

Refugee Law & Migration Studies Brief

Volume 1 | Issue 2

Article 3

August 2023

Nefarious Notarios: Responding to Immigration Scams as White Collar Crime as a Matter of Public Policy

Sarah Cossman
sc2753a@american.edu

Follow this and additional works at: <https://digitalcommons.wcl.american.edu/refugeemigrationstudiesbrief>



Part of the [Human Rights Law Commons](#), [Immigration Law Commons](#), [International Humanitarian Law Commons](#), and the [International Law Commons](#)

Recommended Citation

Sarah Cossman, *Nefarious Notarios: Responding to Immigration Scams as White Collar Crime as a Matter of Public Policy*, 1 Refugee L. & Migration Stud. Brief 1 (2023).
Available at: <https://digitalcommons.wcl.american.edu/refugeemigrationstudiesbrief/vol1/iss2/3>

This Student Article is brought to you for free and open access by the Washington College of Law Journals & Law Reviews at Digital Commons @ American University Washington College of Law. It has been accepted for inclusion in Refugee Law & Migration Studies Brief by an authorized editor of Digital Commons @ American University Washington College of Law. For more information, please contact kclay@wcl.american.edu.

NEFARIOUS *NOTARIOS*: RESPONDING TO IMMIGRATION SCAMS AS WHITE COLLAR CRIME AS A MATTER OF PUBLIC POLICY

By Sarah Cossman¹

INTRODUCTION

Immigration scams targeting non-citizens can have devastating impacts on an individual's status and ability to remain in the United States legally. The phenomenon of *notario* fraud occurs when an individual misrepresents themselves as a *notario publico* in an effort to defraud immigrants seeking legal services. In Spanish-speaking countries, a *notario publico* is a highly trained legal professional, akin to an attorney, who provides legal advice and drafts legal documents.¹ The term is a false cognate. The English equivalent, a notary, is an individual with narrow witnessing duties and much less discretion.² Problems arise when individuals obtain a notary public license in the United States and use that license to substantiate representations that they are a *notario publico* to immigrant populations that ascribe a vastly different meaning to the term.³

Individuals victimized by notaries and others who misrepresent their legal capabilities are the victims of white-collar crime but have limited avenues of recovery. Because *notario* fraud is both an immigration scam and a white collar crime, it can be challenging for individuals to know how, where, and with whom to claim their rights. *Notarios* target a naturally vulnerable population, creating a white collar crime that is perpetrated against a collarless population.

Notario fraud jeopardizes the immigration status of the individual. The most effective remedy for salvaging immigration status is the U-visa. The U nonimmigrant status (U-visa) is set aside for victims

of certain crimes who have suffered mental or physical abuse and are helpful to law enforcement or government officials in the investigation or prosecution of criminal activity.⁴ Additionally, victims are often defrauded of hundreds to thousands of dollars. One way to remedy this is filing a claim with the Federal Trade Commission ("FTC"). Appealing to the FTC for help with a refund paints the scam as a business problem with a business solution, with little to no impact as it relates to immigration or prosecution. Finally, legitimate legal representatives who engage in *notario* fraud may face sanctions from their state Bar Association. This offers little relief to those who have already been harmed, but may mitigate future harm to others. While the Department of Justice ("DOJ") Executive Office for Immigration Review ("EOIR") has a fraud and abuse prevention program, it does not offer a unified form of relief. *Notario* fraud needs to be specifically managed at the federal level to vindicate victims' rights. Without a comprehensive and unified method of identifying and prosecuting *notario* fraud, the crime goes on unchecked, those who wish ill will are permitted to continue harming communities, and vulnerable individuals slip through the cracks of the justice system.

