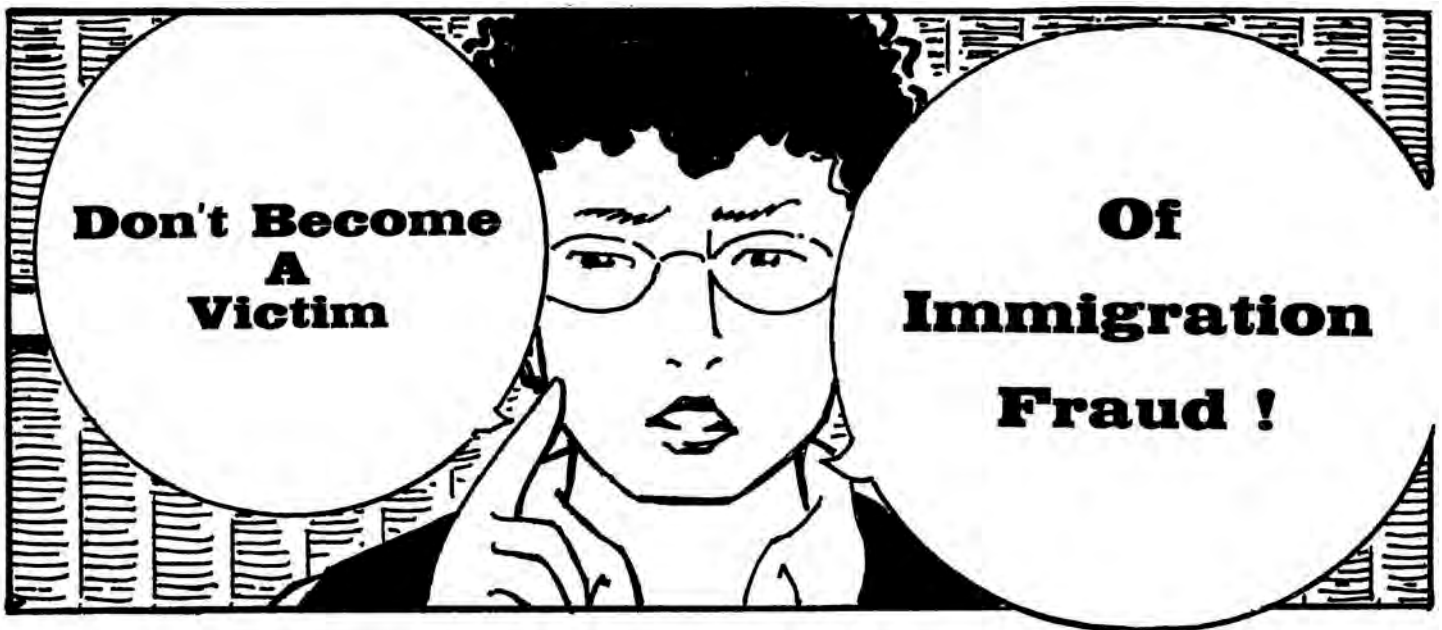


Watch Out When You Seek Help with Your Immigration Papers!



Need Immigration Help?

California Edition

Look Inside for More Information

Prepared by the Immigrant Legal Resource Center
(English Version of **Labor Certification** and **Naturalization Disability Waiver Scams**)



TEACHING, INTERPRETING AND CHANGING LAW SINCE 1979

The Immigrant Legal Resource Center is a California-based national training and resource center that offers low-cost, quality services in the form of consultations, trainings and publications. Established in 1979, the ILRC's commitment to high standards in the field of immigration is demonstrated by its numerous publications and trainings, its work on precedent-setting cases in the U.S. Supreme Court and Ninth Circuit Court of Appeals. The ILRC legal staff also advises nonprofit agencies and private attorneys, offering expert telephone consultation and other work on issues relating to immigration and crimes through a contract service. The ILRC continues its commitment to the immigrant community by offering its manuals and publications to attorneys, paralegals, legal service workers, criminal defense attorneys, social workers, and community-based advocates, and by sponsoring continuing legal education services for members of the California Bar Association. Over the years, the ILRC has evolved beyond the traditional definition of a resource center. Partnerships with grassroots organization have led to leadership training, social change organizing, and other community-based work focused on increasing the civic capacity of newcomers to address the laws and policies that affect their daily lives.

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Immigrant Legal Resource Center
San Francisco, CA

November 2009



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**THIS BOOKLET WAS
CREATED TO TEACH
PEOPLE
HOW TO AVOID
IMMIGRATION SCAMS**

**Each of the Stories told here is based
on a real-life situation.**

Help for Victims of Immigration Fraud:

Produced by the Immigrant Legal Resource Center,
With Generous Funding from the Zellerbach Family Foundation
Artwork and Design by Dwayne Bibby & Nora Privitera
Translation to Spanish by Cynthia Alvarez
Translation to Chinese by Cheryl Tsui & Janet Wong

DEFINITIONS

of some words used in this booklet

CIS or US Citizenship & Immigration Services: The federal government agency that approves or denies immigration and citizenship applications.

Immigration Court: The federal government court that decides whether or not people should be deported.

Immigration Consultant: A person or company who can help you file documents and applications with U.S. Citizenship & Immigration Services.

Lawyer/Attorney: A person with a law degree who is licensed by the state to give legal advice and represent people in immigration court and handle other legal matters.

Accredited Representative: A person who works for a non-profit organization or agency that is licensed by the federal government to provide immigration legal services and represent clients in immigration interviews and court hearings.

Lawful Permanent Residence: The legal status of being permitted to remain permanently in the United States, even though you're not a citizen of the United States. Also called a "green card" or "mica," or "LPR status."

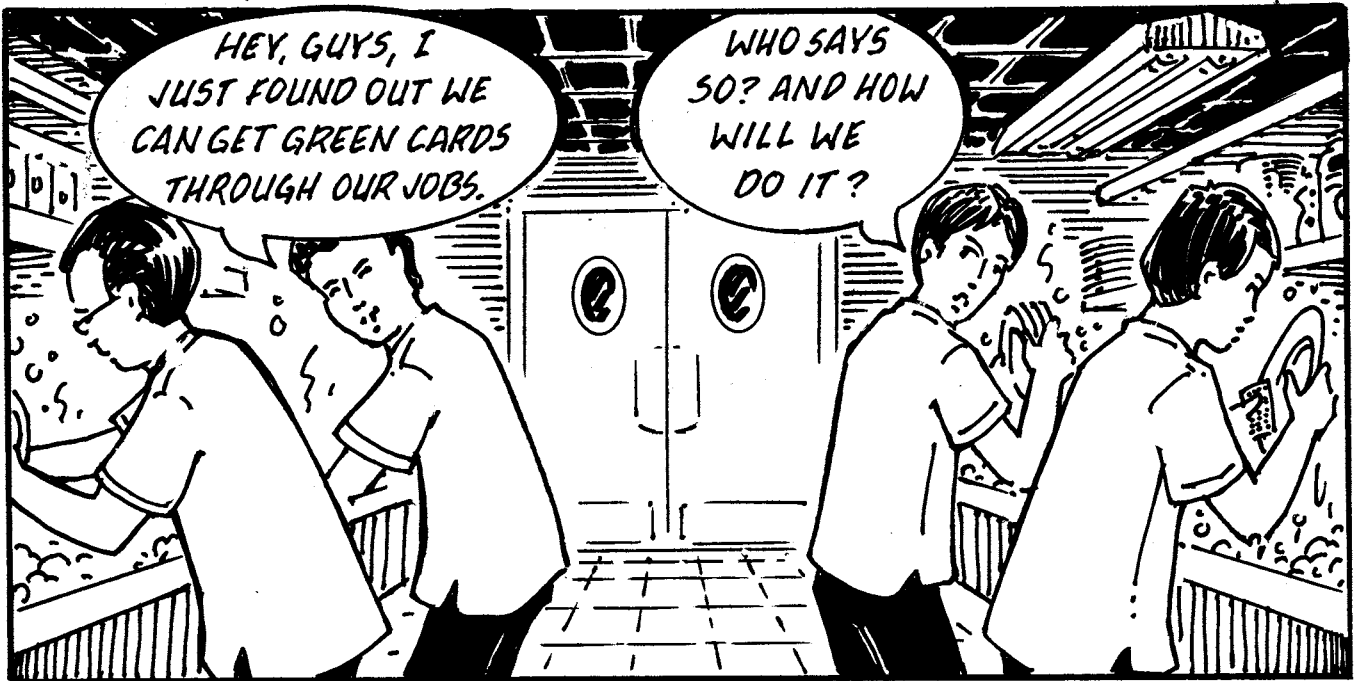
Political Asylum: An immigration status given to people who have experienced or who have a fear of persecution in their home countries because of their political opinion, race, religion, ethnicity or membership in a social group.

Naturalization: The process of applying for U.S. Citizenship (you have to be a lawful permanent resident, usually for at least 5 years, before you can become a U.S. citizen).

