

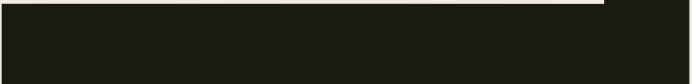
GAPS IN DATA: THE *NOTARIO* FRAUD EPIDEMIC

3rd ABA UPL School | Chicago, Illinois

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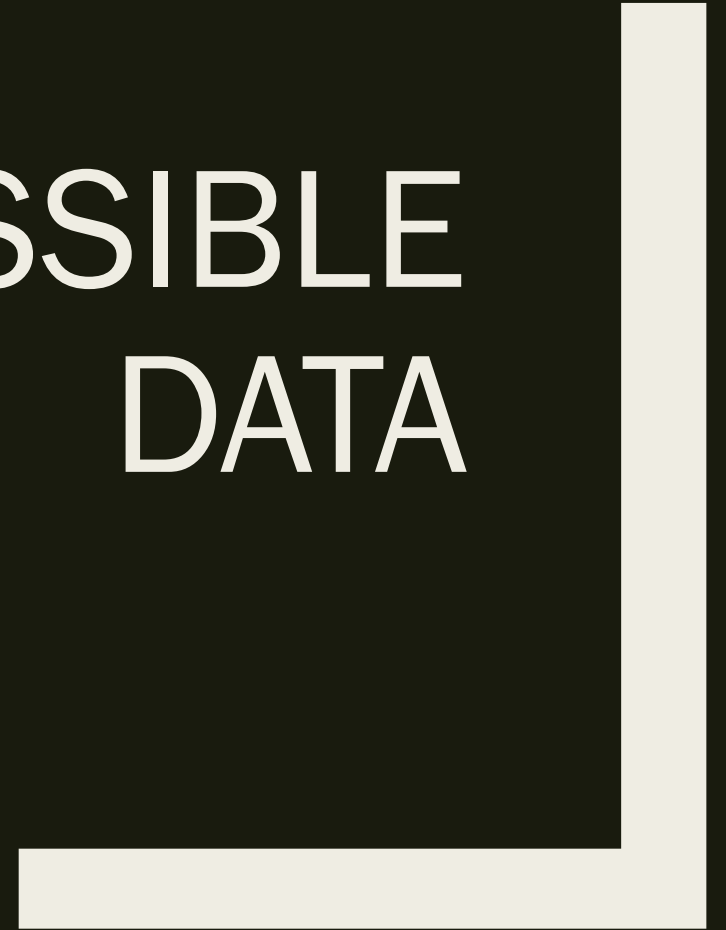
INTRODUCTION & OVERVIEW



Introduction & Overview

- Existing & Accessible Data
 - *Why is UPIL a Problem?*
 - *Where Complaints are Filed*
 - *Current Gaps in the Reporting Process*
- Importance of Data
 - *Why is Data Important?*
 - *Types of Fraud Reported*
- Usefulness of Data
 - *How Can We Use the Data?*
 - *UPIL/Fraud Cycle*
 - *State and Organizational Responses*
- Q&A

EXISTING & ACCESSIBLE DATA



Why is UPIIL a Problem?

- Providers typically have *no training* on immigration laws or procedure
- Consumers are exposed to substandard work and deceptive business practices
- Significant financial loss for families
- Loss of potential opportunities for future immigration benefits
- Deportation/Removal
- Difficulty in identifying qualified service providers

