

Immigration Services Fraud Prevention Handbook *(including Affinity Fraud)*



Immigration Services Fraud Prevention Handbook
www.NJConsumerAffairs.gov ■ 1-800-242-5846

Immigration Services Fraud Prevention Handbook

introduction ▶




Immigration Services Fraud Prevention Handbook

Dear New Jersey Consumer,

The New Jersey Division of Consumer Affairs (“Division”) is committed to protecting New Jersey’s immigrant communities from fraud. In support of these efforts, the Division has designed this booklet to provide New Jersey consumers with the information needed to recognize and avoid immigration services scams and other types of affinity fraud.

Unfortunately, scam artists continue to target New Jersey’s immigrants. Too often, con artists take advantage of the trust and friendship that exists in groups of people who have something in common and prey upon this “affinity” to defraud innocent consumers out of their hard earned money. While affinity fraud takes many different forms, immigrants are particularly vulnerable to affinity fraud scams. These scams frequently take the form of Immigration Services Scams and involve people pretending to be “immigration consultants,” “notarios” or “attorneys,” falsely



claiming that they can provide immigration services to immigrants. The consequences of immigration services scams can be quite devastating. Accordingly, the Division has created this booklet to empower New Jersey consumers by providing them with information on how to protect themselves and their loved ones against such fraud.

Sincerely,

New Jersey Division of Consumer Affairs

Be An Informed Consumer... We Can Help!

www.NJConsumerAffairs.gov ■ 1-800-242-5846

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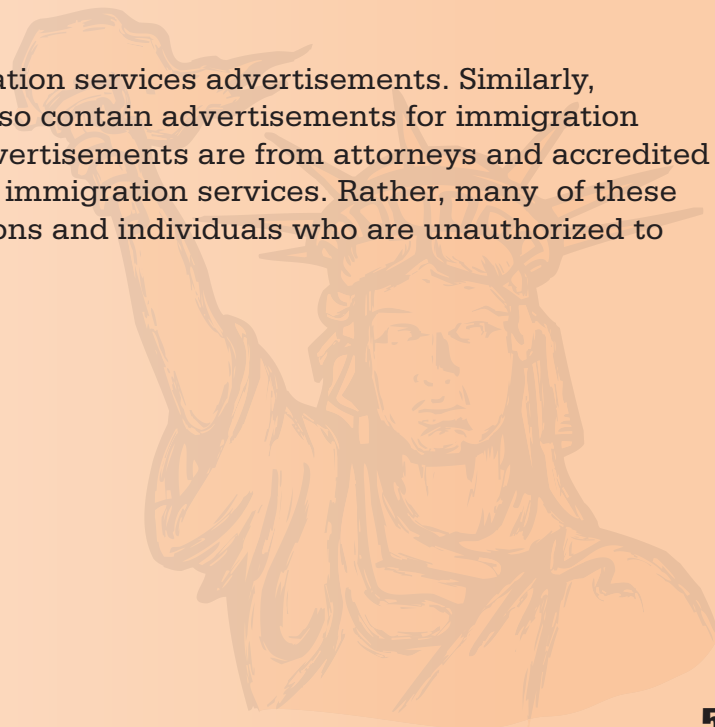
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Immigration Services Scams

Immigration services fraud continues to be a widespread issue in many immigrant communities. One of the reasons immigrant groups are frequently targeted is because they are often isolated from the larger community. In addition, their access to information may be limited because of language and other barriers. Scammers see those with limited English proficiency or a limited awareness of American law as easy prey. Thus, many new immigrants arriving in the United States are seen by financial swindlers as easy targets, especially in the area of immigration services scams.

Preying on their vulnerability, unscrupulous individuals and/or companies target immigrants, offering to provide unauthorized and fraudulent immigration services. Pretending to be “immigration consultants,” “notarios” or “attorneys,” they falsely claim that they can provide immigration services. Frequently, these scammers charge hundreds of dollars to process phony immigration documents, and then fail to provide the services for which they have been paid. Storefronts and community

bulletin boards are filled with immigration services advertisements. Similarly, the Internet, newspapers and radio also contain advertisements for immigration services. However, not all of these advertisements are from attorneys and accredited representatives authorized to provide immigration services. Rather, many of these advertisements come from organizations and individuals who are unauthorized to provide legal advice.