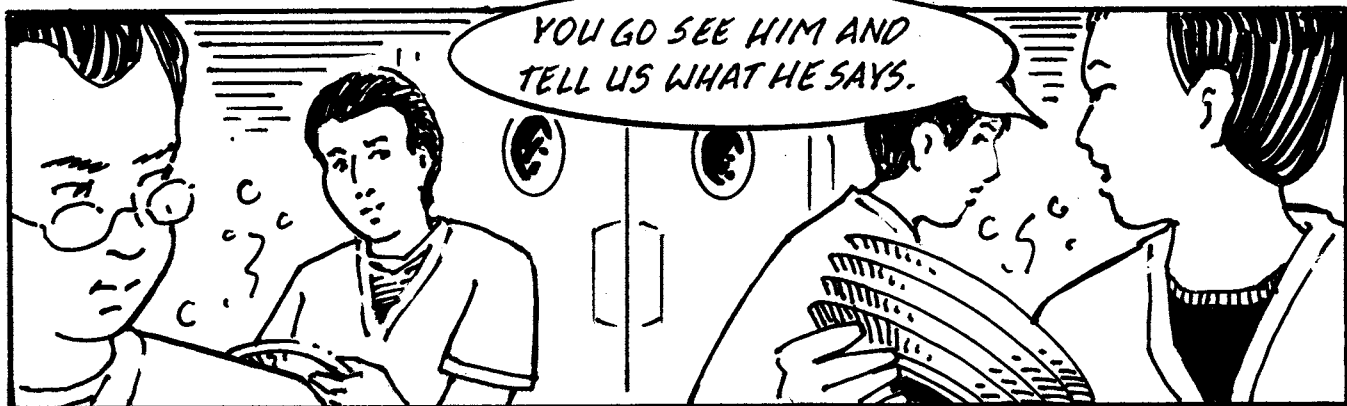
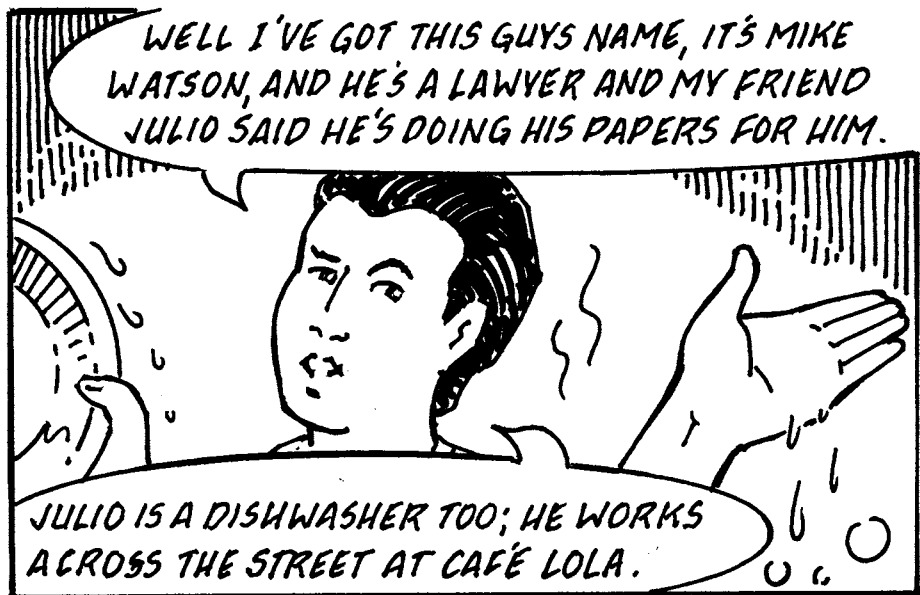
Employment Authorization: A temporary "work permit" from CIS that may be granted to people with some kinds of applications pending before CIS or the immigration court.

Labor Certification: The first stage in a 3 stage process where an employer is applying for lawful permanent residence on behalf of an employee. The employer must prove that there is a shortage of U.S. workers in the employee's type of job.

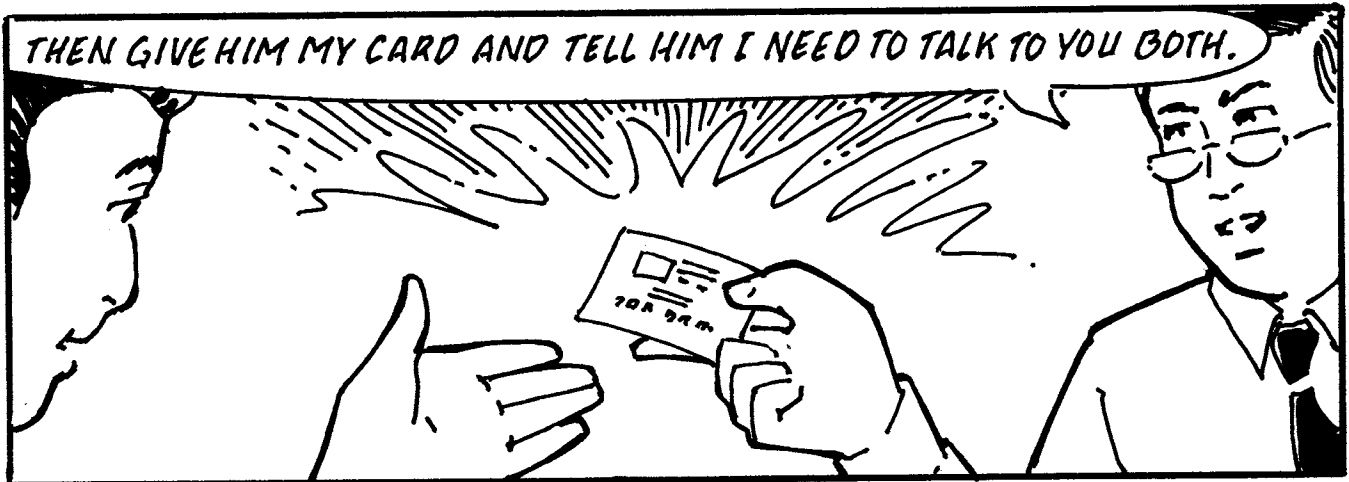
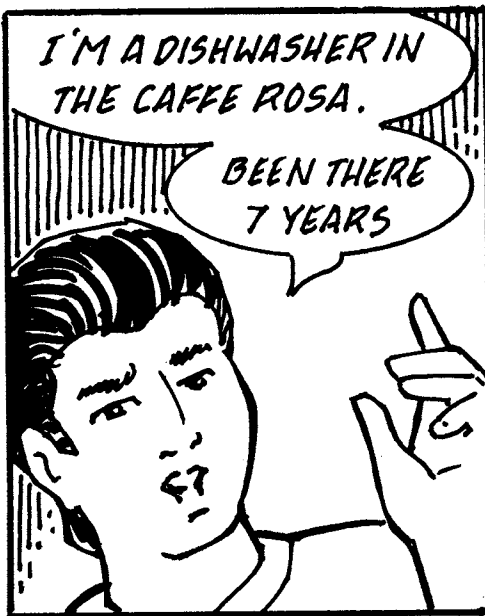
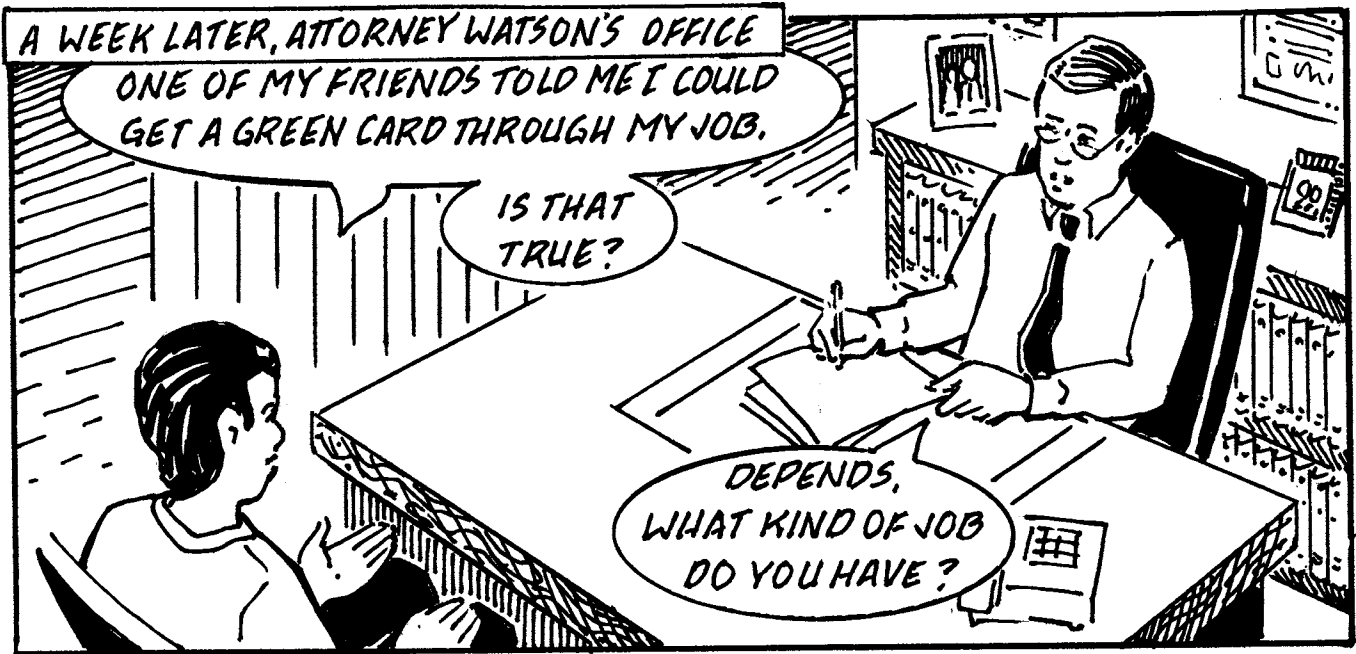
The Green Card through Work Scam



I DON'T KNOW ABOUT THIS, SOUNDS TOO GOOD TO BE TRUE.

