

SCAMS TARGETING ILLEGAL MIGRANTS INCREASE

By CHRISTINA HOAG, The Miami Herald, Jan. 19, 2003

A 'desperate' quest for visas or asylum

South Florida immigration scams are mushrooming because of foreigners' growing desperation about Washington's tightened visa rules and a burgeoning influx of South Americans, legal aid groups report.

Numbers are hard to come by in the shadowy world of illegal immigrants, but their advocates report a swelling tide of complaints about "immigration consultants" and notarios públicos, or notary publics.

Political asylum for Colombians, for example, has practically turned into an industry. In 1999, Colombians filed 427 petitions. In 2002, that number skyrocketed to 8,115, according to preliminary Immigration and Naturalization Service figures provided by the Colombian American Service Association (CASA). At the same time, approvals are plummeting -- from 65 percent in 2000, to 39 percent last year.

Political and economic troubles in Colombia, Argentina and Venezuela have caused immigration from those countries to swell. At the same time, the tougher U.S. border controls since the September 2001 terrorist attacks have sent immigrants looking for ways around the restrictions.

"This is resurging with a vengeance in Miami with all the Argentines, Venezuelans and Colombians coming in," said Radamés Peguero, executive director of the Dominican American National Foundation. "We get complaints from people every day. It has to be stopped because they're doing our people a lot of harm."

These virtually unregulated businesses charge foreigners hundreds, sometimes thousands, of dollars for often shoddy paperwork and misleading advice that can irrevocably damage an immigrant's chance to stay in the United States. In August 2000, The Herald published a two-part series exposing the problem, but authorities have done little if anything to combat unscrupulous consultants, who largely operate illegally by practicing law without a license.

The Miami-Dade state attorney's office had said after The Herald series that it would crack down. But David Mayer, a spokesman for the office, says it received too few complaints to warrant special action.

Immigrant advocates say the problem has now increased substantially. "People are increasingly desperate because there is little relief from deportation," said Randy McGrorty, executive director of Catholic Charities Legal Services. "The demand is huge, but there are not enough private lawyers and not enough pro-bono lawyers."

ASYLUM PETITION

Take Félix, a 55-year-old Colombian politician who received death threats after denouncing a congressman's ties to drug dealers. On a friend's advice, he turned to a consultant for a political asylum petition.

The woman charged him \$700 to fill out the forms, \$1,100 for a translator who Félix later found out was her son's teenage girlfriend, and \$50 for a half-hour prep session for the INS interview. The coach: a friend of the woman's who had obtained asylum.

When Félix angrily balked at paying additional fees, the woman threatened to report him to the INS, Félix said. His case, filed in deficient English without necessary substantiation, was rejected.

"I am a university-graduated economist," said Félix, who like other interviewed immigrants did not want his name used out of fear of persecution and deportation. "I have a coffee farm. I was someone in Colombia. But here I am zero. When you come to this country, you don't know where to turn. I put myself in the hands of this woman, and with all my experience, she played me for a fool."

Washington's border-security drive is also making obtaining everything from student visas to permanent residency much more difficult. "Every time there's a change in immigration law or perceived change, notarios come out of the woodwork," said Judy Golub of the American Immigration Lawyers Association.

Foreigners become easy prey for consultants who raise false hopes about their chances for a visa, and who have no qualms about filing weak or bogus cases as long as they get their fees, lawyers charge.

"Many times, a real immigration attorney is not going to tell them what they want to hear," said Chi Chi Wu, of the National Consumer Law Center. Moreover, many immigration consultants, often notary publics or paralegals, play on the difference between the United States and Latin America, where notarios públicos are quasi-lawyers. Latin immigrants commonly assume that notarios here have some official status.

But sometimes they can barely write in English. In one asylum petition filed by Miami's Centro de Ayuda para Latinoamericanos and on file as a complaint with The Florida Bar, the English is almost incomprehensible. "Sidewalk" is used repeatedly to mean "town," for example. Centro President Zayra Duarte said her company uses only certified translators.

Consultants are often shielded by the fact that many clients are undocumented immigrants, do not speak English, or simply distrust authorities, who are often corrupt in their home countries. Few make formal complaints.

"It's a very easy community to rip off," said Julio Jaramillo, president of CASA, which receives about 70 complaints a month about notaries. Blanca, a 54-year-old Colombian,

says she gave \$400 to All in One Immigration Services in Hialeah to process her asylum application, which would get her a work permit within 30 days.

After waiting for six months, Blanca says, she demanded her money back and received a \$300 check. She says it bounced. "When I called, they said they would call the police and have me deported," she said.

Elizabeth Hidalgo, a paralegal who heads All in One, said she has never threatened anyone. "I have been doing this for 20 years. I'm not going to risk my reputation," she said. "I am a former employee with the state attorney's office. I just fired an employee for mistreating a client." Immigration consultants say they legitimately provide an alternative to lawyers who charge exorbitant fees and clearly inform clients that they are not attorneys.

"People come to us to present their case, not for a consultation," Duarte said. "We have obtained asylum for people whose cases were turned down by a lawyer. They need to have a chance to present their case."

COURT'S VIEW

According to the Florida Supreme Court, immigration consultants are allowed to operate but strictly as "a secretarial service. They can get forms, hand the form to the person, who gives it back to be typed up," said Lori Holcomb, unlicensed-practice counsel for The Florida Bar.

"If you hold yourself as doing anything more than that -- telling a person what type of visa you can get or what you should put in an application -- you are practicing law without a license."

A few clients do file complaints, but the offense is only a misdemeanor with a maximum penalty of a \$1,000 fine and an order for the business to stop.

Many keep going.

Take the Apostolic Mission of Christ, a Miami church. The Florida Bar has a file of eight complaints, dating from several years ago, about the church's immigration service.

Church representatives have signed a number of cease-and-desist affidavits in which they admit no wrongdoing, but swear not to perform tasks such as "prepare legal forms for another person" or "obtain information verbally from another completion of INS forms."

The church continues to process immigration cases and holds weekend asylum informational sessions.

Miriam Bukawyn, wife of church President Peter Bukawyn, told The Herald she did not know anything about the matter. She and her husband have signed cease-and-desist affidavits.

Lawyers say that what is really needed is legislation that regulates consultants and toughens penalties. Several states with large foreign-born populations, including California, New Jersey and New York, have adopted such laws, and even some cities. But not Florida or Miami.

State Rep. Juan Carlos Zapata, R-Miami-Dade, said he plans to introduce such legislation. "We have to hold these people accountable," he said.