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## Legal system exposes immigrants to scams

Immigration debate prompts many to seek legal advice, but they run into dubious 'notarios' and consultants

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Hundreds of immigrants across North Carolina are getting cheated out of thousands of dollars by people posing as attorneys and legal experts, according to immigration lawyers and Latino advocates. Scammers often persuade clients, typically illegal immigrants, to apply for asylum or other avenues of residency, knowing requests aren't likely to be granted, they say. "The net result is the client pays money for something that does them no service," said David Stewart, a Charlotte immigration attorney and executive director of the International House. "And, in a worst case, it gift-wraps them for the deportation people." Raids against illegal immigrants and calls for tougher enforcement of residency laws are driving more immigrants to seek legal advice. The N.C. State Bar has cited at least 10 people and businesses for offering unauthorized legal services to Hispanics in the past year, up from three in a similar period five years ago. The bar has investigated allegations from High Point to Raleigh, records show. In Charlotte, a company on North Sharon Amity Road was cited for advertising its legal services in a local Spanish-language newspaper. In another case, a Charlotte woman who was not an attorney charged a client \$2,000 to file an immigration-related petition, which was denied because it was incomplete. "It's a rampant problem here in Charlotte," said Mecklenburg County District Attorney Peter Gilchrist. "It's a new immigrant population, and a large number come from unsophisticated backgrounds."

### 'Notarios'

Sandra Naranjo, who was a student seeking a work visa, said she lost \$2,000 to a consultant. She met Scott Whitman on a winter afternoon in an uptown hotel. About 30 Hispanic immigrants were there to get advice from Whitman, a 39-year-old consultant who ran Immigration Management out of an East Morehead Street law office. Whitman charged \$200 each for the consultation, she recalled. He appeared well-dressed and confident, and assured the immigrants he could help, Naranjo said. Many were in the country illegally and wanted to become legal. What struck Naranjo, who thought Whitman was an attorney, was how he said he could solve any problem. "He'd say, 'This is easy. This is easy,'" said Naranjo. In February, the N.C. State Bar completed an investigation of Whitman and accused him of violating statutes that prohibit anyone other than a licensed attorney from providing legal advice. The bar did not press charges but warned him to stop. Whitman said he would comply, records show. Whitman did not return repeated requests for an interview. His lawyer, Douglas Broucker, said Whitman believed he operated within the law. Whitman was trying to help immigrants who often face legal charges without representation, Broucker said. "His goal was to help people," Broucker said. Many immigration consultants, sometimes known as "notarios," advertise in newspapers, telephone books and other publications catering to Spanish-speaking immigrants. Not all are illegal. Many "notarios," or notary publics, provide legitimate services such as administering oaths and authenticating documents. Eneida Orama, owner of Latin & American Services in east Charlotte, said notarios that operate outside the law hurt the community. Some of her company's clients will ask for immigration advice, but she said her employees direct them immediately to lawyers or the local immigration office. "We're not attorneys," she said. "We can't give legal advice." The name alone often is misleading to unsuspecting immigrants. In Mexico and several Central and South American countries, a notario is a state-appointed, private lawyer with special government powers. Heather Ziemba, an immigration attorney for Legal Services of Southern Piedmont in Charlotte said that 50 percent of her clients have been victimized by notarios. She estimates there are at least 20 operating in the Charlotte area giving legal advice.

### Lack of enforcement

Gov. Mike Easley, responding to calls from Latino advocates, signed a bill in 2001 that prohibits notary publics from providing misleading information about their legal powers. Yet only a few individuals have been prosecuted. The main problem, prosecutors say, is that victims often don't report the crimes. Colon Willoughby Jr., chairman of the Authorized Practice Committee at the N.C. State Bar, said some victims fear that contacting authorities could lead to deportation. In 2001, the state bar won an injunction against Dennis Lockett, 48, and his Charlotte Immigration Services, for posing as an attorney who could assist immigrants with political asylum and residency cases. The American Immigration Lawyers Association has been lobbying Congress to allow federal prosecutions against people posing as lawyers. The U.S. Senate added stiffer penalties to its immigration reform bill. But the House bill doesn't include the measure, and the House and Senate haven't reached a compromise.