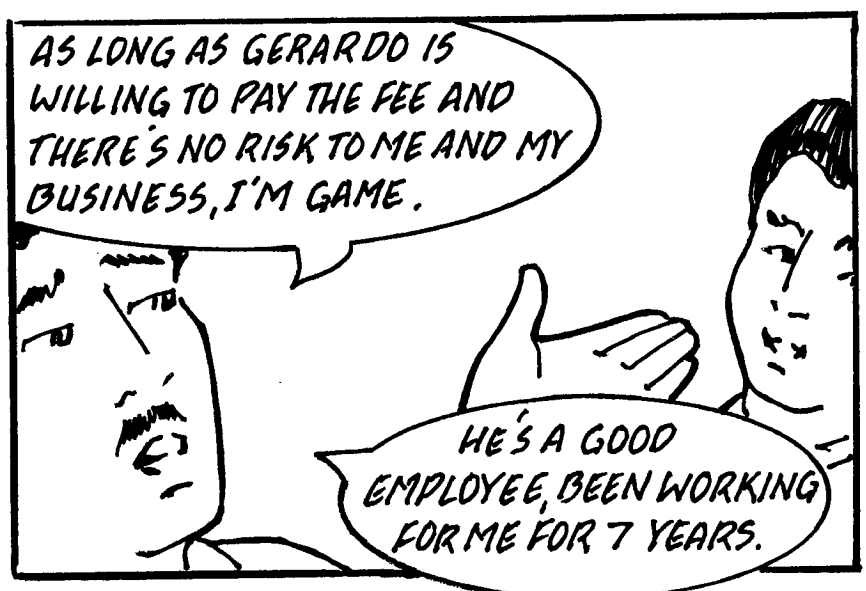


The Green Card through Work Scam





THIS APPLICATION DOESN'T GO TO IMMIGRATION. IT GOES TO THE DEPARTMENT OF LABOR, AND THEY DON'T HAVE TIME TO REPORT EVERYONE TO IMMIGRATION.



The Green Card through Work Scam

ALL YOU HAVE TO DO IS SIGN SOME PAPERS, AND I'LL TAKE CARE OF THE REST.



THE PAPERS ARE TO GET GERARDO A LABOR CERTIFICATION, SO HE CAN GET HIS GREEN CARD LATER ON. GERARDO YOU NEED TO PAY ME \$3000 TO START, THAT DOESN'T INCLUDE EXTRA EXPENSES THAT MIGHT COME UP.



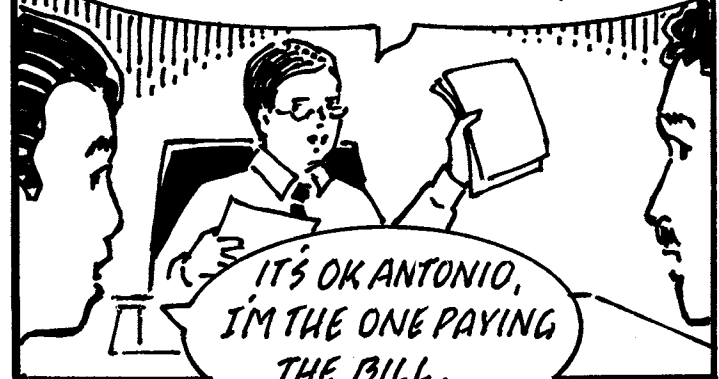
SHOULDN'T YOU DRAW UP A CONTRACT?



AND HOW DOES THIS WORK?

THIS PIECE OF PAPER WILL BE ENOUGH. IT SAYS I'LL DO A LABOR CERTIFICATION DONT WORRY

I'VE DONE LOTS OF THESE, ANYWAY, GERARDO IS THE ONE HIRING ME, NOT YOU.



IT'S OK ANTONIO, I'M THE ONE PAYING THE BILL.

2 YEARS LATER

HEY GERARDO, YOU HEAR ANYTHING YET ON YOUR GREEN CARD APPLICATION? IT'S BEEN A LONG TIME, AND YOUR'S WAS SENT IN BEFORE MINE.



IT SURE HAS, BUT WATSON TOLD ME IT COULD TAKE THIS LONG FOR A LABOR CERTIFICATION SO I'M GOING TO BE PATIENT.



WHAT'S THAT GUYS NAME AGAIN?

I THINK I'LL GO SEE HIM TOO.

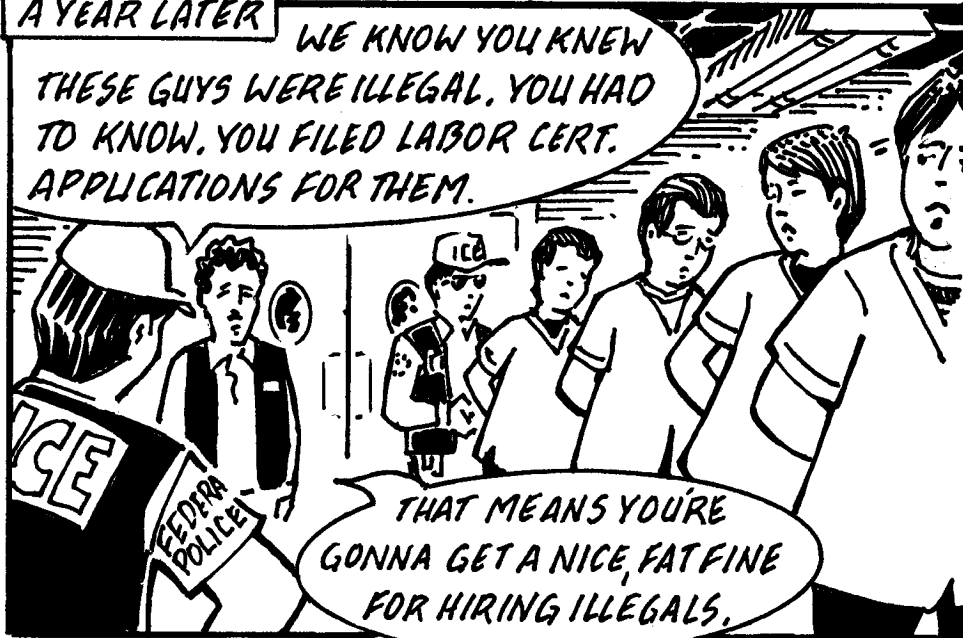


YOU GUYS BETTER BE CAREFUL.

I HEARD THAT ONLY PEOPLE WITH LOTS OF EDUCATION COULD GET A LABOR CERTIFICATION. ARE YOU SURE THIS GUY ISN'T JUST TAKING YOUR MONEY.

ANYWAY, I'M GOING TO WAIT AND SEE IF ANYTHING GOOD COMES OF YOUR APPLICATION BEFORE I DO ANYTHING.

A YEAR LATER



WE KNOW YOU KNEW THESE GUYS WERE ILLEGAL. YOU HAD TO KNOW. YOU FILED LABOR CERT. APPLICATIONS FOR THEM.

THAT MEANS YOU'RE GONNA GET A NICE, FAT FINE FOR HIRING ILLEGALS.



WAIT A MINUTE! WHY ARE YOU PUNISHING ME? I TRIED TO MAKE THESE GUYS LEGAL.

IS THAT WRONG?



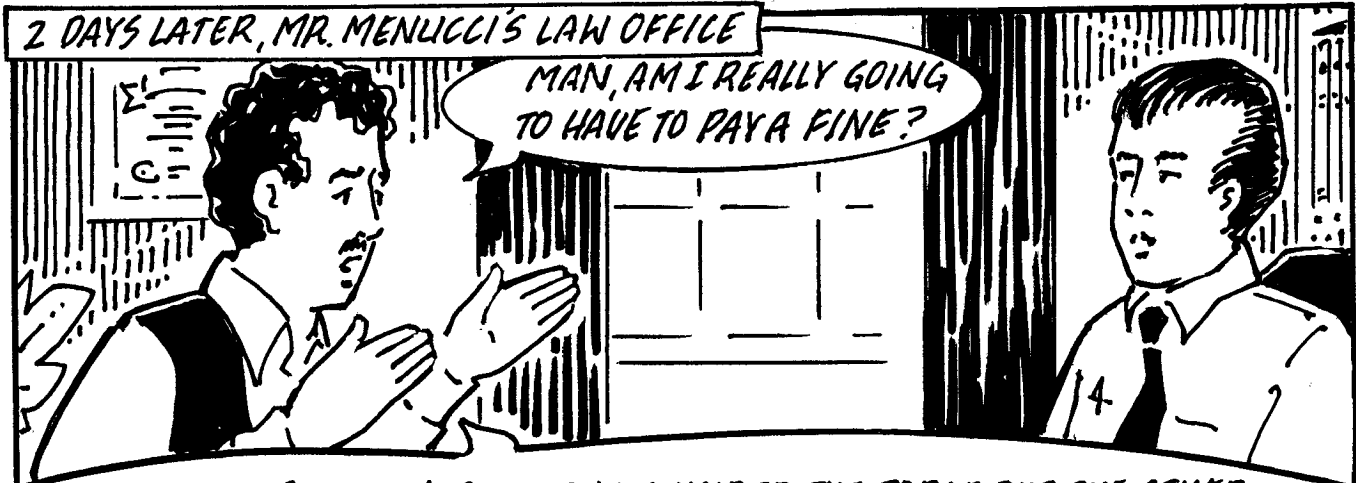
COME ON MAN, YOU CAN'T GET A LABOR CERT. FOR DISHWASHERS! THAT'S ONLY FOR PEOPLE WITH SPECIAL SKILLS! LOOK, I DON'T MAKE THE RULES, I JUST ENFORCE THEM.

