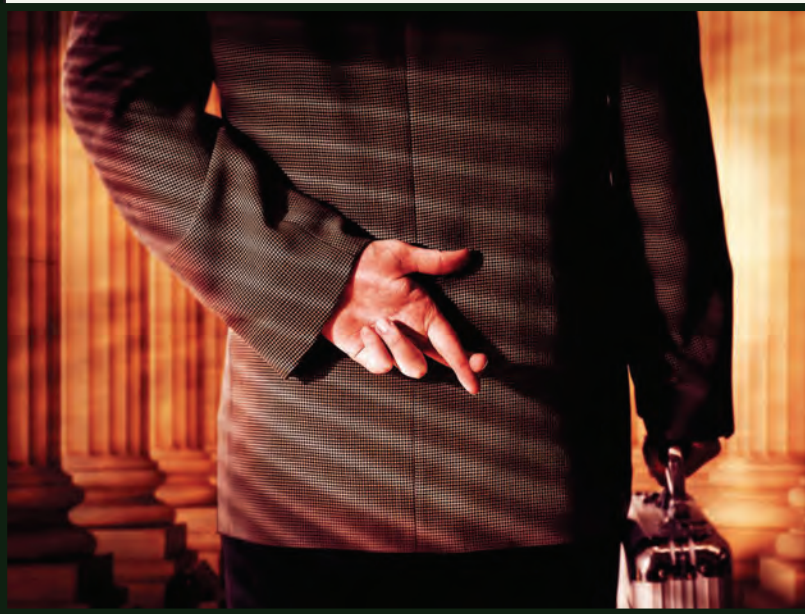


By: Neelofer Syed, ESQ

*The recent announcement by the Department of Homeland Security (DHS) sent waves across the migrant communities. Most people, who have not read the entire release, happen to misinterpret it as some kind of legalization program to help "out of status" or "undocumented" aliens become legalized. There is also a common misunderstanding developing among people that now, anyone can apply for employment authorization card and become legally employed.*



The main objective of this article is to warn all the undocumented/out of status aliens of common immigration scams so they do not become a victim to them.

I feel bad destroying the false hopes this announcement has created but the fact is that **the recent announcement is NOT a legalization program.** In addition the prevalent understanding that under this program

anyone could apply for employment authorization is also untrue.

Since the recent announcement by the Department of Homeland Security (DHS), the phones at my office have been ringing nonstop. Every other caller has same questions to ask, can they apply to get employment authorization? Will they become legal now? Is there any fine that is to be paid? While it feels bad to shatter their hopes but at this time it is extremely important that every person, whether an attorney or not, acquires and spreads the right information to avoid any kind of immigration scams.

The recent immigration announcement is being widely misunderstood and that is very concerning. It is concerning because it also opened doors to potential immigration fraud. In other words, many "notaries" or so called "immigration consultants" see it as an opportunity to make money by selling false dreams of legalization. They may also commit fraudulent filings just to get money into their pockets by ripping off the undocumented/out of status persons.

The announcement on August 18<sup>th</sup>, 2011 by Secretary Napolitano can become a breeding ground for various immigration scams. I say this because I have already seen one person getting ripped off by a so called "immigration consultant" and to spread the word of caution, I will be sharing his story with you.

People involved in immigration scams keep waiting for such opportunities like vultures. I was surprised to find out that within five days of the announcement the "immigration consultants" were deep into the game. One person who became victim happens to be the brother of one of my clients. For the purpose of this article we will call him The Wise Guy.

Soon after the announcement The Wise guy, who happens to trust the "immigration consultants" more than qualified attorneys, reached out to one of the immigration consultant somewhere in Lakeland, FL. For the purpose of this article we will refer to this consultant as Mr. Crook. The Wise Guy knew Mr. Crook through a friend of a friend's cousin. (By the way the friend of that friend's cousin used the services of Mr.

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Crook a few years ago and Mr. Crook managed to get him deported successfully.) Nevertheless, The Wise Guy appreciated that the case of the friend of his friend's cousin was probably very weak hence Mr. Crook with all his crookedness could not save him.

Anyway, when The Wise Guy called Mr. Crook he was told "Yes we can get you employment authorization in short time and you should also become legal in a year or two". Mr. Crook told the Wise Guy about his secret connections with Government Officers and told him that he should file his paperwork without wasting a minute. The Wise Guy was also told that while the Government has not announced yet but there will be \$5000.00 fine attached with such filing, since Mr. Crook was closely connected with the Government officers, he was privy to such information. In addition there was \$3000.00 fee payable to Mr. Crook for preparing the paperwork.

The Wise Guy begged and borrowed and finally arranged the full \$8000.00 payment within 24 hours. He provided Mr. Crook with requested information about his background, addresses, manner and date of last entry in the U.S. etc. Mr. Crook being the most efficient person prepared all the paperwork by August 20<sup>th</sup>, 2011, took the payment and made The Wise Guy the happiest person walking out of the Starbucks café. Yes, Starbucks was the convenient meeting place, the Wise Guy does not even know where Mr. Crook's actual office is (if indeed there is one!).

The Wise Guy remained the happiest person until his brother forced him to speak to me to get a second opinion. The saddest part is that The Wise Guy is still hesitant to believe the truth. He still thinks that Mr. Crook may know of some process which the Attorneys don't know about. I have been informed this morning that Mr. Crook is not answering the phone calls from The Wise Guy, but I also understand that The Wise Guy does not want to step out of the comfort zone that his paperwork must get him some legal status especially that employment authorization card he has been long waiting for.

I just hope that none of the undocumented/out of status persons, become victims of such scams.

Indeed the August 18<sup>th</sup> announcement by DHS may only be regarded as a starting point. The details of how this new policy would be implemented are yet to come. It is important to recognize that this is not a program where anyone can sign up for getting employment authorization or legal status. This new policy is applicable to cases already before immigration.

Under this new policy, the USCIS, CBP and ICE agents will have a prosecutorial discretion to determine "low priority" cases. In other words they will have broader discretion to determine who should be placed in removal proceedings and which cases (if already in removal proceedings) could be administratively closed. The policy will be applicable to cases before the immigration court or before USCIS.

It is believed that the low priority cases could be the ones where the alien is not a security threat; has no criminal record; or is not otherwise harmful to the community. However, there is NO clear cut definition of which cases will be treated as low priority, ONLY the immigration officer will be able to make that decision.

**If you are undocumented or out of status PLEASE DO NOT believe anyone that tells you that they can get you an Employment Authorization or help you become legal in light of the new announcement by Obama administration.** I also request you to spread the word among your friends or other people that could benefit from this. Last but not the least ... do not play with your future by relying on the advice of "Immigration consultants" or "notaries". Try to seek advice from a qualified immigration attorney and chances are that you won't regret it.

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