I. ANALYSIS

A. *NOTARIO* FRAUD AS A WHITE COLLAR CRIME

Notario fraud is an immigration scam targeting noncitizens that is carried out in a manner consistent with white collar crime. Mail fraud, wire fraud, and perjury are the crimes most likely to be committed in furtherance of *notario* fraud. The mens rea of

¹ Sarah Cossman is a 3L at American University Washington College of Law, and graduated from Syracuse University. Her passion for and experience with immigration law and white collar crime have coalesced to create a research interest in *notario* fraud. This fall, Sarah will be working in the enforcement division of the U.S. Securities and Exchange Commission.

white collar crimes is typically deceit and concealment. To prosecute a white collar crime, the government bears the burden of proving the purpose of the scheme was to deceive and cause harm. *Notario* fraud most commonly occurs when an immigrant seeks counsel for an immigration related matter, such as a work authorization, and the individual files an asylum claim without the immigrant's knowledge. Because this is done without the knowledge or consent of the immigrant, the standards for deceit and concealment are met. Some immigration attorneys believe that filing asylum paperwork is the most persuasive way to get status for their clients, even if they don't qualify. However, once you file a frivolous asylum claim, you are barred from any other form of recovery.⁵ The Court may enter a finding that the respondent has submitted a frivolous asylum application if it determines that the respondent deliberately fabricated any material elements of their asylum application.⁶ The deceit and concealment of the individual, whether that is a *notario*, an attorney, or another member of the community, can have devastating impacts on the life of the immigrant.

Most immigration paperwork is printed and mailed to the appropriate service center. Forms may be handwritten or typed, but must be signed by the individual, an interpreter, if one was used, and the preparer; the preparer must be an attorney or accredited representative. The Form I-589 is the application for asylum and withholding of removal.⁷ Mail fraud requires (1) the government to prove a scheme devised or intending to defraud or for obtaining money or property by fraudulent means; (2) use or causing the use of the mail in furtherance of the fraudulent scheme. Materiality is essential to proving mail fraud. Because immigration forms must be mailed, *notario* fraud is, at its root, mail fraud. The forms are eventually going to arrive at the service center which will allow for the proving of mailing. The mailing element of a mail fraud offense may be satisfied by a mailing that is only incidental to an essential part of a fraudulent scheme.⁸ For *notario* fraud, even if the actual scheme prosecuted is the immigration scam, the in furtherance standard set by Schmuck is still satisfied because the scheme has been carried out using the mail system.

Because the Form I-589 can also be filed

electronically, this is naturally a wire fraud for multiple reasons. A conviction of wire fraud requires evidence of the defendant's intent to further a fraudulent scheme.⁹ To be guilty of wire fraud, the defendant must (1) participate in a plan to defraud while possessing the intent to defraud and (2) the defendant must use interstate wire communications to effect the fraud.¹⁰ *Notario* fraud meets the requirements for wire fraud because by purposefully filing a frivolous asylum claim, the individual is defrauding the immigrant of their right to lawful status and future immigration matters. Because the individual can send the form electronically, and it's more likely than not that state lines will be crossed in pursuance of the crime, the standard for wire fraud is met. Wire fraud also occurs during *notario* fraud if payment for the fraudulent service is rendered electronically. It is not uncommon for clients to have payment plans linked to credit cards. Once the *notario*, or other representative, takes payment from the immigrant, they have engaged in another form of wire fraud.

Perjury can occur at multiple stages of the *notario* fraud. The Form I-589 must be signed by the applicant and anyone who assisted in filling out the form. Most commonly, the preparer of the form is an immigration attorney. The form states that a preparer must be an attorney or an accredited representative.¹¹ The standards for both can be found on the Form G-28, which is the notice of entry of appearance.¹² If a legitimate attorney is fraudulently filing an asylum claim, they will commit perjury when they fill out the Form I-589. Someone who is not an accredited representative will not fill out the Form G-28 either because they do not know to or because they do not want the fraud more easily traced to them. This person will commit perjury when they sign the part of the Form I-589 identifying themselves as an attorney or accredited representative. The immigrant themselves is likely to accidentally commit perjury because they are often made to sign blank forms without knowledge of what the form is, nor its purpose.