YOU'RE NOT SUPPOSE TO HIRE PEOPLE WITHOUT PAPERS. THESE GUYS ARE GOING TO GET DEPORTED, AND YOU ARE GOING TO GET FINED. THAT'S THE LAW.



IF IT WASN'T FOR YOU AND THAT CROOKED LAWYER, THIS WOULD HAVE NEVER HAPPENED.

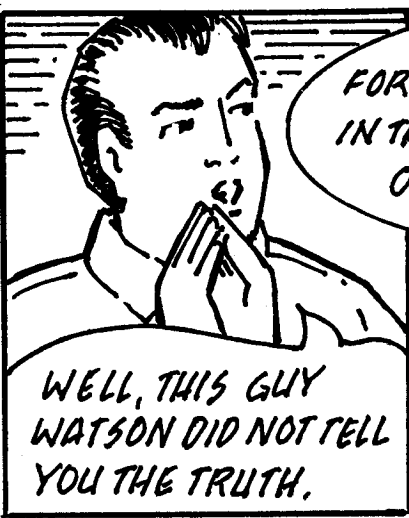
The Green Card through Work Scam



2 DAYS LATER, MR. MENUCCI'S LAW OFFICE

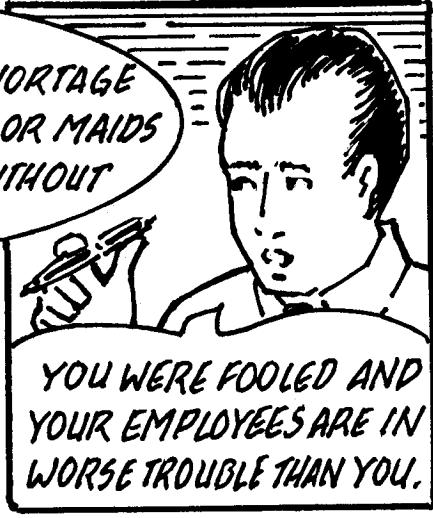
MAN, AM I REALLY GOING TO HAVE TO PAY A FINE?

I KNOW THESE GUYS WERE WORKING UNDER THE TABLE BUT THE OTHER LAWYER, WATSON SAID THAT I WOULDN'T GET INTO TROUBLE AND THEY WOULD GET GREEN CARDS, I AM JUST TRYING TO HELP ; THEY'RE ALL GOOD GUYS.



LABOR CERTIFICATES ARE FOR SKILLED JOBS THAT ARE IN SHORTAGE IN THE US. NOT FOR DISHWASHERS OR MAIDS OR WAITERS, OR OTHER JOBS WITHOUT SPECIALIZED SKILLS.

WELL, THIS GUY WATSON DID NOT TELL YOU THE TRUTH.

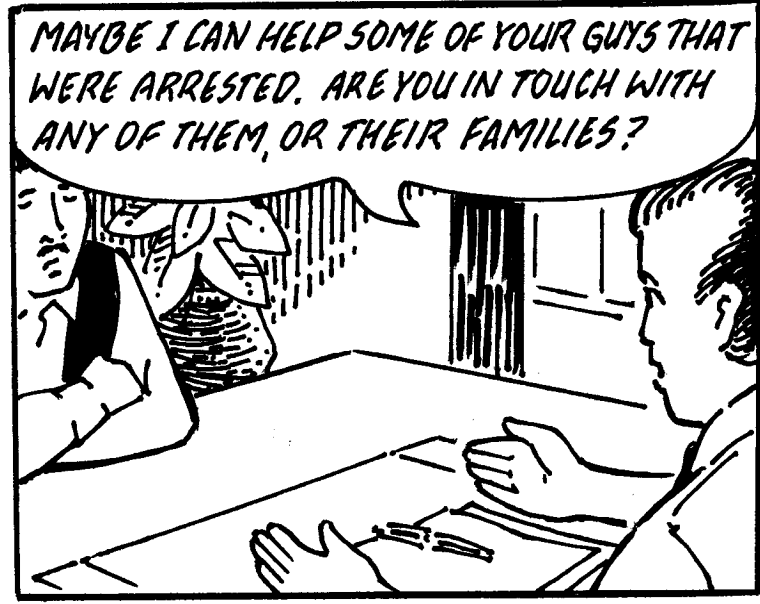


YOU WERE FOOLED AND YOUR EMPLOYEES ARE IN WORSE TROUBLE THAN YOU.



THIS IS REALLY A MESS!

THEY QUESTIONED EVERYBODY IN THE RESTAURANT, AND I'VE LOST HALF MY STAFF, NOT TO MENTION THE FINE.



MAYBE I CAN HELP SOME OF YOUR GUYS THAT WERE ARRESTED. ARE YOU IN TOUCH WITH ANY OF THEM, OR THEIR FAMILIES?

MOST OF THEM PROBABLY WILL END UP BEING DEPORTED, BUT JUST IN CASE THEY HAVE SOME RELIEF AVAILABLE, I'D LIKE TO TALK TO THEM.

I'LL SEE, RIGHT NOW, THEIR FAMILIES ARE TRYING TO SCRAPE TOGETHER BAIL MONEY.



IN ANY CASE THEY SHOULDN'T GIVE UP THEIR RIGHTS TO A HEARING, EVEN IF THEY'RE BEING PRESSURED BY THE GOVERNMENT TO DO SO.



TWO WEEKS LATER, MR. MENUCCI'S OFFICE



ANTONIO TOLD ME TO COME SEE YOU. HE'S A PRETTY GOOD GUY; TOO BAD WE ALL GOT CHEATED BY THAT WATSON GUY. DO YOU KNOW I PAID HIM \$2500? AND FOR WHAT? NOW I'VE GOT TO PAY BAIL, I'VE LOST MY JOB, AND IT LOOKS LIKE I'LL BE DEPORTED. ISN'T THERE SOMETHING I CAN DO ABOUT THIS GUY WATSON? HAVE YOU HEARD OF HIM?

I HAVEN'T HEARD OF HIM. BUT THERE ARE LOTS OF PEOPLE LIKE HIM WHO PREY ON IMMIGRANTS. SOME ARE LAWYERS, SOME AREN'T. YOU CAN CHECK THE STATE BAR, WHICH IS THE ORGANIZATION THAT LICENSES LAWYERS, TO SEE IF SOMEONE REALLY IS A LAWYER.



IF HE'S NOT LICENSED HERE IN CALIFORNIA, HE MAY BE ABLE TO PRACTICE IMMIGRATION LAW ANYWAY. BUT HE WOULD HAVE HAD TO TELL YOU WHAT STATE HE'S LICENSED IN.

The Green Card through Work Scam

YOU CAN CHECK WITH THE STATE BAR OF THAT STATE TO SEE IF HE HAS A LICENSE

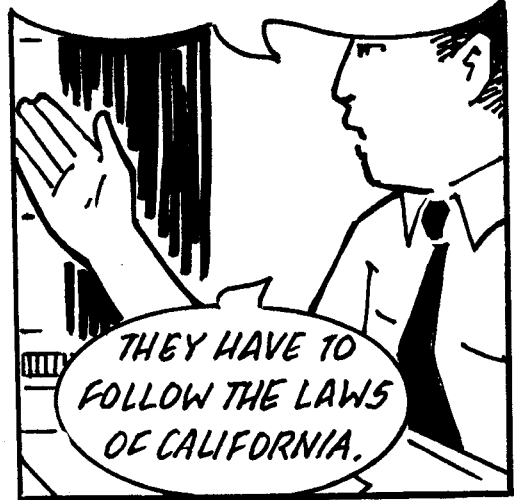


IF HE'S REALLY A LAWYER, YOU SHOULD FILE A COMPLAINT AGAINST HIM. I CAN HELP YOU WITH THAT.

WHAT IF HE'S NOT A LAWYER? I REALLY DON'T KNOW.

