justice, Executive Office for Immigration Review

DOJ EOIR first discussed its coordination with law enforcement. It provided stakeholders with an overview of its Fraud and Abuse Program. The program fields complaints from immigration judges as well as court staff and the public regarding instances of UPIL and refers those complaints to federal and state law enforcement. EOIR is part of the FTC's Consumer Sentinel Network and is consistently among the top-ranked government agencies in referring fraud to the Sentinel Network. Since January 2011, EOIR has either referred or provided support in approximately 70 cases around the country, many of which have resulted in convictions.

Second, EOIR discussed its public outreach efforts. It has notices on public display in both English and Spanish regarding the dangers of "notario fraud," and distributes a notice to immigrants appearing in court that describes who can and cannot represent them in immigration proceedings. EOIR's website, www.justice.gov/eoir, contains Spanish-language documents that help immigrants recognize signs of fraud and avoid paying for legal advice from unauthorized individuals. The documents also provide information about the ethical obligations of immigration lawyers and instructions for immigrants on how to file complaints. EOIR also provides detained immigrants with basic information on immigration law and court procedures through its Legal Orientation Program, which offers access to services by translating documents into over a dozen languages.

Third, EOIR discussed its capacity building efforts. EOIR is engaged in outreach to community-based organizations that may be able to provide low-cost legal services to the immigrant community. In addition, EOIR is drafting regulations to expand the capacity of recognized organizations and accredited representatives to offer immigration legal services to low-income or underserved people. The new regulations will increase the integrity of the program by increasing accountability and oversight.

Fourth, EOIR discussed its Attorney Discipline Program and noted that its Disciplinary Counsel investigates complaints involving alleged misconduct associated with practice before EOIR’s tribunals to determine whether an attorney has engaged in criminal, unethical, or unprofessional conduct.

Feedback

During the open forum, stakeholders inquired about collaboration efforts with local authorities and state bar associations as well as additional outreach efforts. The FTC stated that they work with local and state partners to ensure that complaints are entered into Consumer Sentinel. This ensures that other law enforcement bodies are notified. ICE HSI also indicated that their local field offices work closely with local partners and that they have tip lines available to the public and local law enforcement to assist in coordinating efforts. In addition, federal partners are also working on a variety of strategies to reach and empower state bar associations to fight UPIL as well as exploring the possibility of expanding outreach to ethnic radio, public service announcements (PSAs), or YouTube to better reach underserved communities.

Stakeholders also commented on the types of scams that are frequently reported to them. Specifically, stakeholders expressed concern about community members being scammed into paying large fees during the upcoming Department of State Diversity Visa Lottery. USCIS indicated that it is working to strengthen the UPIL message and warn immigrants about this and other related scams.

Federal partners emphasized the importance of reporting scams to authorities with as much detail as possible. This can include the physical location of the business or the name and description of the individual perpetrating the fraud. Moreover, victims who may be concerned about their immigration status can report anonymously or may opt to use a community-based organization as an intermediary to communicate with law enforcement on their behalf. In fact, there are cases which are prosecuted without any information regarding the identity of the victim. It is advisable that victims report their complaint. In addition to reporting the complaint to FTC.gov, where it will be shared with all of the partners, victims may wish to contact specific agencies:

Federal Trade Commission	www.ftc.gov
ICE Homeland Security Investigations	1-866-DHS-2ICE or www.ice.gov/tips

The USCIS Avoid Scams Web page, www.uscis.gov/avoidscams, also provides information on how to report scams, including providing individuals with information to contact their State’s Attorney General and to other state and local law enforcement about scams.

In addition, stakeholders requested that EOIR consider making the Board of Immigration Appeals Recognition & Accreditation roster more user friendly by adding contact information for approved providers and reviewing the court’s definition of who can practice immigration law versus what is stated in regulation. EOIR indicated that it would review this feedback and look into providing more user-friendly resources and as well as providing clarification on its interpretation of regulation.

Next Steps

During this engagement, USCIS and its federal partners reaffirmed their commitment to battling UPIL. As a next step, USCIS, along with its federal, state and local partners hosted a UPIL focused engagement in each of its district offices to ensure this message continues to be highlighted within local communities across the United States.