

WELCOME TO AMERICA - HOW IMMIGRANTS ARE RIPPED OFF

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In Santa Rosa, a radio personality from Texas stole \$3,500 from a roofer from Mexico after promising to establish legal residence for him and seven members of his family. More than three dozen other people were conned, too.

In Watsonville, another Mexican native may be forcibly separated from his six children, all U.S. citizens, after being tricked into filing a bogus asylum claim. He is in deportation proceedings.

In Los Angeles, a Cambodian woman who was forced into prostitution also faces deportation after her case was allegedly botched by a disbarred attorney.

Like many other California immigrants, these three people were victimized by two little-known but growing classes of criminal -- people who practice immigration law without a license and attorneys who exploit immigrants.

There's a huge demand for help with immigration matters in California, which over the last decade has admitted an average of 200,000 immigrants a year and now is home to an estimated 2 million illegal immigrants. In barrios and Chinatowns from Los Angeles to Northern California, crimes against poor and often unsophisticated immigrants are escalating as policy makers and law enforcement agencies on all levels grapple with a problem that all too often goes unreported or falls between jurisdictional cracks.

"It's an almost perfect crime," said Ivy Lee, a lawyer at Pacific Legal Outreach, an immigrant legal aid organization in San Francisco. "The immigration consultant takes their life's savings, promises them the sun, the moon and the stars, and the end result is they lose their money or are deported."

The new group of immigration con men, including current or former lawyers -- and some people with no legal experience at all -- are taking advantage of a system that allows nonattorneys a limited role in preparing immigration filings.

Passing themselves off as consultants or lawyers, they take immigrants' money and submit false or shoddy petitions to the Immigration and Naturalization Service.

Sometimes they file nothing at all.

In other cases, including those of four women who said they had forced abortions in China, legitimate asylum claims have turned into deportation hearings.

While private lawyers and consumer groups call for aggressive action against this new class of criminals, enforcement has been spotty, court records and interviews show.

With no central oversight, enforcement lies largely with district attorneys.

Faced with limited resources, they often give the cases low priority because posing as an attorney is usually a misdemeanor and many victims are reluctant to come forward.

Ignorant of the law and unfamiliar with English, victims are particularly vulnerable to being duped by members of their own ethnic community. They tend to be Latino and Asian immigrants who work illegally, can't vote and can't get a driver's license. And many of them, social service workers say, do not complain to authorities because they fear the INS -- or retribution from their defrauders.

Although the number of immigration-related complaints that reach the State Bar of California is relatively small, these grievances quintupled last year to 56 after a two-year decline. Over the last four years immigration matters have constituted the largest percentage of complaints about practicing law without a license.

In her inaugural address last year, bar president Karen Nobumoto declared the problem "a scourge in many of the immigrant communities. . . . People who hold themselves out as lawyers, but who have never gone to law school nor passed the bar, ought to be prosecuted."

Everyone involved -- local prosecutors, state and federal officials and immigration rights groups -- says the problem of unethical immigration consultants is particularly severe in California.

A U.S. Department of Justice report in February identified 74 lawyers who were suspended or expelled from federal immigration practice last year for offenses ranging from charging excessive fees to misrepresenting their qualifications or engaging in bribery or coercion.

California had 12, the most in the country, and the Bay Area had seven, including two San Francisco lawyers who shared an office in the Outer Mission.

In 1999, a Cuban-born radio personality from Houston named Carlos Novoa cheated more than 40 immigrants in Santa Rosa out of \$32,000 -- painful losses for people trying to eke out a living in this country who saw their hopes of citizenship dashed.

During visits here, Novoa brazenly posed as an INS agent with a law degree, offering special access to green cards and citizenship to immigrant families from Mexico, according to court records and police files. Some victims were so eager for help they overlooked what might have seemed odd behavior for an INS agent, such as meeting them in motel rooms at night.

A Mexican native who has worked as a roofer in Santa Rosa for 18 years introduced Novoa to other victims, including seven members of the roofer's family. He even invited Novoa to his trailer for an enchilada dinner with his wife and two sons.

Novoa was sentenced to five years in prison in 1999 and ordered to pay restitution to his victims. He was later paroled. But the roofer, who requested that his name not be used because he fears deportation, said he hasn't received any money from Novoa. "I don't feel safe -- anything can happen," he said. Novoa could not be reached for comment.

State Attorney General Bill Lockyer said when he filed suit against three Southern California immigration consultants in October, "We are going after unscrupulous immigration consultants who take advantage of vulnerable Californians knowing that because of language barriers and fear they will not report being victimized. Many of these victims are seeking to do the right thing with their applications to the Immigration and Naturalization Service but are being cheated out of hundreds -- if not thousands -- of dollars."