Harmful Consequences Resulting from Immigration Services Fraud

The consequences of receiving fraudulent immigration services can be quite severe. Below is a list of some examples of the devastating consequences that can occur as a result of immigration services fraud.

- **Loss of Irreplaceable Personal Documentation:**
Fraudulent immigrant service providers often keep their clients' original documents, such as birth certificates and passports.
- **Monetary Loss:**
Perpetrators of immigration services fraud charge exorbitant fees for work that is never performed, or performed incorrectly, resulting in significant financial losses for consumers.
- **Detention:**
Immigrants may be detained during their immigration court proceedings. Moreover, if an immigrant is suspected of engaging in immigration fraud, her or she may be subject to deportation.

- **Possible Deportation:**

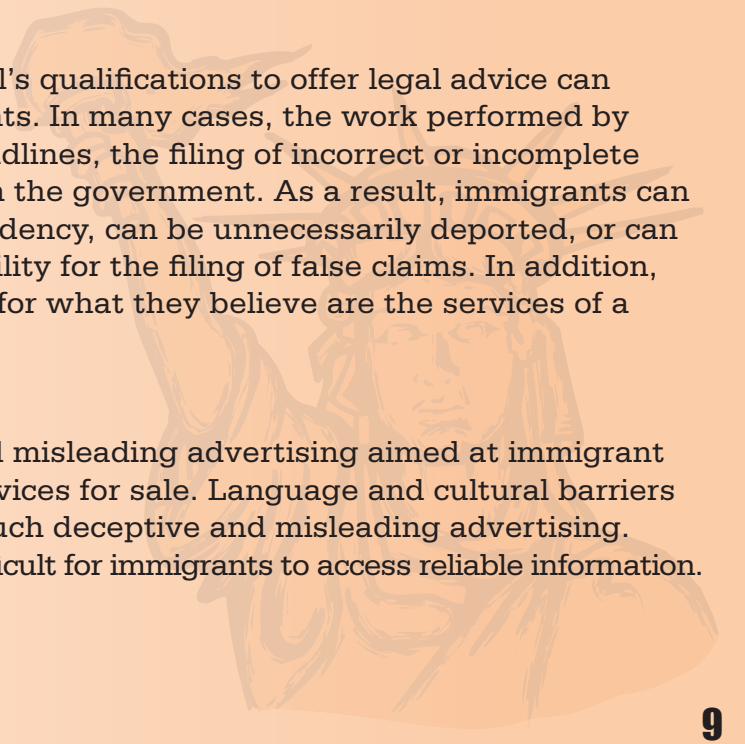
Victims of immigration fraud may find that their immigration status has been harmed. The filing of inaccurate or fraudulent paperwork with **United States Citizenship and Immigration Services** (“USCIS”) can actually harm the consumer’s immigration status by triggering interviews, investigations and, possibly, deportation proceedings.

Unfortunately, immigration services fraud not only affects the person who has been directly victimized, but it can also have devastating effects on the entire family. U.S. citizens and permanent resident family members of undocumented immigrants risk family separation and upheaval if loved ones are placed in deportation proceedings as a result of fraud. Accordingly, it is essential that when consulting an immigration services provider, consumers know how to verify that the provider is authorized to render immigration services and how to protect themselves from immigration services fraud.

List of Common Immigration Services Scams

Notario Fraud

The term “notario publico” is particularly problematic in that it creates a unique opportunity for deception and is often used as a means to exploit Spanish-speaking consumers. The literal translation of “notario publico” is “notary public.” While a notary public in the United States is authorized only to witness the signature of forms, a notary public in many Latin American countries refers to an individual who has received the equivalent of a law license and who is authorized to represent others before the government. As “Notarios Publicos,” they may act as attorneys, prepare legal documents on behalf of clients, and provide legal advice. However, in the United States, being a “notario publico” does not authorize someone to provide any legal services related to immigration. Only an attorney or an accredited representative working for a Department of Justice-recognized organization can represent a person before the Department of Homeland Security or the Executive Office for Immigration Review.