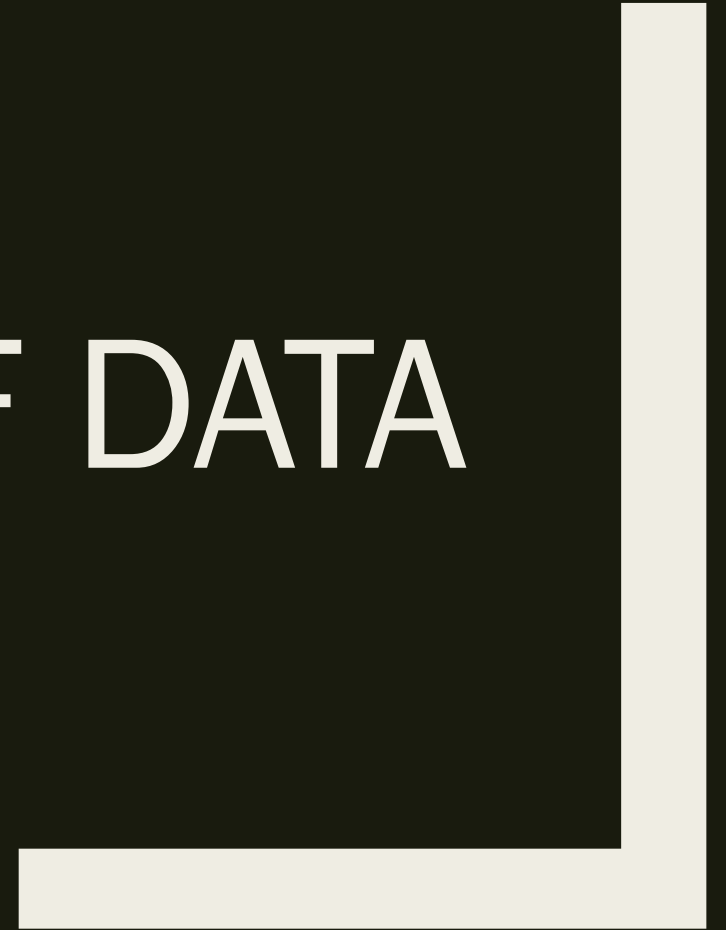
Where Complaints are Filed

- United States Citizenship & Immigration Services (USCIS)
 - <https://www.uscis.gov/avoid-scams/report-scams>
- Federal Trade Commission (FTC)
 - <http://www.ftc.gov/enforcement/consumer-sentinel-network>
- State Bar Associations
 - <https://www.americanbar.org/directories/bar-associations.html>
- State Consumer Protection Agencies
 - <http://www.usa.consumer-state/gov.us>
- Executive Office for Immigration Review (EOIR): Fraud & Abuse Hotline
 - Online: <https://www.justice.gov/eoir/fraud-and-abuse-prevention-program>
 - Phone: (877) 388-3840
 - E-mail: EOIR.Fraud.Program@usdoj.gov

Current Gaps in the Reporting Process

- No uniformity in reporting across jurisdictions
- Varying responsiveness for hotline numbers
- Regular investigation of cases
- No incentive to victim for reporting (i.e. no funds recovered)

IMPORTANCE OF DATA



Why is Data Important?

- Determine how effective UPIL laws are in combatting UPIL
- Detect gaps in existing laws
- Advocate for policies that provide stronger protections
- Identify trends in the types of fraudulent practices immigrants and their families experience
- Expose individuals committing fraud for the purpose of providing relief or compensation to victims

Types of Fraud Reported

- Individuals charging exorbitant fees for services
- Telemarketing or online schemes
- Misrepresenting immigration services
- Missing deadlines or submitting improper/incorrect forms
- Lacking expertise to properly respond to Requests for Evidence (RFEs), resulting in case denials
- Failure to disclose preparer contact information on forms/applications submitted
- Extortion (*i.e.*, threatening to disclose the person's immigration status to the authorities)