B. REMEDIES

The severe implications for immigrants who fall prey to *notarios* can include missed deadlines in legal proceedings, the submission of incorrect, incomplete, or falsified forms to the

government, squandered opportunities to gain immigration status, unnecessary deportation, and civil or criminal liability for making false statements to authorities. In addition to endangering immigrants' legal status, *notarios* routinely cheat low-income communities out of tens of thousands of dollars. Because there is no federally unified way of managing *notario* fraud, there is no single remedy that can be sought by immigrants who have been defrauded. There are remedies available if *notario* fraud is treated as an immigration scam, as a white collar crime, or as a business scam. Without federal regulation, the problem is splintered, much like a hydra, and the immigrant community ends up experiencing the same thing in different ways. Without a prosecutorial catch-all, it will be harder to prosecute and prevent *notario* fraud.

i. Immigration Remedies

There are few ways for an immigrant to recover from *notario* fraud within the realm of immigration law. Because the penalty for filing a frivolous asylum application is so severe, it's challenging to seek a remedy. The most persuasive form of recovery is the U-visa. Congress created the U nonimmigrant visa with the passage of the Victims of Trafficking and Violence Protection Act (including the Battered Immigrant Women's Protection Act) in October 2000.¹³ The list of qualifying crimes does not include *notario* fraud specifically, nor is there an umbrella qualification for fraud. There is a category for "other related crimes" but without more specific guidelines, victims of *notario* fraud have a harder time proving their claim. The decision to approve a U-visa is discretionary, which means USCIS officials can ultimately decide whether potential immigrants deserve the waiver. When making U-visa determinations, USCIS analyzes the nature of the injury inflicted, the severity of the perpetrator's conduct, the severity of the harm suffered, the duration of the infliction of the harm, and the extent to which there is permanent or serious harm to the appearance, health, or physical or mental soundness of the victim.¹⁴ If the immigrant can prove they suffered a qualifying crime, they may be granted asylum and permitted to remain in the United States.

A frivolous asylum claim results in a notice to appear ("NTA") and order of removal for the immigrant. Unfortunately for the immigrant, if they had no knowledge of the filing of the asylum application, it's unlikely they will receive notice of the NTA and will not show up to court. This creates several problems. First, they will be ordered removed in absentia. Any legal status the immigrant had prior will be revoked. They might then begin to accrue unlawful presence, if they weren't already. Equitable tolling is the most compelling remedy for these issues. Congress has provided for the rescission of orders of deportation entered in absentia under certain circumstances.¹⁵ *Notario* fraud can qualify as an exigent circumstance for equitable tolling. Under CFR § 1003.23(b)(4)(iii), the bar does not begin until fraud is discovered, which means the clock starts when the immigrant learns of the fraudulent asylum application, not when the NTA is issued. Some courts have held that equitable tolling is appropriate when the petitioner was defrauded by an individual purporting to provide legal representation.¹⁶ In one Ninth Circuit case, a *notario* victim requested a stay of his order of removal in order to seek U-visa relief. The judge opined that two better alternative remedies existed in lieu of U-visa relief.¹⁷ First, he noted that fraudulent representation can support a claim of ineffective assistance of counsel, which could allow for order of removal reopening.¹⁸ Second, "deceptive action by a notary posing as an attorney" that leads to late filing may allow for the time period for filing a motion to be "equitably tolled."¹⁹ Even within immigration law, there is no unified way to handle the consequences of *notario* fraud, which puts victims at a disadvantage. These alternative remedies do not provide reliable avenues of relief for victims of immigration fraud. At a societal level, the lack of a predictable form of relief is problematic.

The U-visa is currently the most persuasive form of recovery, despite the difficulty immigrants face in obtaining this status, and the fact that it still only rights part of the wrong. A major impediment to applications of the U-visa as a tool to combat immigration services fraud is the generalized lack of success that all non-violent crime victims experience in obtaining this status. If an immigrant pursues their *notario* fraud claim as a business scam, they're

barred from U-visa recovery. The statute makes explicit allowance for qualification through “substantial... mental abuse” in addition to physical abuse and includes criminal activity categories that cover non-violent criminal activity: domestic violence, involuntary servitude, blackmail, extortion, witness tampering, obstruction of justice, and perjury.²⁰ Law enforcement agents should be more liberal in their certification of U-visa Supplement B forms, so that more victims have the opportunity to have their claims heard. There are already too few methods of recovery for victims; those who have the capacity to alleviate some of this tension should take every opportunity to do so.