Predatory immigration consultants charge clients hundreds of dollars just to fill out a single form. They bill clients for unnecessary paperwork, exploiting confusion about the INS bureaucracy. They fail to tell clients about court hearings or fail to show up for them. To extort larger fees, some hold immigrants' passports, birth certificates and other vital documents while threatening deportation.

Many abuses are the unintended consequence of a 1986 state law that was designed to help eliminate a backlog of immigration applications by allowing consultants to help individuals who couldn't afford lawyers. Consultants are allowed to help fill out and translate immigration forms but cannot tell a client what to include. That would be giving legal advice, the exclusive domain of attorneys.

Consultants in the Latino community sometimes list their profession as licenciado or notario, which can be translated as "notary public" but in Spanish implies the person is a legal professional. Because of the potential for misrepresentation, both terms are illegal for consultants to use in California.

Enforcement against abuses is fragmented and hampered by jurisdictional gaps.

"There's basically no regulatory authority for immigration consultants," said Martha Donohoe, a deputy district attorney in Santa Clara County who has won recent convictions against two immigration consultants. "It would be helpful if there was a centralized state agency for investigating these people."

There is no statewide hotline where consumers can find out whether immigration consultants have pending lawsuits or criminal records. The state attorney general's office advises victims to call its office, the bar or local district attorneys with complaints.

But state and local officials say many complaints go nowhere for the following reasons:

Resource-strapped district attorneys are often unwilling to prosecute misdemeanor cases.

The attorney general usually limits prosecutions to cases involving repeat offenders or multiple victims.

The bar only has authority to discipline licensed attorneys. It can take no action against immigration consultants except to ask courts to halt their activities, which it rarely does.

Last year, bar officials said they did not refer any cases to local prosecutors although the number of complaints was higher than the three previous years combined.

In Santa Clara County, Donohoe secured guilty pleas last year from three defendants in two cases involving multiple fraud victims and unauthorized practice of law. The defendants received sentences of up to six years.

In San Francisco, the assistant district attorney in charge of the consumer fraud division said she can't recall a single immigration consultant case prosecuted by her office in recent years. June Cravett said victims usually are afraid to come forward. She said her office is investigating two cases.

Immigration attorney Steve Baughman, who has referred cases to prosecutors, said there's no mystery why district attorneys are not more aggressive about tackling the problem.

"These folks (victims) don't vote," said Baughman. "They are the most vulnerable segments of American society."

But Tracy Green, attorney for Immigration Worldwide Services, one of the companies the attorney general is suing, says, "There is a little bit of a turf war going on here. Many immigration consultants may be accused of unlawful practice of law (even) when they don't think they are giving legal advice."

Immigration consultants find clients through word of mouth, ethnic media and "cappers" - people who hang out at passport photo offices and other spots immigrants might frequent.

Miguel Gadda and William R. Gardner shared a Mission Street law office in San Francisco. Each was suspended from practicing law last year by the bar and by the U.S. Department of Justice, for alleged misconduct in immigration cases.

The bar concluded that Gadda improperly kept money from three clients and wrote a series of bad checks. The bar said Gadda's clients sometimes faced "deportation or other adverse consequences." He is challenging the suspension.

Gardner was suspended for six months after the bar found he had mishandled six immigration cases, including four dismissed after he failed to submit an opening brief.

Gardner said his actions did not compromise his clients' cases, but that he has ceased practicing law and is now driving a taxi.

Some state legislators have tried to clamp down on unscrupulous immigration consultants. State Sen. Gloria Romero, D-Los Angeles, is the author of new laws that allow victims to seek damages of up to \$100,000 and require immigration consultants to post a \$50,000 bond with the state.

But such reforms came too late for Juan Munoz, a Mexican immigrant in Watsonville. After seeing a television ad, Munoz said, he hired a consultant who filed a baseless claim for political asylum in his name five years ago. Munoz only discovered the claim had been filed after the INS questioned it.

Munoz consulted an attorney and, along with 10 other immigrants, sued the consultant and records show they reached an \$89,000 settlement in April.

Nevertheless, his San Francisco attorney, Marc Van Der Hout, said Munoz is now in deportation proceedings.

"The notario said he was going to fix everything for me," Munoz said through a translator. "I trusted in him. That was my mistake." This article is the product of an investigative reporting course at the UC Berkeley Graduate School of Journalism.