USEFULNESS OF DATA

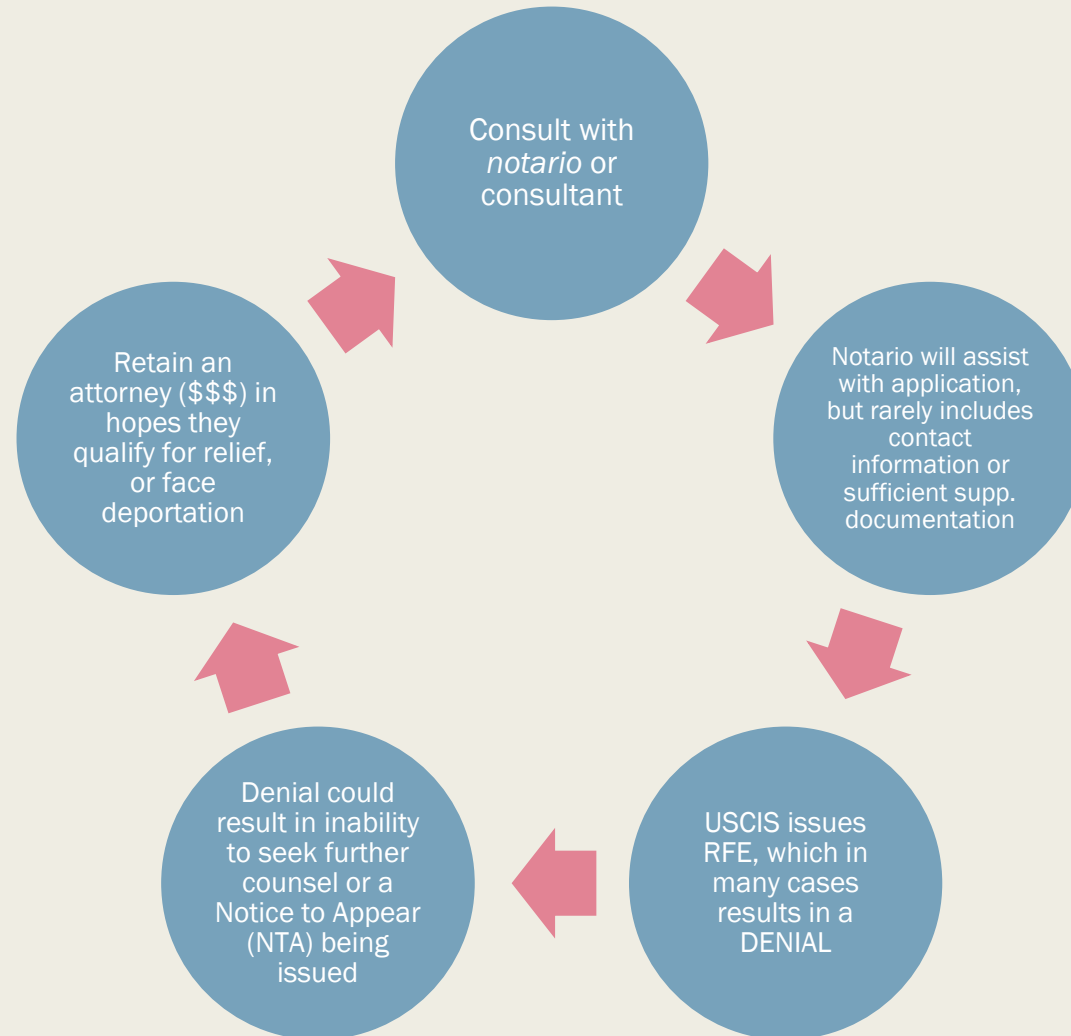


How Can We Use the Data?

- Empower self-defense against UPIL
- Protect integrity of the legal profession
- Great opportunity for cross-functional collaboration between the private bar, state lawmakers, and law enforcers
- Encourage reporting through innovative mechanisms