ii. Legal Remedies

When the individual committing the *notario* fraud is a licensed attorney, they can be punished through their state Bar, the American Bar Association (“ABA”), or fraud divisions of various agencies. Neither avenue offers a remedy for the current victim, but may protect other immigrants at risk of falling prey to the same lawyer. A fraudulent immigration services provider who convinces an applicant to invent information, which is then signed as a sworn statement, solicits perjury. Similarly, a provider who knowingly attests to false information commits perjury. Additionally, a non-lawyer pretending to be a lawyer, also committing the crime of unauthorized practice of law, may commit perjury on many occasions, such as when they sign any document swearing that they are authorized to represent the immigrant. Rule 3.3(a)(1) from the Model Rules of Professional Conduct states that a lawyer shall not knowingly make false statements of material fact or law to a tribunal or fail to correct a false statement of material fact of law previously made to the tribunal by the lawyer. Where *notario* fraud is concerned, filling out an asylum application when you know the immigrant does not qualify constitutes a false statement of material fact. In the Alabama case, *Cooner v. State*, sufficient evidence supported finding that the defendant intentionally filed falsified asylum applications on behalf of purported clients.²¹ The requirement to support convictions for first degree perjury was met when clients were shown the asylum applications during trial, and testified that they had simply been told to verify their personal information and sign the

forms.²² Clients testified that they never told anyone at the defendant's office that they were seeking asylum for the reasons stated in the applications, and at no point did anyone from the defendant's office discuss the forms with clients or tell them that they were filling out asylum applications. This lawyer had already been disbarred and was not supposed to be practicing immigration law. In theory, the penalty of perjury should be sufficient to stop repeat offenders. Cooner lied about being barred in another district while he continued to engage in *notario* fraud, and without stronger, more unified enforcement mechanisms, there's little reason to expect this behavior to cease.

iii. Financial Remedies

Treating *notario* fraud as a business scam allows for financial recovery from the Federal Trade Commission. Immigration scams often charge consumers after making misleading or fraudulent promises to deliver legal services. All U.S. consumers enjoy the same protections, regardless of citizenship status, and scams encroach on fair treatment during a business transaction. Since the FTC is a law enforcement arm tasked with protecting consumer rights, it makes sense that immigrants would appeal to the FTC as a remedy. The FTC began a campaign with USCIS, DOJ, and DHS to alert communities to the dangers of the incompetent or false *notarios*.²³ In June 2011, these agencies announced their commitment to “educate immigrants about these scams,” and to inform them “about the legal immigration process and where to find legitimate legal advice and representation.”²⁴ As part of this joint agency initiative, the FTC has specifically dedicated a portion of its consumer fraud database to facilitate law enforcement agencies’ investigations of immigration services scams.²⁵ This an effort at the national level to remedy *notario* fraud, and there are similar efforts being made at state and local levels.

C. LEGISLATIVE FIXES

Due to the devastation of vulnerable immigrant communities, immigration services fraud has recently drawn increased attention from policy makers at the local, state, and national levels. The

New York State Attorney General's Civil Rights Bureau, for example, rates immigration services fraud as "an issue of national importance, affecting large segments of communities" and has launched an initiative against the problem that has involved several legal actions against fraudulent services providers.²⁶ At the municipal level, policy responses include a New York City Department of Consumer Affairs initiative, which has inspected over 280 immigration service providers, issuing 134 violations and collecting \$288,268 in fines.²⁷

States like New York and California are making the most notable strides in effecting change within immigrant communities and against *notario* fraud. In early February, Los Angeles County District Attorney George Gascón announced that a 56-year-old woman had been charged with scamming more than a dozen immigrants by pretending to be a consultant, and, at times, an attorney.²⁸ For the past 14 years, Nubia Esmeralda Burrier met with victims at her office across the street from the U.S. Immigration Court. She allegedly filed for political asylum on their behalf even though she knew they were not eligible.²⁹ The case remains under investigation by the District Attorney's Economic Justice and Notario Fraud Unit and the Los Angeles County Department of Consumer and Business Affairs. The DA said "she was repeatedly told she could not legally provide immigration services, but, nevertheless, she ignored these warnings" which illustrates how even in the states working the hardest, there is no single office managing these cases and people continue to slip through the cracks.³⁰

Immigration is legislated federally, but the burden of managing immigration typically falls to individual states. In the same way, *notario* fraud is an issue of national importance with the potential to be federally regulated, yet, states are attempting to handle the problem on their own. This fragmented approach, a lack of approach, really, has resulted in continued issues for immigrants across the country. While officials in New York and California are attempting to pass legislation and prosecute at higher rates, disbarred Alabama attorneys are able to continue their malevolent practice of law. Until there is a unified system for prevention and prosecution of *notario* fraud, complete with educational training, new task forces, and increased

increased awareness disseminated amongst attorneys, immigration communities, and the general public, the United States will not see improvements in this area. The DOJ should look to its own human trafficking enforcement initiatives to create a framework for managing *notario* fraud.