Misrepresentations as to an individual's qualifications to offer legal advice can have severe implications for immigrants. In many cases, the work performed by such individuals results in missed deadlines, the filing of incorrect or incomplete forms, or the filing of false claims with the government. As a result, immigrants can miss opportunities to obtain legal residency, can be unnecessarily deported, or can be subject to civil and/or criminal liability for the filing of false claims. In addition, immigrants often pay exorbitant fees for what they believe are the services of a licensed attorney.

Deceptive Advertising

Scam artists often engage in false and misleading advertising aimed at immigrant communities offering immigration services for sale. Language and cultural barriers make immigrants a prime target for such deceptive and misleading advertising. Such deceptive advertising makes it difficult for immigrants to access reliable information.

Scam Websites

Some websites claim to be affiliated with USCIS and offer step-by-step guidance on completing a USCIS application, petition, or request. Always make sure that the information you are reviewing is from uscis.gov or is affiliated with uscis.gov. The web address should include “.gov.”

Also, please note that USCIS will never ask you to pay to download USCIS forms. Rather, the forms are always free on its website. You can also get forms at your local USCIS office or by calling 800-870-3676 to order forms over the phone.

For more information, visit www.uscis.gov/avoid-scams/common-scams.

Important Information Regarding the Filing of an Application or Petition

- The official website for USCIS is **www.uscis.gov**.
- USCIS does not charge you a fee to download forms. Visit the USCIS website page, **www.uscis.gov/forms**, to get free forms.
- USCIS does require you to pay a filing fee. Visit the USCIS website, **www.uscis.gov/fees**, to learn more about filing fees and methods of payment.
- Before you sign an immigration form make sure that you understand the document and that the information you include on it is true and accurate.
- Never sign blank forms.
- Make sure you get a receipt for any payment you make to an attorney or accredited representative.
- Keep copies of all forms and other documents that you file with USCIS.

Tips for Working with an Attorney or Accredited Representative

According to federal law, there are two groups of individuals that are authorized to represent applicants before USCIS:

- Representatives accredited by the Department of Justice (“DOJ”) Executive Office for Immigration Review (“EOIR”) and working for EOIR-recognized organizations. Check the EOIR website at **www.justice.gov/eoir/recognition-accreditation-roster-reports** for a list of Accredited Representatives and Recognized Organizations.
- Attorneys in good standing who are not subject to any order restricting their ability to practice law. Always check with the state agency responsible for regulating attorneys (sometimes this is the state bar association) to verify that the attorney is eligible to practice in, and is a member in good standing of the bar of the highest court of any U.S. state, possession, territory or commonwealth, or the District of Columbia. Visit **<https://portal.njcourts.gov/webe5/AttyPAWeb/pages/home.faces>** to check the status of attorneys who have been admitted to practice in New Jersey.

For more information, visit **www.uscis.gov/avoid-scams/find-legal-services**.

Affinity Fraud

In a world of increasing complexity, many people feel the need for an easy way of knowing who to trust. Race, culture, a common language and religious beliefs often play a role in identifying us as members of unique groups upon which we come to trust and rely. Our backgrounds and interests naturally lead us to organizations or individuals to service our needs. **Affinity Fraud** occurs when fraudsters represent themselves to be from within your own ethnic, religious, community-based groups or your own circle or family of friends. They target members of identifiable groups, such as racial, ethnic and religious communities, clubs and associations, the elderly and professional groups and represent themselves to be members of these groups. They then use this familiarity to gain your trust and to defraud you. Exploiting the trust that members within a specific group share is at the core of **affinity fraud**.

Affinity Fraud is extremely prevalent among religious communities. Often, because of their cohesiveness and inclination to support one another, members of religious groups are often defrauded by people claiming to share their religious faith. Sadly, such scam artists come in all faiths and denominations, so consumers need to be vigilant.

Affinity Fraud often occurs in the area of financial investments. Unfamiliar with how financial markets work, too many people don't know how to thoroughly research an investment and/or the person attempting to make the sale. Instead, they frequently place their trust in a con-artist claiming to be a member of a group to which the consumer belongs or someone who the investor has known for a long time.

