

Are You a Victim of Fraud?

How to Protect Yourself from Fraud

The information in this packet was prepared by the U.S. Department of Justice's Executive Office for Immigration Review (EOIR). It is not intended, nor should it be construed in any way, as legal advice. The information does not extend or limit the jurisdiction of the Immigration Courts as established by law and regulation. Nothing in this packet shall limit the discretion of Immigration Judges to act in accordance with law and regulation.

➤ Who Can Help You with Your Immigration Case?

- **Only two groups of people may provide legal advice and services on your immigration case:**
 - (1) Attorneys and
 - (2) Accredited representatives of non-profit religious, charitable, or social service organizations established in the U.S. and recognized by the Department of Justice (DOJ).
- **A notary public, *notario*, or a *notario público* is NOT an attorney or an accredited representative and CANNOT provide legal advice or services on your immigration case.**
 - In the U.S., a notary public is a public officer who is authorized by law to certify documents, take affidavits, and administer oaths.
- **Immigration consultants, travel agents, and immigration assistance providers are not attorneys and cannot give legal advice or provide legal services.** This means that they:
 - CANNOT tell you which immigration forms to use or what answers to put on the forms
 - CANNOT keep your original documents
 - DO NOT know secret laws or have special connections to government agencies

➤ What Should You Do To Protect Yourself from Fraud?

- **Before you pay any money, educate yourself about who may help you with your immigration case**
 - Do not trust people who claim to have a special relationship with U.S. Citizenship and Immigration Services (USCIS) or the immigration courts.
 - Do not trust anyone who guarantees specific results.
 - Beware of anyone who claims he can represent you in immigration proceedings as a notary, *notario* or a *notario público*.
 - Beware of consultants, travel agencies, and real estate offices that offer legal services in immigration matters.
 - Beware of anyone working in the United States who claims to be an attorney in a foreign country but is not a licensed attorney in the United States.
 - Ask to see copies of attorney bar certificates issued by a state in the United States or DOJ accreditation letters before accepting legal advice or services.
- **Follow Some Precautions**
 - If you decide to use professional services for help with your case, get and keep a written contract.
 - Do not pay cash for professional immigration services. If you can, use a check or credit card instead, and get and keep a receipt.
 - Never give your original documents (birth certificates, passports, or other papers) to anyone who is helping you with immigration matters.
 - Never sign a blank form, application, or petition.
 - Do not sign any forms, applications, or papers containing false statements or inaccurate information. Even if someone tells you to put false information on an immigration paper, providing false information to the government may put you in danger of removal or deportation from the U.S.
 - Try to meet anyone who offers immigration services at their office, not at their home or at a coffee shop. If you cannot meet in person, try to talk over a video call using FaceTime, Skype, Zoom, or a similar service, instead of talking on the phone.

➤ What Should You Do if You Have Been the Victim of Fraud?

- Contact DOJ's Fraud and Abuse Prevention Program to make a complaint about fraud, immigration scams, or the unauthorized practice of law by calling 1-877-388-3840 or emailing EOIR.Fraud.Program@usdoj.gov.
- Contact a non-profit law office, immigrant rights group, or other trusted community organization for advice.
- Recover and retain all communications and other documents from the suspected fraudster to share with your next Attorney or Accredited Representative and with the Fraud and Abuse Prevention Program.

➤ **And REMEMBER, only two groups of people may provide legal advice and services in your immigration case:**

- (1) Attorneys (also called "lawyers") and
- (2) Accredited representatives who work for non-profit religious, charitable, or social service organizations established in the U.S. and recognized by the DOJ.

1. ATTORNEYS

- **In the U.S., an attorney is generally someone who:**
 - attended law school and received a Juris Doctor (J.D.) degree;
 - is a licensed member in “good standing” of a state bar association;” AND
 - passed an exam given by the state bar association.
- **Attorneys can give legal advice and provide legal services.** They can file papers and applications and represent you before:
 - The Department of Homeland Security (DHS)
 - The U.S. Citizenship and Immigration Services (USCIS)
 - Any immigration court (Executive Office for Immigration Review or “EOIR”)
 - The Board of Immigration Appeals (BIA)
 - The state court where he/she is a member of the bar
- **You can ask to see an attorney's bar card or “certificate of good standing” from a state bar association.** You should make a note of the admission number if any.
 - There are two places where you can learn whether an attorney is licensed and in "good standing":
 - (1) State bar associations keep track of attorneys. A list of the state bar associations in the U.S. can be found at www.americanbar.org/groups/legal_services/flh-home/flh-bar-directories-and-lawyer-finders/.
 - (2) The American Immigration Lawyers Association (AILA) can help you find an immigration lawyer. Call 202-507-7600 to speak with an AILA representative or search for an immigration lawyer at www.ailalawyer.com. You can also consult with a local non-profit organization, some of which can be found at <https://www.justice.gov/eoir/list-pro-bono-legal-service-providers>.

2. ACCREDITED REPRESENTATIVES

- DOJ designates **accredited representatives** to provide immigration legal services. There are two types of accredited representatives:
 - (1) A fully accredited representative may represent you before:
 - The U.S. Citizenship and Immigration Services (USCIS)
 - Any immigration court (EOIR)
 - The Board of Immigration Appeals (BIA)
 - (2) A partially accredited representative can only represent you before USCIS.
- An accredited representative *cannot* represent you in state court.
- The best way to know that an individual is a legitimate accredited representative is to **check that the individual is listed as an “active” accredited representative** on the DOJ Accredited Representatives List, available at <https://www.justice.gov/eoir/recognition-accreditation-roster-reports>. The list of DOJ recognized organizations is available on the same webpage.
- **Your attorney or accredited representative cannot share your information with anyone else, unless you give permission to do so.** Your legal representative works for *you*, not the government.
- **Your legal representative should:**
 - Help you fill out immigration paperwork
 - Help you collect evidence and translate documents
 - Explain your options and what is going to happen in court
 - Receive letters from the government on your behalf
 - Check on the progress of your case
 - Keep you informed about your case and answer your questions
 - Be patient and listen carefully to you
 - Not harass you about payment
 - Return your phone calls promptly
 - Keep appointments with you
- **You have the right to hire or fire your attorney or accredited representative,** and you should not accept any legal representation that you do not understand or that makes you feel uncomfortable.
- **Get help if you think your legal representative cheated you or works for traffickers.**
 - Contact a non-profit law office, immigrant rights group, or other trusted community organization for advice. They might be able to tell you how to fire or file a complaint against your representative.
 - Contact the state bar association for the state where your lawyer is licensed.
 - If your legal representative represented you before the immigration court or the BIA, you can file an Immigration Practitioner Complaint Form (Form EOIR-44) with the Executive Office for Immigration Review. The form can be found at <https://www.justice.gov/eoir/file/eoir44/download>.