There is precedent for the United States government handling nationally pervasive issues that impact citizens and non-citizens alike. The DOJ's human trafficking initiative offers a relevant tie-in to managing *notario* fraud. Under the Justice for Victims of Trafficking Act (JVTA) of 2015, the Department of Justice is required to implement and maintain a National Strategy to Combat Human Trafficking ("Strategy").³¹ The Department's Strategy will be implemented under the direction of the National Human Trafficking Coordinator ("NHTC") designated by the Attorney General in accordance with the Abolish Human Trafficking Act of 2017. The Strategy is made up of the "three Ps" paradigm of protection of victims of trafficking, prosecution of human trafficking cases, and prevention of human trafficking. The paradigm emphasizes the importance of partnership, enhancing collaboration at the federal, state, local, Tribal, and territorial levels and with external partners to improve results.³² Along with the trafficking enforcement mechanisms, the DOJ has offered immigration protections to non-citizens who have been victims of human trafficking. T nonimmigrant status ("T-visa") is a temporary immigration benefit that enables certain victims of a severe form of trafficking in persons to remain in the United States for an initial period of up to 4 years if they have complied with any reasonable request for assistance from law enforcement in the detection, investigation, or prosecution of human trafficking or qualify for an exemption or exception.³³ The T-visa is also available to certain qualifying family members of trafficking victims.³⁴ Creating a task force and instituting a similar connection between agencies and territorial levels would allow for the federal government to more effectively prosecute and prevent *notario* fraud nationally. Following the T-visa structure to strengthen the U-visa also gives immigrants a stronger avenue of recovery. The foundation for this adjustment has already been laid by the DOJ's trafficking initiatives, it just needs to be applied to *notario* fraud.

The DOJ's mission statement is "to provide leadership, resources, and solutions for creating safe, just, and engaged communities" and its priority for fiscal year 2023 is "[ensuring] rights, access, and equity for all victims of crime."³⁵ Effectively preventing and prosecuting *notario* fraud should be a DOJ priority because it directly relates to community safety and equity for victims. The EOIR Fraud and Abuse Prevention Program ("the Fraud Program") is a centralized place to make complaints about issues of fraud, immigration scams, and the unauthorized practice of immigration law.³⁶ EOIR's Fraud Program further supports fraud and unauthorized practitioner investigations, prosecutions, and disciplinary proceedings initiated by local, state, and federal law enforcement and disciplinary authorities.³⁷ The Fraud Program also provides training for EOIR personnel, outreach materials, and education for the public around these issues. By working in collaboration with EOIR's Attorney Discipline Program, the Fraud Program attempts to mitigate future harm. In addition to these efforts, the Fraud Program offers information and a centralized location to submit complaints. But this is not sufficient. This method of remedy only works when people have the capacity to recognize they've been scammed, either by obtaining competent representation or community organization efforts. Hoping that those who are the victim of a crime will find their way to the appropriate enforcement agency is a violation of the DOJ's mission statement. The DOJ has already made efforts to combat *notario* fraud and similar crimes, the framework simply needs to be strengthened and expanded.

Congress has begun to attempt regulation of *notario* fraud. H.R.4435, the Fight Notario Fraud Act of 2021, prohibits certain types of fraud or misrepresentations related to immigration matters, provides for criminal penalties for such actions, and contains related provisions.³⁸ Specifically, a person shall be subject to fines, imprisonment, or both, if that person knowingly executes a scheme related to immigration laws to (1) defraud another, or (2) receive anything of value from another based on false pretenses or representations. Such a person shall be subject to additional criminal penalties if that person (1) threatens to report another to federal or state authorities, (2) takes actions or makes attempts to adversely impact another's immigration