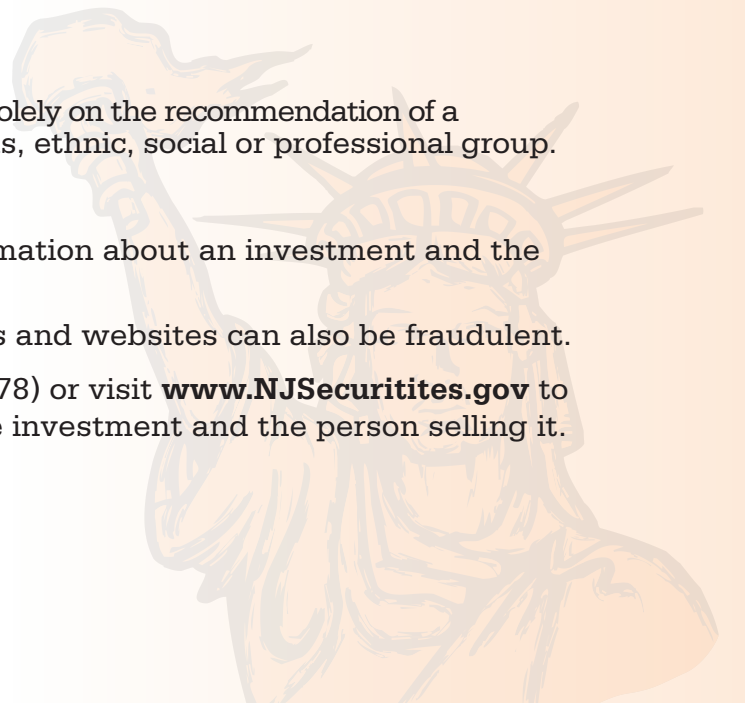
Fraudsters often enlist respected community or religious leaders from within the group to spread the word about the investment opportunity. By convincing leaders in the group to make the investments, the seller is able to make the fraudulent investment appear more legitimate and those leaders become unwitting promoters.

Investors, who become victims, often speak of the fraudster with words of confidence – “he was such an honest and good guy” because “he belongs to my group (club, church, social group, etc.).” The bond that the fraudster and victim shared within their community naturally translated into an assumption of trustworthiness and honesty. Even when all signs indicate a fraud may be taking place, it can be difficult for a victim to accept the idea that a member of their group would betray their trust.

Because of the tight-knit structure of many groups, it can be difficult for regulators or law enforcement officials to detect affinity fraud until it is too late. Victims often fail to notify authorities or pursue their legal remedies, and instead try to address the fraudulent conduct within the group. This is particularly true where the fraudsters have used respected community or religious leaders to convince others to join the investment.

What you can do to avoid “financial” affinity fraud?

- Be wary of any investment that seems closely tied to a particular religious belief.
- Be cautious if the promoter of an investment opportunity tries to capitalize on connections or leadership within a religious group.
- Be wary of a new member who shows up with a “sure-fire” or “guaranteed” investment scheme. Find out about their background, if any, within the group.
- Ignore false claims that religion-based investments or some other “opportunities” do not have to be registered with the appropriate government regulators.

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- Never make an investment decision solely on the recommendation of a member of an organization, religious, ethnic, social or professional group.
 - Conduct your own due diligence.
 - Always independently verify information about an investment and the person selling the investment.
 - Remember that written documents and websites can also be fraudulent.
 - Call **1-866-I-INVEST** (1-866-446-8378) or visit **www.NJSecurites.gov** to verify the registration status of the investment and the person selling it.

File a Complaint

If you believe that you are a victim of Immigration Services Fraud or other types of Affinity Fraud, you may **file a complaint** by visiting the New Jersey Division of Consumer Affairs at **www.njconsumeraffairs.gov/** or calling **1-800-242-5846**.

Other Helpful Contacts

New Jersey Bureau of Securities – **www.NJSecuritates.gov/**; **1-866-446-8378**

New Jersey State Police–**njsp.org**

New Jersey State Bar Association–**www.njsba.com**

U.S. Citizenship & Immigration Services–**www.uscis.gov/avoid-scams/common-scams**

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