

LEGAL AID SOCIETY



OF SAN MATEO COUNTY

Legal Aid Attorney Jenny Horne cautions people to beware of scams relating to immigration:

“Immigration scams are very devastating to their victims, who often not only lose their money, but also frequently end up in deportation proceedings, or actually deported. Anyone who is scammed into filing frivolous or false applications may be subject to deportation, and filing an application with false information can potentially make the person ineligible for any relief forever. These scams always increase when fear increases (as it is now) and when the media announces some change or new program.”

Some common immigration scams with examples:

- **Making false promises and implying he or she has special influence with the USCIS.** – For example, after President Obama announced DAPA (Deferred Action for Parents), a program that was never implemented due to a federal court injunction, many scammers told immigrants that they could get an “early place in line” by paying a fee. That was not true – when the program was announced, it had a future to be implemented date and nothing including paying a fee could get anyone any advantage or relief earlier than the implementation date. However, many people paid, believing that in fact you could reserve a spot or get on the wait list early.
- **Posing as an immigration consultant or lawyer when he or she is not qualified to do so / Taking a consumer's money and not delivering any services** – I met with a mother who was desperate to bring her minor son here from another country where the conditions were deteriorating and where he was being threatened by gang members. A person posing as an immigration consultant had visited her home and told her she could help her bring her son here. The mother, who did not read or write English, gave the visitor some \$3,000 in blank money orders and signed a bunch of papers. The consultant gave her copies of the paper she had signed, took the money orders, and never reappeared. The mother showed me what she had signed – they were blank immigration forms for adjusting status for someone in the US who had a ground for adjusting and would never (even if filled out) have helped the woman immigrate her son.
- **Persuading a consumer to lie on an application or to an USCIS agent.** – Immigration law often has random requirements – e.g. you must file for asylum within a year of entry, you are eligible for relief if you arrived in the US on or before X date. Scammers often get clients to state that their arrival date was different than it was in order to fit these requirements which then becomes a fraud in the view of immigration.
- **Keeping a consumer's original documents and charging money to get the documents back.**

- **Filing a frivolous application.** For example, filing an application for political asylum on behalf of a consumer who does not qualify for asylum. I have seen numerous clients who were persuaded to file for things for which they were not eligible. The complexity and unpredictability of immigration law makes this scheme very persuasive because creating a plausible story that the person might be eligible for relief is easy given how specific and random the rules are.
- **Charging the consumer a total price for all services up front, then demanding more and more money to continue doing work for the consumer.** I have seen lawyers as well as scammers do this and then the clients are paying and paying and nothing happens. Especially with the long time that immigration takes to process applications in the first place, this behavior is horrible. For example, I have seen a lawyer get a U cert (valid for 6 months) and then tell the client that they won't file the papers until the client makes all their payments. Us are currently taking years from the filing date and, if a cert expires, one has no guarantee of being able to obtain another one.
- **The disabled child scheme** – A particularly devastating scheme we have seen frequently at Legal Aid targets parents of disabled children. The schemer tells the parents (and some of these schemers go to hospitals, doctors offices, and special education parents groups and convince medical professionals that they can help immigrant parents) that they can “get papers” if they have a disabled child. In fact, having a disabled child is not a ground for any kind of affirmative immigration relief (unlike, for example, being a victim of certain serious crimes and helping the police (U VISA), having a USC or LPR immediate family member (family immigration), being a victim of political persecution in your home country (asylum)). However, immigration judges do have discretion to grant relief to certain people in deportation proceedings if the applicants present facts that convince the judge to give them extraordinary relief. Having a disabled citizen child is one of those sets of facts that makes some judges decide to give some people in proceedings a break. So what these folks do is (1) require the parent to pay an enormous sum up front (\$10,000 often), (2) put the parent in deportation proceedings, and (3) throw the parent on the mercy of the court. If the judge is convinced to exercise his or her discretion, the judge might grant relief and a few parents do get relief that way; however, others are deported but aren't around to warn their neighbors not to start saving that \$10,000.