status, or (3) demands or retains anything of value for services fraudulently performed or not performed.³⁹ Similarly, a person shall be subject to fines, imprisonment, or both, if the person knowingly and falsely claims to be an attorney or an accredited representative in any matter arising under the immigration laws.⁴⁰ In essence, the bill creates three new federal crimes, it: outlaws the provision of fraudulent immigration services, prohibits misrepresentations by individuals who falsely claim to be authorized to practice immigration law, and seeks to hold accountable those who take advantage of some of the least sophisticated consumers. This bill covers the three previously mentioned issues and their varied remedies. Successful implementation of this bill could result in huge strides made in the fight against *notario* fraud. Congressional efforts signal to the affected community, and wrong doers alike, that the United States views this as a legitimate issue and cause for concern for the nation's population.

D. PROSECUTING WITHOUT LEGISLATION

It will be challenging to enact any meaningful change against the issue of *notario* fraud without legislation. Corporate liability and collective knowledge are two methods of getting at fraudsters should the other avenues fail or legislation stall.

Notarios don't typically work alone, especially when the fraud is being committed by a legitimate immigration attorney. In *Cooner v. State*, the victims dealt with the attorney, Cooner, and other employees.⁴¹ All three of these individuals should be held liable for the fraud. A corporation may be held criminally culpable for the acts of its employee agents.⁴² Adding this charge to the firm as a whole, and thereby the attorney and the employees, could increase the likelihood of a conviction. Corporate liability might apply, except smaller firms and organizations typically have a limited structure. While this might be harder to prove for a smaller firm, it may incentivize larger firms to keep a close eye on their employees.

Collective knowledge is likely easier to prove than corporate liability. Businesses, small firms, and organizations engaging in *notario* fraud typically shut down and relocate when victims start asking

questions and requesting refunds. With respect to the knowledge element of a crime, an institution may be deemed to possess the collective knowledge of its employees.⁴³ Even if only one employee was engaging in *notario* fraud, the entire institution could be sanctioned.

It's difficult to imagine widespread social change being effectuated without legislation. Pursuing corporate liability and collective knowledge claims against groups committing *notario* fraud might lead to a decrease in the frequency of fraud being committed and an increased rate of prosecution, but this is not likely to be as effective as policy changes.

II. CONCLUSION

The immigration scam, *notario* fraud, targets noncitizens who have limited access to forms of recovery within the United States legal system. Because *notario* fraud is immigration fraud, and at the same time a white collar crime and a business scam, it is challenging for victims to seek an appropriate remedy. The opportunity to seek an immigration remedy, legal remedy, or financial remedy leaves the victims in an uncertain position with regards to their rights. Without direct legislative changes from the DOJ, the problem will continue to persist and immigrants will continue to be victimized. *Notario* fraud is an issue of national importance with the potential to be federally regulated. Yet states like New York and California are attempting to handle the problem on their own, leaving behind immigrants in other states, such as Alabama. Efforts made on a state level are a step in the right direction, but placing the burden on the federal government would result in more effective prevention and prosecution. Legislation is the best option for enacting meaningful change. The DOJ should look to its own trafficking initiatives as a foundation for legislating *notario* fraud. *Notario* fraud jeopardizes an individual's immigration status and it's the DOJ's responsibility to provide leadership, resources, and solutions for creating safe, just, and engaged communities; this includes protecting immigrants.

