

Who Can Help with Immigration Matters?

Information to Protect Yourself From Immigration Fraud

They are out there ... swindlers, phony immigration specialists, dishonest immigration consultants, *notarios*, and others.

They'll take your money.

They'll take your documents.

They'll make all kinds of promises -- a green card, asylum, special consideration with immigration authorities.

But, in the end, you'll get nothing. And, you may jeopardize your right to any immigration benefit or any right to relief.

SO... Before you decide to get help with immigration matters, and before you pay any money, educate yourself so that you can make the right decision about what kind of immigration help you need and who should provide that assistance. This question and answer sheet is designed to help you make these determinations.

Who may provide legal advice and legal services on immigration matters? The two common categories of individuals who can provide legal advice and legal services on immigration matters are: (1) attorneys and (2) accredited representatives of a non-profit religious, charitable, or social service organization established in the United States and recognized by the Board of Immigration Appeals (BIA).

What is an attorney? In the United States, an attorney is someone who attended a graduate program in law and received a Juris Doctor (J.D.) degree. In order to practice law in the U.S., the attorney must be a member of a state bar association in "good standing" and must pass an exam given by the state bar association. An attorney also is called a "lawyer."

What courts and immigration agencies can an attorney practice before?

Attorneys licensed to practice law in any state can give legal advice and provide legal services. They can file papers and applications and represent you before: (1) the Department of Homeland Security (DHS), (2) the United States Citizenship and Immigration Service (USCIS), (3) any immigration court, (4) the BIA, and (5) the state court where he/she is a member of the bar.

How can I tell that the person really is a licensed attorney? The best way to know that the person is a licensed attorney is to ask to see his/her current attorney licensing document. You should make a note of the admission number if any. Also, you should contact the state bar

admission authorities to make sure that the person is a licensed attorney and that he/she is in “good standing.”

A list of the State Bar Associations in the United States can be found at <http://www.abanet.org/barserv/stlobar.html>. Also, the American Immigration Lawyers Association can help you find a find an immigration lawyer. For an attorney referral, please call 1-800-954-0254 to speak with a representative or send an e-mail to ilrs@aila.org

What is an accredited representative? An accredited representative is a staff member of a BIA accredited organization who has a certain level of experience in and knowledge of immigration law and has been *accredited* by the BIA to provide immigration legal services.

What courts or agencies can an accredited representative practice before? In general, a fully accredited representative may represent you before: (1) DHS, (2) USCIS, (3) immigration courts, and (4) BIA. A partially accredited representative can only represent you before USCIS. An accredited representative cannot represent you before a state court.

How do I know if the individual is an accredited representative of a BIA recognized organization? The best way to know if the individual is a BIA accredited representative from a BIA accredited program is to ask to see a copy of the BIA decision granting official recognition to the accredited representative and the BIA recognized organization.

Also, you can view a list of the non-profit organizations recognized by the BIA on its website, www.usdoj.eoir/statspub/raroster.htm. This list is updated every 3 months. Note: The BIA’s list is organized alphabetically by name of the organization, including the accredited representatives who work for those organizations.

Can immigration consultants and immigration assistance service providers give legal advice and provide legal services in immigration matters? No, immigration consultants and immigration assistance service providers cannot give legal advice or provide legal services unless they are attorneys or are accredited representatives.

What services can immigration consultants and immigration assistance service providers provide? An immigration consultant and immigration assistance service providers without formal training or connection to an attorney or accredited representative can provide **non-legal services** in most states. They can (1) help you get documents that you tell him/her that you need for your case, (2) fill out forms that you select with information you give them, (3) translate information into English, (4) refer you to an attorney but cannot charge you a fee for doing so, (5) secure supporting documents, (6) prepare or arrange for photographs, fingerprints and medical tests, and, (7) conduct English language and civics courses.

What are some of the things that immigration consultants and immigration assistance service providers CANNOT do? They cannot provide legal services or give

you legal advice about your immigration status, such as getting a work permit, getting your family here, or your right to stay in the United States. They cannot tell you what forms to use or what answers to put on the forms. They cannot keep your original documents. They cannot do special favors for you. They do not know of any secret laws or have special connections to government agencies. Importantly, they are not attorneys and may not give legal advice, and do not necessarily have any knowledge about immigration matters.

Can a *notario* or a *notario publico* provide legal advice and legal service in immigration matters? No, a *notario* or a *notario publico* cannot provide legal services and advice on immigration matters. The exception to this rule is if the individual has been accredited by the BIA and works for an organization that is recognized by the BIA.

What is a notary public in the United States? A notary public is a public officer who is authorized by law to certify documents, take affidavits, and administer oaths. The fees that a notary public can charge are regulated by state law. A notary public is not an attorney or an accredited representative and cannot provide legal advice or legal services.

What is the federal agency responsible for immigration and nationality matters in the United States? The United States Citizenship and Immigration Service (USCIS) is part of DHS. It is the federal agency that processes all immigrant and non-immigrant benefits provided to visitors of the United States, including, family-based petitions, employment-based petitions, asylum and refugee processing, naturalization, special status programs, document issuance and renewal.

Contact information for USCIS: The telephone number is: 1-800-375-5283, and the website address is: <http://www.uscis.gov>. USCIS's website has excellent information.

What is the Board of Immigration Appeals (BIA)?

The BIA is the administrative appellate court for immigration law in the United States. Also, it is responsible for the recognition of organizations and the accreditation of representatives wishing to appear before USCIS, immigration courts, and the BIA.

CLINIC strongly suggests that you seek legal advice and legal assistance only from a licensed attorney or from a Board of Immigration Appeals (BIA) recognized non-profit organization such as Catholic Charities.

For a comprehensive list, see <http://www.cliniclegal.org/files/AffilDir2006.pdf>