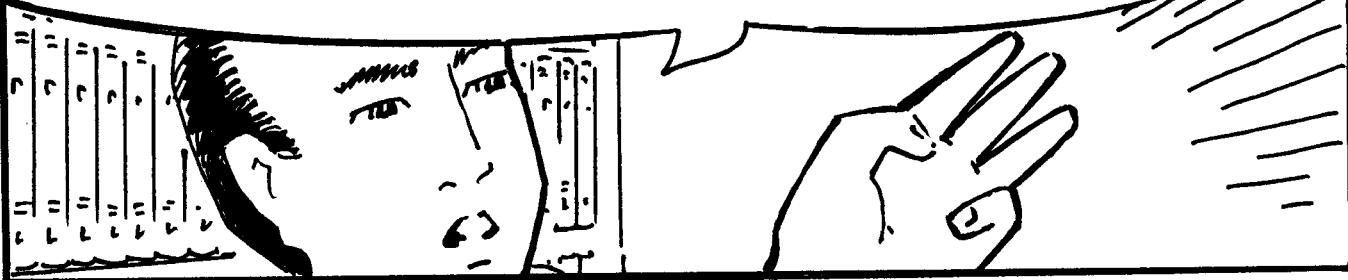


PEOPLE WHO ARE NOT LAWYERS BUT HELP PEOPLE WITH THEIR IMMIGRATION PAPERS, ARE CALLED IMMIGRATION CONSULTANTS.



THEY HAVE TO FOLLOW THE LAWS OF CALIFORNIA.

THEY HAVE TO POST A BOND OF \$50,000 WITH THE CALIFORNIA SECRETARY OF STATE, AND THEY'RE NOT ALLOWED TO GIVE LEGAL ADVICE, THEY HAVE TO GIVE YOU A CONTRACT, IN YOUR OWN LANGUAGE, OR IN A LANGUAGE YOU UNDERSTAND, THAT YOU CAN CANCEL IN 72 HOURS, WHICH IS THREE DAYS.



IN THAT CONTRACT, THEY HAVE TO TELL YOU WHAT THEY'RE GOING TO DO FOR YOU AND HOW MUCH IT WILL COST.



WELL, THEY CERTAINLY DIDN'T DO ANY OF THAT!



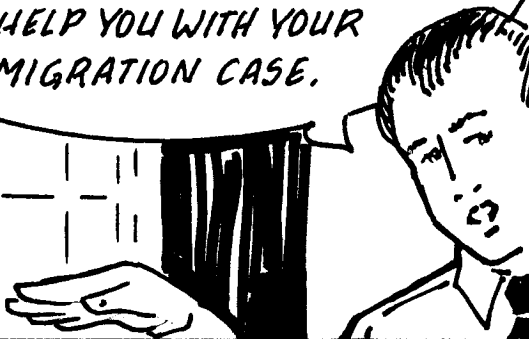
DOES EVERYBODY WHO HELPS PEOPLE WITH THEIR IMMIGRATION PAPERS AND IS NOT A LAWYER, HAVE TO GIVE YOU A CONTRACT?

LAWYERS HAVE TO GIVE YOU A CONTRACT TOO, IF THE FEE IS GOING TO BE \$1000 OR MORE. THE ONLY PEOPLE THAT DON'T HAVE TO GIVE YOU A CONTRACT ARE "ACCREDITED REPRESENTATIVES".

THESE ARE PEOPLE WHO WORK FOR NONPROFITS AND WHO ARE RECOGNIZED BY THE BOARD OF IMMIGRATION APPEALS

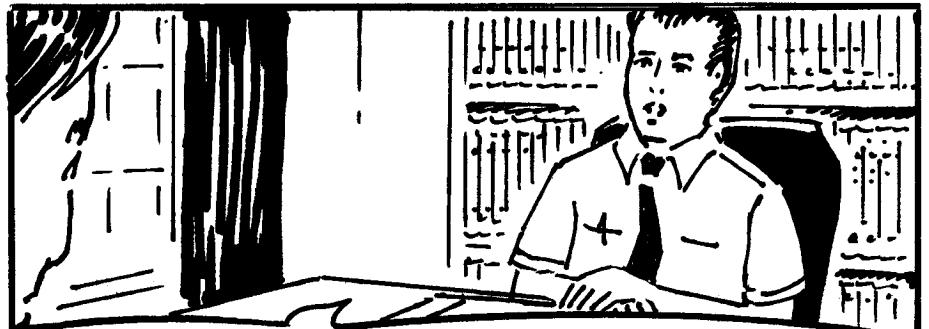


ALTHOUGH THEY DON'T HAVE TO GIVE YOU A CONTRACT, THEY MUST CHARGE VERY LOW FEES, AND THEY HAVE TO SHOW THAT THEY AND THEIR ORGANIZATION ARE ACCREDITED BY THE GOVERNMENT TO HELP YOU WITH YOUR IMMIGRATION CASE.



I WISH I HAD KNOWN THIS STUFF BEFORE I GOT RIPPED OFF.

TELL ME, IS THERE ANYTHING ELSE THAT THESE IMMIGRATION CONSULTANTS ARE NOT ALLOWED TO DO?



THEY ARE NOT ALLOWED TO TELL YOU THAT THEY HAVE SPECIAL INFLUENCE WITH THE IMMIGRATION SERVICE AND THEY ARE NOT ALLOWED TO FILE ANY DOCUMENT FOR YOU WITHOUT GOING OVER IT WITH YOU.

The Green Card through Work Scam

THEY CAN'T CALL THEMSELVES "NOTARIOS" BECAUSE THAT TERM CONFUSES PEOPLE WHO THINK THAT "NOTARIOS" ARE THE SAME AS LAWYERS.



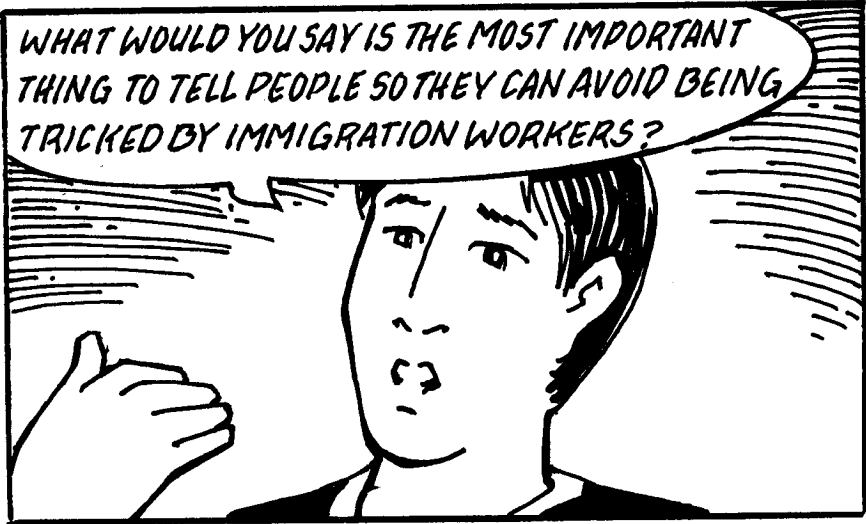
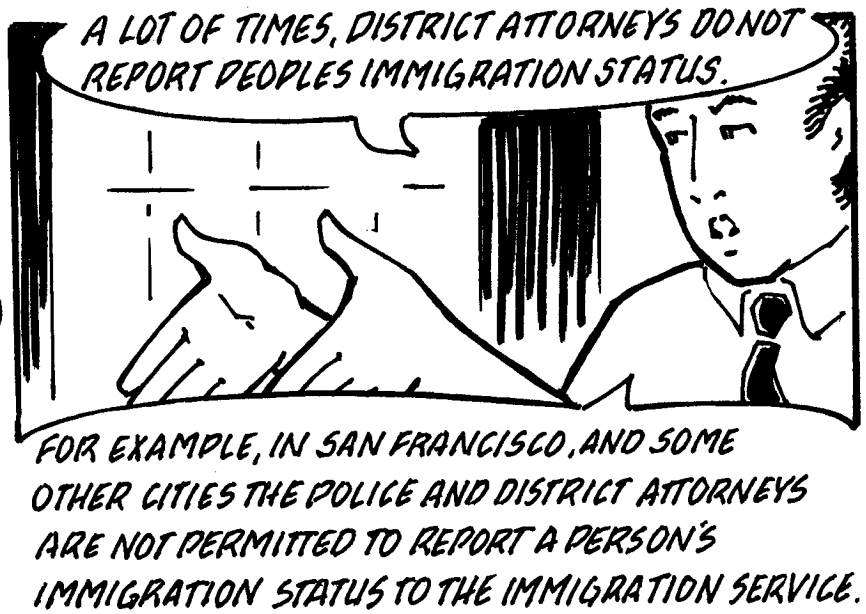
LISTEN, RAUL, I'M GOING TO TRY TO HELP YOU, BUT I'D LIKE YOU TO LET ME TRY TO DO SOMETHING ABOUT THIS GUY WATSON.

I'D ALSO LIKE YOU TO TELL YOUR FRIENDS WHAT TO WATCH OUT FOR, SO THEY DON'T BECOME VICTIMS TOO.