### Desperate to be legal

Charlotte has one of the nation's fastest growing Hispanic populations. More than half of the 600,000 Latinos in North Carolina are believed to be in the country illegally. "People are so scared right now," said Claudia Mitchell, an advocate with the Latin American Coalition. "All they want is to be legal." Few realize the odds are against them, she said. In the past three years, the

number of immigration court cases has almost doubled, according to the U.S. Justice Department. Yet only 12 percent of the 264,723 cases heard in 2005 were successful. Eighty-four percent were sent to deportation proceedings.

## Whitman accusations

Former clients, advocates and immigration lawyers say Whitman collected tens of thousands of dollars from immigrants. A former client of Charlotte immigration attorney Cynthia Aziz paid Whitman \$15,000, the family's life savings, to file a permanent residence application, records show. To be eligible, the Salvadoran needed to be in the country since September 1990. He did not arrive until 1994. Whitman told the N.C. State Bar he followed federal regulations that allowed limited representation by law school graduates under the supervision of a licensed attorney. Whitman graduated from **St. John's University School of Law** in New York in 1997. Whitman was scheduled to take the bar in February, but it's unclear whether he did. He is not listed among those who passed the February test, according to the N.C. Board of Law Examiners. Whitman told the bar that he never introduced himself as a lawyer, but several local immigration attorneys and former clients, such as Aissam Mahboub, said he did. Mahboub, a 32-year-old native of Morocco, said he paid Whitman \$9,000 in legal fees to reinstate his student visa. He said he fired Whitman three months later for incompetence. He learned later from an immigration judge that Whitman wasn't an attorney. "He's using the American dream for his profit," Mahboub said. "If someone tells you they can help you, people will sell their house to be legal." Whitman did not advertise as a notario, but he gained many clients through a local Hispanic church, Our Lady of Guadalupe Parish on Tuckaseegee Road. David Hains, a spokesman for the Roman Catholic Diocese of Charlotte, said the parish has many immigrant members and Whitman has often helped them with legal problems. Much of the work, Hains said, has been pro bono and Whitman continues to be one of several individuals the parish refers members to. "He takes on cases that may be more complicated," Hains said, "issues before the immigration court in Atlanta." The church knows Whitman is not an attorney, Hains said. Atlanta Immigration Judge William Cassidy, who heard cases involving Whitman's clients, said he was "shocked" to find out Whitman was not an attorney, according to an Oct. 4, 2005, court transcript. "You took pleadings in front of me. You filed documents before me," Cassidy told Whitman, the transcript shows. "You have no authority to do any representation on behalf of any client." Whitman dissolved his business, Immigration Management. But he continues to work in the legal field as a legal assistant, according to Tim Redmond, a Charlotte immigration attorney. Whitman works under Redmond's close supervision, Redmond said, and does not give clients legal advice. Maria, a Mexican native who asked that her last name not be used because of her immigration status, learned about Whitman through Our Lady of Guadalupe. She said she paid Whitman thousands of dollars to file a residency application on her family's behalf. "We were so excited," she said. "We thought we were getting close. He promised to help us. Instead, he caused us problems." Philip Turteltaub, an immigration attorney who later took on Maria's case, said the application never had a chance. Turteltaub said the family needed to be in the country 10 years, but has been here only eight years. "People are desperate," Turteltaub said. "No one likes to hear 'no.' So, when someone says 'Yes, just give me this amount of money,' they do."

## Avoid a Scam

*Immigrants who need an attorney should beware of:* • Notaries, consultants, service bureaus, travel agents or others who promise quick, easy solutions to immigration problems.

- Anyone who guarantees visas for a certain fee.
- Lawyers from other countries who may not know U.S. laws and are not licensed to practice in the U.S.
- People who say they "know someone" who has an "inside track" or anyone who wants money to influence or bribe.
- Unlicensed operators

SOURCE: American Immigration Law Foundation

## Referral Service

If you're unsure whether the person offering you immigration services is a lawyer or an accredited representative, ask to see accreditation letters or U.S. bar admission certificate. Call the American Immigration Lawyers Association's referral service at 800-954-0254 or send an e-mail to [ils@aila.org](mailto:ils@aila.org) to receive information on immigration lawyers near you.