



CONSUMER NEWS

SAN DIEGO CITY ATTORNEY'S OFFICE

IMMIGRATION FRAUD AND SCAMS

March 2015

With the passage of many new laws geared towards undocumented immigrants, San Diego consumers need as much information as possible to prevent becoming a victim of fraud and scams. Immigration is a federal issue, but the State of California and the Federal Government have provided safeguards to protect consumers.

Notario Publico

A notary public is a person appointed by state government to witness the signing of important documents and administer oaths per the National Notary Association. Notaries do not verify whether a document is accurate or truthful. Notaries certify the identity of signers. The signers are responsible for the content of the documents. (www.nationalnotary.org).

New California laws effective as of January 1, 2015, require every acknowledgment, proof of execution, or jurat certificate (the certificate attached to any affidavit sworn to before a notary), to include a legible disclaimer enclosed in a box at the top of the certificate above the venue. The disclaimer must state:

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

In some Latin American countries a *notario* means the person is an attorney. Beware of any *notarios* in California who are trying to provide legal advice or offer to help you fill out any legal paperwork.

Notary publics are prohibited from giving legal advice and from performing any duties that may be construed as the practice of law, such as: preparation, drafting, or selection or determination of the kind of any legal document, unless they are providing services as an attorney.

Notaries are not allowed to prepare or offer any advice on immigration forms. There are some immigration forms that need to be notarized and a notary can notarize those documents. To obtain adequate help on immigration forms or obtain immigration legal services see the U.S. Citizenship and Immigration Services (USCIS) website (www.uscis.gov).

The state of California has placed restrictions on the type of advertising notary publics may have and must have. Government Code §8219.5 outlines all of these requirements. Specifically, a notary public may not advertise by using the literal translation of the phrase "notary public" into Spanish, (ie: *notario publico* or *notario*). If the notary public is advertising its services in a language other than English, it shall post all mandated notices in the other language. One of the statements must say "I am

not an attorney and, therefore, cannot give legal advice about immigration or any other legal matters" (Govt. Code §8219.5).

Finding Immigration Legal Services

When looking for immigration assistance things can be daunting. Where do you begin? Who can help you? Who can you trust? First, there are many great books at the local library that can help with the process and the forms needed.

The USCIS website has all the forms needed. To locate these forms, visit the USCIS website at www.uscis.gov. The forms can be printed directly from the website. Another way to obtain these forms is to order the forms over the phone or visit a local USCIS office to pick them up. The USCIS forms are free and a consumer should never be charged for blank government forms. If someone charges a consumer for blank forms, this may be a scam. Also, double check that any government website visited ends with a dot gov (.gov). The dot gov will tell you that it is a government website. Beware, there are many websites that look like government websites.

The Board of Immigration Appeals (BIA) website (www.justice.gov) keeps a list of all lawyers and accredited representatives (non-lawyers) that help consumers with immigration questions. The

accredited representatives on this list have been recognized by the BIA at the Department of Justice to give legal immigration advice. They are not lawyers and are not authorized to give legal advice beyond immigration, for example on bankruptcy, family law, or criminal defense.

When hiring a California attorney, make sure to check that the attorney is in good standing with the California State Bar at <http://www.calbar.ca.gov/>.

Beware of anyone who says they are an immigration consultant. These consultants are limited in the amount of work they can do for you even though some may charge exorbitant amounts for minimal work. As stated above, the only people that can provide any immigration legal advice are attorneys and accredited representatives on the BIAs list.

If a consumer wants to use the services of an immigration consultant, the consultant should have or provide the consumer with the following, per the Business and Professions Code §22442 et seq.:

1. Proof of bond: Immigration consultants must have proof that they have filed a \$100,000 bond with the California Secretary of State. A consumer can and should ask to see this.

2. Immigration consultants must display visible signs stating that they are not an attorney, the immigration consultants name and bond number, and they should display the services they provide and a list of the total fees for each service.

3. The immigration consultant must provide a written contract in English and if business was conducted in another language, the contract must also be in that

language. The contract must include the list of services that will be provided to the consumer and the total cost of the work. Finally, the contract must be signed and dated by the immigration consultant. For a complete list of contract requirements, please see Business and Professions Code §22442.

4. Always obtain a receipt. The receipt must be typed or printed from a computer on the consultant's letterhead and include the amount paid, the date the amount was paid, and the immigration consultants' signature. If the business transaction was conducted in another language, the receipt should be translated into that language as well.

For more information on immigration help, you can visit the Federal Trade Commission website at: www.ftc.gov/immigration.

Immigration Fraud Victim

If you believe that you have been a victim of immigration fraud within the City of San Diego, you may visit our website at: <http://www.sandiego.gov/cityattorney/divisions/communityjustice/cepu.shtml> to print a complaint form. Once completed, please submit the form to the address provided with copies of all pertinent information.

Please click or visit the links provided for additional information.

**San Diego
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Consumer and Environmental
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Newsletter written by Andrea Cruz-Oliva.

The information provided in this newsletter is intended to convey general information and is not intended to be relied upon as legal advice.

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The San Diego City Attorney's Consumer & Environmental Protection Unit prosecutes criminal and civil violations of California's unfair competition and other consumer laws committed in the City of San Diego. The Unit maintains a Phone Hotline for consumers to report possible violations. You can reach the Hotline at **(619) 533-5600**.