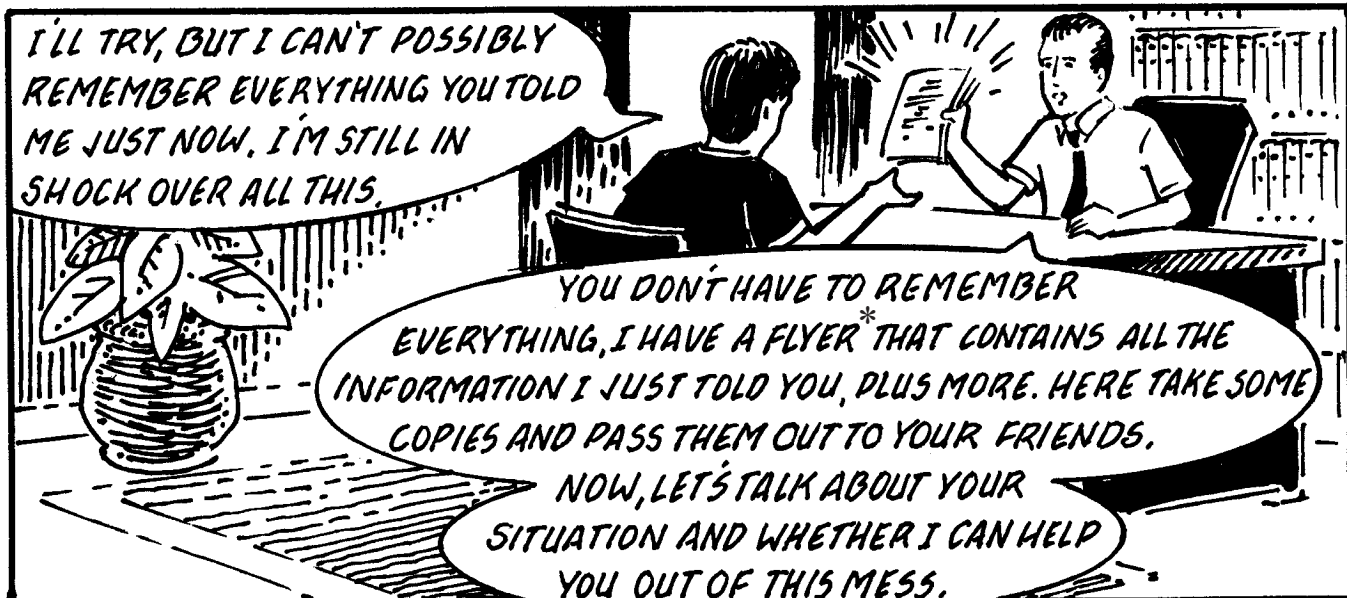
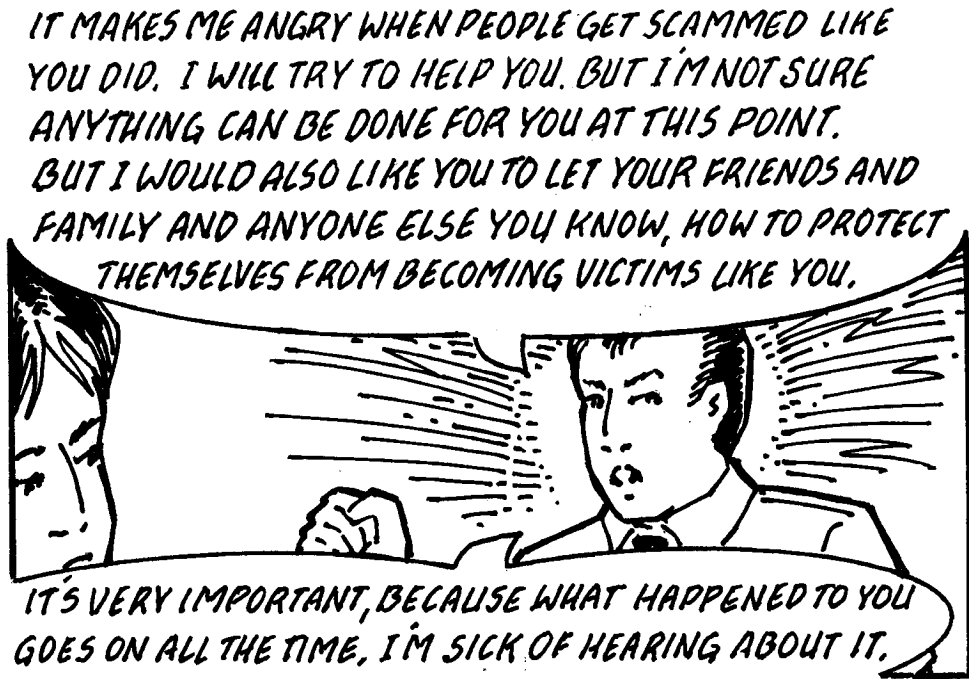
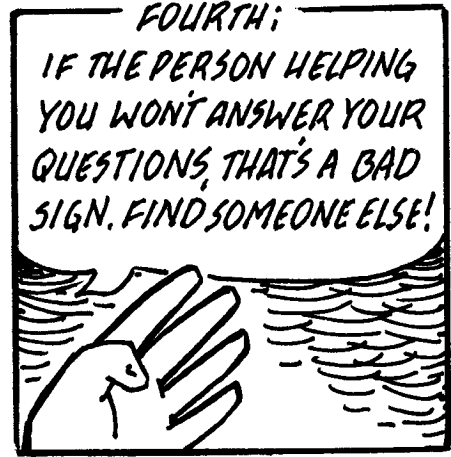
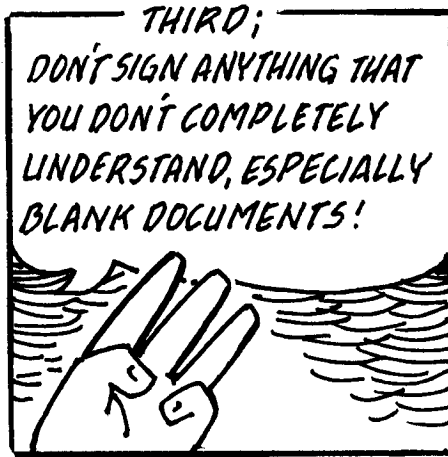


YOU CAN SUE HIM FOR THE MONEY HE CHEATED YOU OUT OF. YOU CAN REPORT HIM TO THE DISTRICT ATTORNEY'S OFFICE, THE DISTRICT ATTORNEY IS THE OFFICE THAT PROSECUTES CRIMES IN A COUNTY, AND ALSO PROTECTS VICTIMS OF FRAUD.





The Green Card through Work Scam



*See flyer on the last page of this booklet for more information on avoiding immigration fraud.

Summary Points for the Green Card through Work Scam

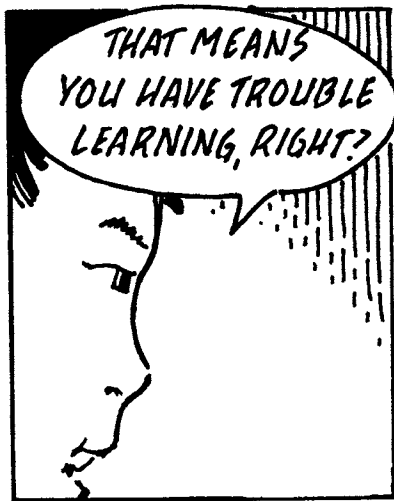
REMEMBER:

- You can't get a green card through a job unless you have very special skills.
- For example, you can't get a green card through work if you are a dishwasher, or a laborer.
- If someone promises you a green card through a job, be very careful. Only talk to someone who knows about employment-based visas. Usually, only licensed attorneys do employment-based immigration petitions.
- If you talk to a lawyer, ask where he or she is licensed to practice law. You can call the "State Bar" of the state where the person is licensed to see if he or she is licensed.
- If you go to someone who is not a lawyer, you may be asking for trouble.
- Some people who are not lawyers are allowed to provide immigration services. They are called "accredited representatives" and must work for an "accredited organization," but most accredited representatives DO NOT do employment immigration cases.
- Don't go to someone who is not a lawyer or accredited representative to immigrate through your employment.
- No matter who you go to, don't be afraid to ask questions. Someone who doesn't want to answer your questions might be trying to defraud you.
- Don't be afraid to get a second opinion. You have right to know what is the truth.
- You have a right to a written contract for the immigration services provided.
- Do not sign papers that you do not understand.
- If the person helping you will not answer your questions, find someone else to help you.
- Review the attached Know Your Rights handout.