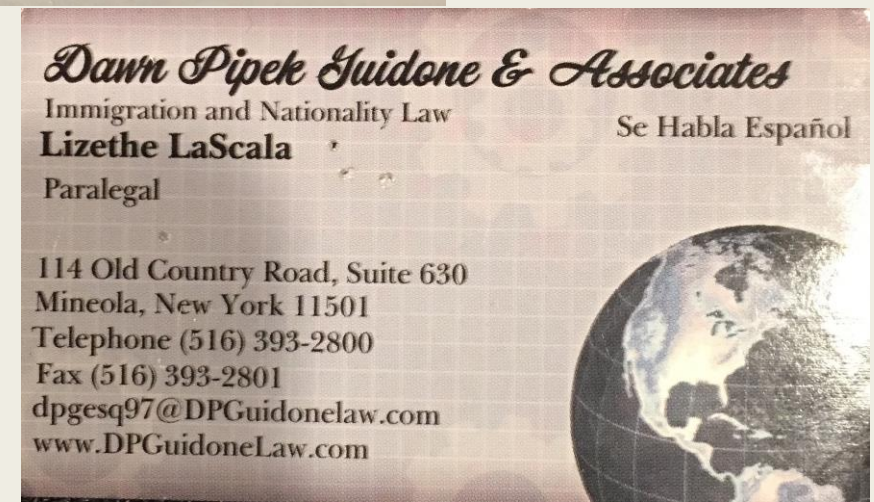


The UPIIL/Fraud Cycle



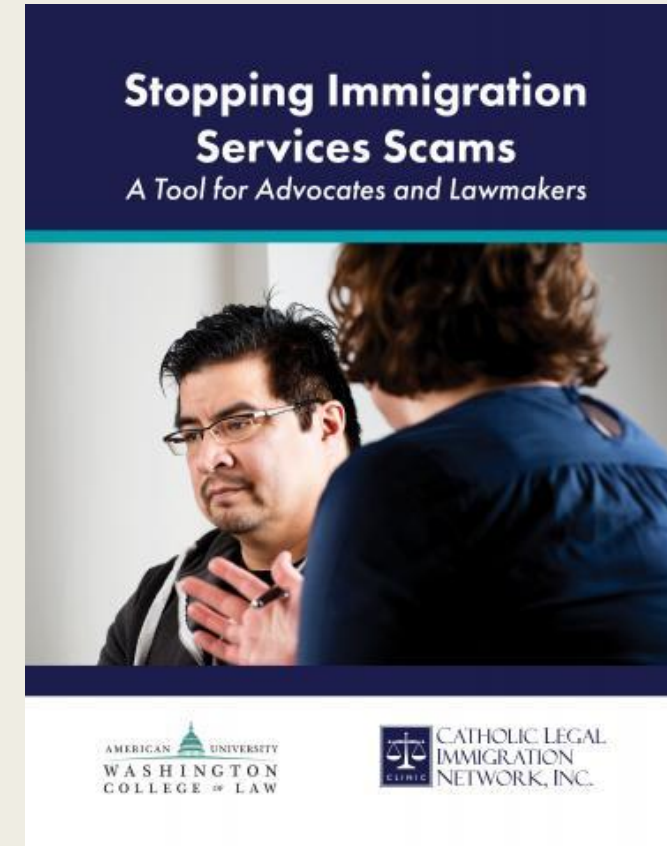
Human Rights First: Committee Response

- Creating a databased based on the information we've gathered from our clients.
- Resolution to amend the definition of “representation” in the relevant statute(s) in order to prevent the unauthorized practice of immigration law by immigration consultants, foreign-barred attorneys, and *notarios*.



How are States Addressing UPIL?

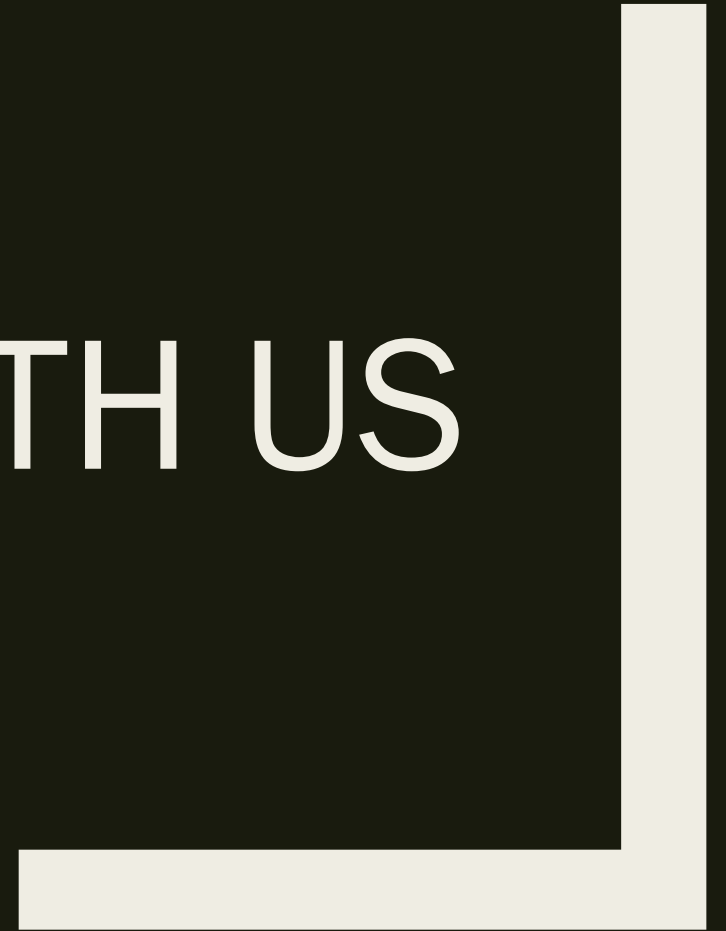
- CLINIC and the American University Immigrant Justice Clinic research
 - *34 states and D.C. regulate UPIL*
 - *25 states and D.C. bar use the term “notario” or “notario publico”*
 - *27 states and D.C. impose criminal penalties for engaging in UPIL*
 - *28 states and D.C. impose civil penalties or allow private rights of action for victims*



Q & A



GET IN TOUCH WITH US



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