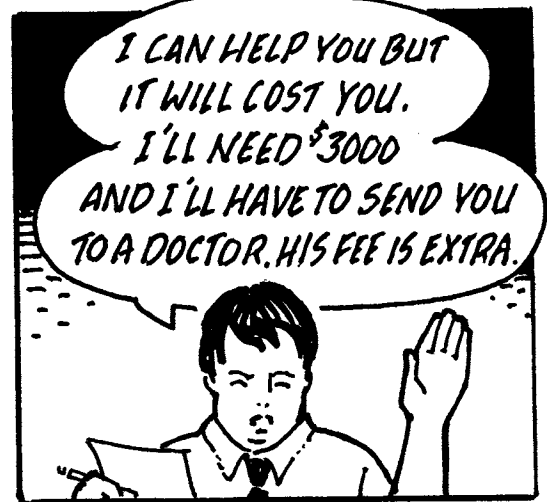
The Naturalization Disability Scam



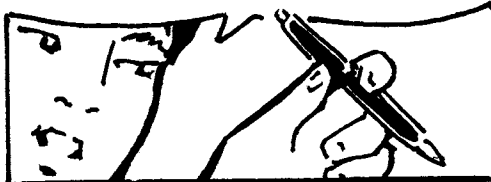
The Naturalization Disability Scam

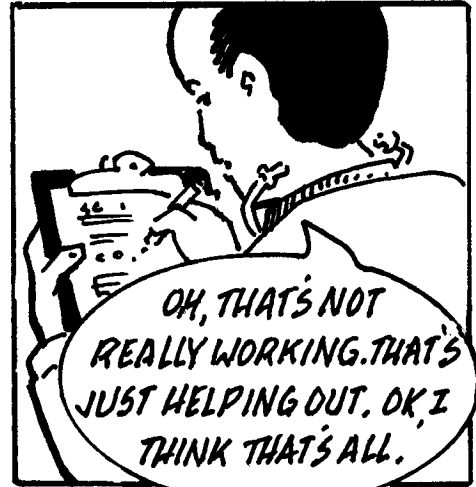
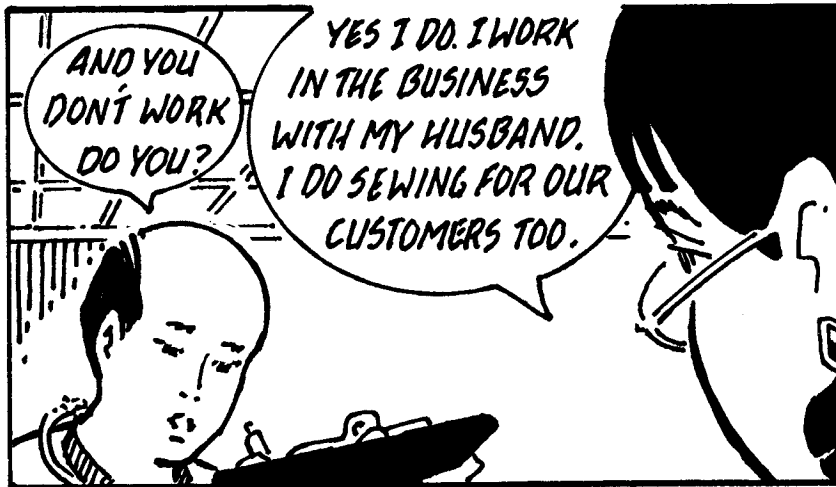
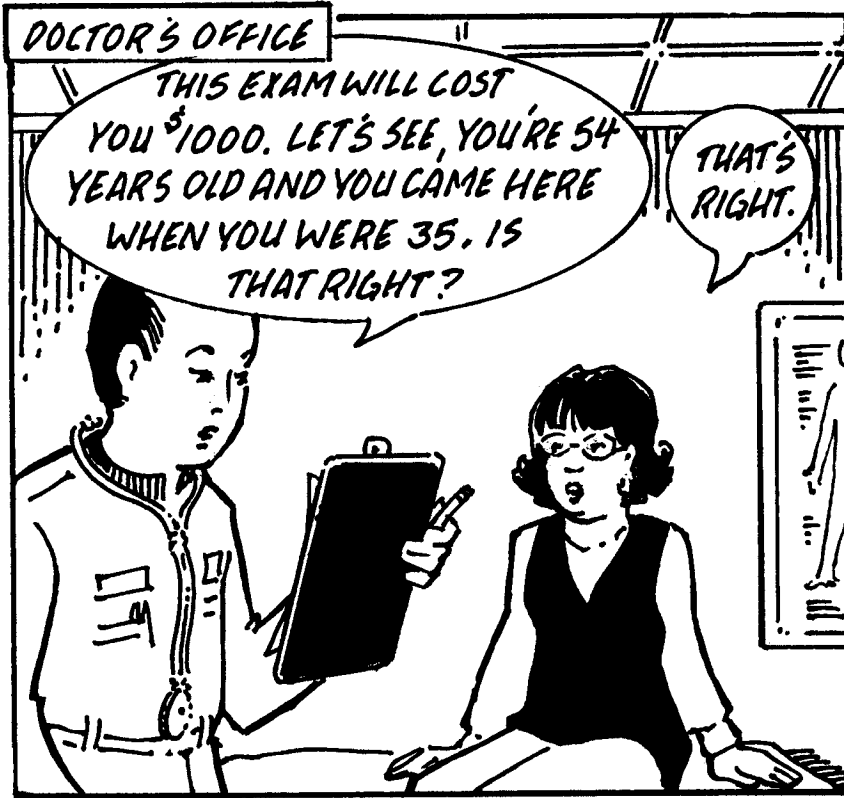


I GUESS YOU COULD SAY THAT, BUT IT'S MORE THE ENGLISH...



THE DOCTOR WILL SHOW THE IMMIGRATION SERVICE WHY YOU SHOULD NOT HAVE TO TAKE THE TEST BECAUSE YOU WILL GET A DISABILITY WAIVER. DON'T WORRY, IT'S A FORMALITY. NOW SIGN THIS FORM AND PAY YOUR \$3000. WE PREFER CASH.





The Naturalization Disability Scam

A YEAR LATER: INTERVIEW BEFORE IMMIGRATION

YOU'VE APPLIED FOR A DISABILITY WAIVER, BUT THIS WAIVER IS NOT ACCEPTABLE, IN FACT I'VE SEEN DOZENS OF THEM FROM THIS DOCTOR AND THEY ALL SAY THE SAME THING.

IT SAYS HERE THAT YOU HAVE A LEARNING DISABILITY AND DIFFICULTY CONCENTRATING. IS THAT TRUE?



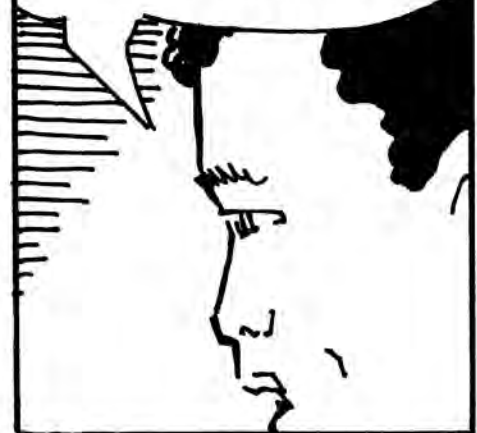
THE LAWYER SAID I WOULD NOT NEED TO TAKE THE TEST WITH THE DOCTOR'S LETTER.

LADY YOU KNOW IT'S A FRAUD TO PRETEND SOMETHING THAT'S NOT TRUE,



BUT I NEVER INTENDED TO PRETEND ANYTHING, THE DOCTOR AND THE LAWYER TOLD ME EVERYTHING WOULD BE O.K.

LADY, I'M GOING TO BE NICE TO YOU, I AM NOT GOING TO DENY YOUR APPLICATION BASED ON FRAUD, BECAUSE I THINK MAYBE YOU WERE FOOLED BY THESE PEOPLE.



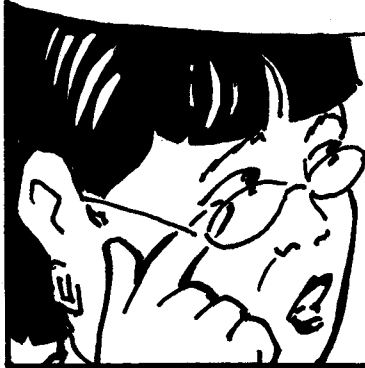
BUT I CANNOT APPROVE YOUR APPLICATION UNLESS YOU TAKE THE ENGLISH TEST, BECAUSE THE WAIVER YOU SUBMITTED WON'T WORK.

BUT I'M NOT PREPARED. I DIDN'T KNOW!





I TRIED TO GET MY MONEY BACK FROM THEM BUT THEY SAID IT WAS MY OWN FAULT FOR WITHDRAWING THE APPLICATION AND THEY DID NOTHING WRONG. AND I WAS A FOOL TO WITHDRAW IT.

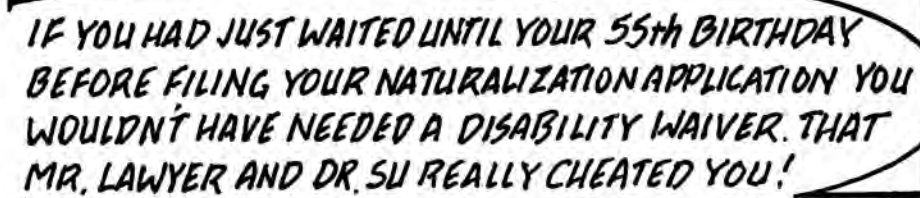


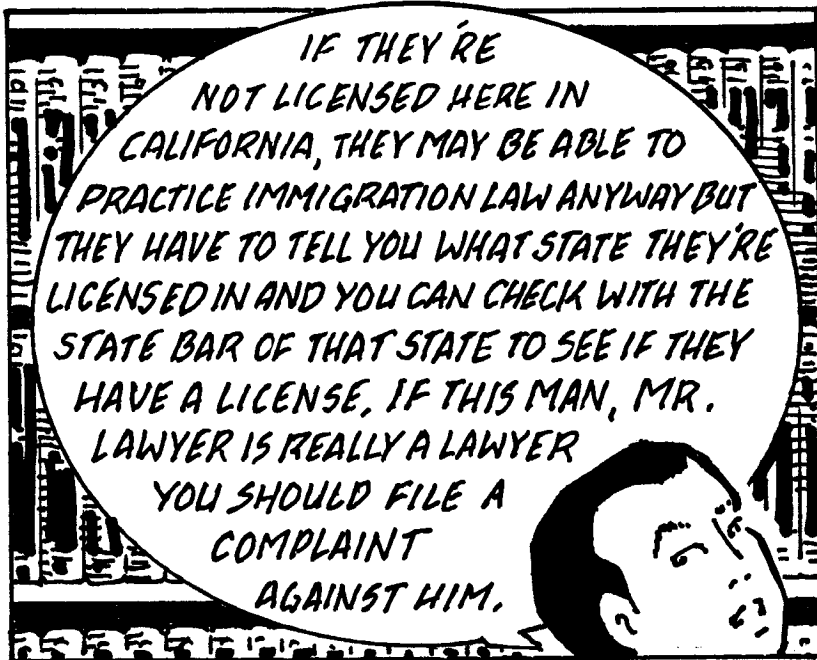
HOW OLD ARE YOU LILY? AND HOW OLD WERE YOU WHEN YOU APPLIED FOR NATURALIZATION?

I JUST TURNED 55 AND I APPLIED FOR NATURALIZATION LAST YEAR WHEN I WAS 54.



The Naturalization Disability Scam





PEOPLE WHO ARE NOT LAWYERS BUT HELP PEOPLE WITH THEIR IMMIGRATION PAPERS ARE CALLED IMMIGRATION CONSULTANTS. THEY HAVE TO FOLLOW THE LAWS OF CALIFORNIA. THEY HAVE TO POST A BOND OF \$50,000 WITH THE CALIFORNIA SECRETARY OF STATE, AND THEY'RE NOT ALLOWED TO GIVE LEGAL ADVICE.



The Naturalization Disability Scam

DOES EVERYONE WHO HELPS PEOPLE WITH THEIR IMMIGRATION PAPERS AND IS NOT A LAWYER HAVE TO GIVE YOU A CONTRACT?



LAWYERS HAVE TO GIVE YOU A CONTRACT TOO IF THE FEE IS GOING TO BE \$1000 OR MORE.

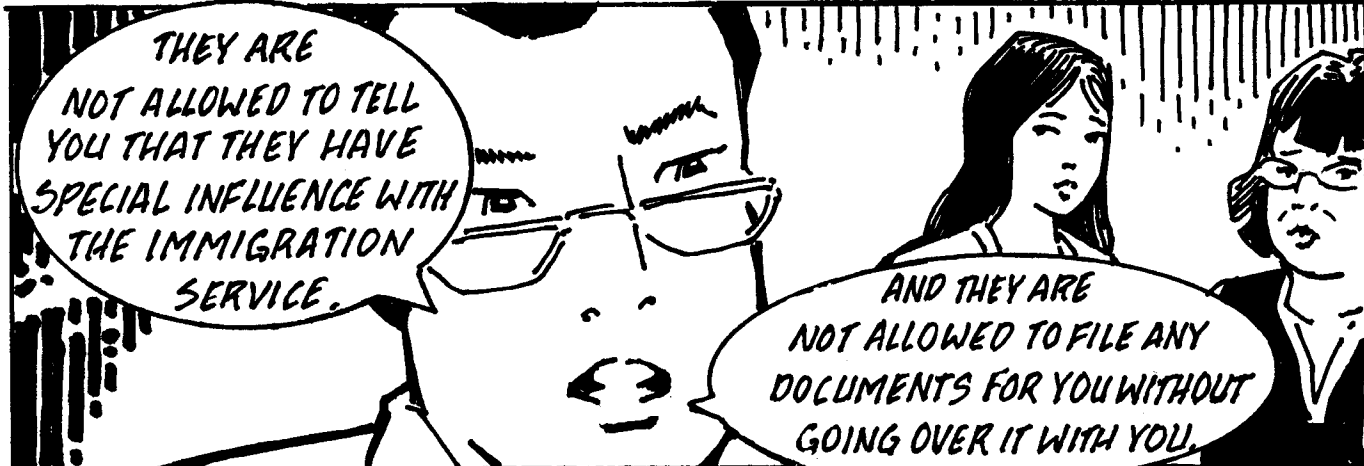
THE ONLY PEOPLE THAT DON'T HAVE TO GIVE YOU A CONTRACT ARE "ACCREDITED REPRESENTATIVES"

THOSE ARE PEOPLE WHO WORK FOR NONPROFIT ORGANIZATIONS AND WHO ARE RECDGNIZED BY THE BOARD OF IMMIGRATION APPEALS.

ALTHOUGH THEY DON'T HAVE TO GIVE YOU A CONTRACT, THEY MUST CHARGE VERY LOW FEES, AND THEY HAVE TO SHOW THAT THEY AND THEIR ORGANIZATION ARE ACCREDITED.



ARE THERE OTHER THINGS THAT IMMIGRATION CONSULTANTS ARE NOT ALLOWED TO DO?



THEY ARE NOT ALLOWED TO TELL YOU THAT THEY HAVE SPECIAL INFLUENCE WITH THE IMMIGRATION SERVICE.

AND THEY ARE NOT ALLOWED TO FILE ANY DOCUMENTS FOR YOU WITHOUT GOING OVER IT WITH YOU.



*See flyer on the last page of this booklet for more information on avoiding immigration fraud.

Summary Points for the Naturalization Disability Scam

REMEMBER:

- It is not easy to get a disability waiver of the English, history and civics requirements for naturalization.
- Even if you're afraid of the test or you having trouble learning, that is not enough to get a disability waiver.
- Beware of people who tell you that they can get you a waiver, especially if they say it is easy.
- Find out if the person who wants to help you is a lawyer.
- Lawyers must be licensed by a state. You can find out where the lawyer is licensed by calling the "State Bar" where the person is licensed.
- If the person who wants to help you is not a lawyer, find out if he or she is an "accredited representative."
- "Accredited representatives" must work for an "accredited organization" and are allowed to provide some immigration services.
- If the person is neither a lawyer nor an accredited representative, be careful!
- Don't be afraid to ask questions. If the person helping you does not want to answer your questions, find someone else to go to.
- You have a right to a second opinion, so don't be afraid to consult another lawyer or accredited representative.
- Review the attached Know Your Rights handout.

NEED IMMIGRATION HELP?



WATCH OUT FOR IMMIGRATION SCAMS!

Be careful when getting someone to help you with your immigration papers. Don't be fooled by false promises. You could lose your money *and* be removed or deported from the United States.

DON'T BELIEVE ANYONE WHO SAYS:

- ❖ We can get you work permits right away.
- ❖ We offer no risk immigration.
- ❖ We can get U.S. visas for you and your family in a few weeks.
- ❖ We know people at CIS and can get your papers done quickly.

THESE ARE LIES!

THINGS YOU CAN DO TO PROTECT YOURSELF

- ❖ **Never** sign any blank application papers.
- ❖ **Never** sign any paper or immigration form that you do not fully understand. (Get someone you trust to translate it for you.)
- ❖ **Always** demand a written contract for any immigration services when you are not working with a recognized agency.
- ❖ **Do not** sign a contract that you don't understand.
- ❖ **Watch out** for anyone who wants you to pay immediately.
- ❖ **Always** get copies of the papers prepared for you.
- ❖ **Never** let anyone keep your original documents (example: birth certificates, marriage certificates).
- ❖ **Get** a receipt for any money you pay. (Make sure it has the amount paid, the date paid, your name, and the name of the person or business that you paid.)
- ❖ **Never** work with someone who will not answer your questions.





KNOW YOUR RIGHTS!

Anyone offering immigration help must follow certain laws. These are some of the most important ones:

- ❖ A person who says he/she is a lawyer or attorney must have a license from the State Bar of any state. You can ask to see his/her license and write down the number, and you can call the State Bar where he/she is licensed to find out if the license is valid.

- ❖ A person who does immigration papers but is not a lawyer is called an immigration consultant.

An Immigration Consultant must obey these laws:

1. Give you a written contract that:
 - ◆ is in your own language
 - ◆ that says you can cancel for any reason within 72 hours
 - ◆ that says how much money you have to pay
 - ◆ that says what kind of application the person will file for you
2. Pay a \$50,000 bond to the Secretary of State and give you proof of the bond.
3. Have a big sign in his/her office saying he/she is not an attorney and showing that the bond has been paid.
4. Never pretend to be a lawyer.
5. Never say he/she has special influence with CIS.
6. Never file any document for you without going over it with you and explaining it to you.
7. Never keep your original documents and refuse to return them unless you pay.
8. Never tell you to lie on an application.

What to do if someone has cheated you:

- ❖ If the person cheating you is a lawyer, call the State Bar where he is licensed. In California, that number is: **(800) 843-9053**
- ❖ If the person cheating you is not a lawyer, you can call:
 - ◆ Attorney General's Hotline (Office of Immig. Assistance): **(888) 587-0557**
 - ◆ And your city's police dept. *or* District Attorney's Office.