ENDNOTES

- ¹ Important Differences Between Notaries and “Notarios”, Nat’l Notary Ass’n, 2023, <https://www.nationalnotary.org/knowledge-center/about-notaries/notaries-and-notarios>.
- ² *Id.*
- ³ About Notorio Fraud, American Bar Ass’n, Jan. 31, 2022, https://www.americanbar.org/groups/public_interest/immigration/projects_initiatives/fightnotariofraud/about_notario_fraud/
- ⁴ Victims of Criminal Activity: U Nonimmigrant Status, Mar. 20, 2023, <https://www.uscis.gov/humanitarian/victims-of-human-trafficking-and-other-crimes/victims-of-criminal-activity-u-nonimmigrant-status>
- ⁵ 8 U.S.C. §1158(6)
- ⁶ See 8 C.F.R. § 1208.20.
- ⁷ Form I-589 Application for Asylum and Withholding of Removal, U.S. CITIZENSHIP & IMMIGR. SERVS., <https://www.uscis.gov/sites/default/files/document/forms/i-589.pdf>.
- ⁸ *Schmuck v. United States*, 489 U.S. 705, 109 S. Ct. 1443 (1989).
- ⁹ *United States v. Czubinski*, 106 F.3d 1069 (1st Cir. 1997).
- ¹⁰ *Id.*
- ¹¹ *Supra*, Form I-589 Application for Asylum and Withholding of Removal, at 9.
- ¹² For an example of a form on which this would occur, see USCIS, G-28 Notice of Entry of Appearance as Attorney or Accredited Representative, *available at* <http://www.uscis.gov/files/form/g-28.pdf>.
- ¹³ Victims of Criminal Activity: U Nonimmigrant Status, Mar. 20, 2023, <https://www.uscis.gov/humanitarian/victims-of-human-trafficking-and-other-crimes/victims-of-criminal-activity-u-nonimmigrant-status>
- ¹⁴ U Visa Law Enforcement Resource Guide, 2019, https://www.dhs.gov/sites/default/files/publications/20_1228_uscis_u-visa-law-enforcement-resource-guide.pdf
- ¹⁵ *Nunez v. Gonzalez*, 231 Fed.Appx.666.
- ¹⁶ *Lopez v. INS*, 184 F.3d 1097.
- ¹⁷ *Castillo v. Gonzales*, 235 Fed. App’x 540 (9th Cir. 2007).
- ¹⁸ *Id.* at 540 (citing *Lopez v. INS*, 184 F.3d 1097, 1100 (9th Cir. 1999)).
- ¹⁹ *Id.* at 541 (citing *Varela v. INS*, 204 F.3d 1237, 1239 (9th Cir. 2000)).
- ²⁰ INA, 8 U.S.C. § 1101(a)(15)(U)(iii).
- ²¹ *Cooner v. State*, 272 So. 3d 206 (Ala. Crim. App. 2018).
- ²² *Id.*; Ala. Code §§ 13A-10-100(b)(2), 13A-10-101.
- ²³ Margaret Serrano, *Legal Services Fraud in Immigrant Communities and the U Visa’s Potential to Help Victimized Communities Help Themselves*, at 524, 4 NORTHEASTERN UNIV. L.J. 517 (2012).
- ²⁴ *Id.*
- ²⁵ *Id.*
- ²⁶ Common Forms of Immigration Fraud, Off. of the Att’y Gen., State of N.Y., http://www.ag.ny.gov/bureaus/civil_rights/immigration_fraud/victim.html (last visited Apr 30).
- ²⁷ Evelyn Erskine, Abigail Lootens & Kay Sarlin, Multi-Agency Effort to Combat Immigration Service Scams, N.Y. City Dep’t of Consumer Affairs (June 9, 2011), http://www.nyc.gov/html/dca/html/pr2011/pr_060911.shtml.
- ²⁸ Los Angeles County District Atty’s. Off. February 9, 2023: Woman Charged With Rendering Fraudulent Immigration Services, <https://da.lacounty.gov/media/news/woman-charged-rendering-fraudulent-immigration-services>
- ²⁹ *Id.*
- ³⁰ *Id.*
- ³¹ See 34 U.S.C. § 20711(a); Department of Justice, National Strategy to Combat Human Trafficking at 1, https://www.justice.gov/d9/press-releases/attachments/2022/01/31/doj_ht_strategy.pdf.
- ³² *Supra*, National Strategy to Combat Human Trafficking at 1.
- ³³ Victims of Criminal Activity: U Nonimmigrant Status, Mar. 20, 2023, <https://www.uscis.gov/humanitarian/victims-of-human-trafficking-and-other-crimes/victims-of-criminal-activity-u-nonimmigrant-status>
- ³⁴ *Id.*
- ³⁵ Department of Justice Office of Justice Programs, FY 2023 Budget Request Overview, <https://www.ojp.gov/sites/g/files/xyckuh241/files/media/document/fy23budgetoverview.pdf>
- ³⁶ Department of Justice, Fraud and Abuse Prevention Program, <https://www.justice.gov/eoir/fraud-and-abuse-prevention-program>
- ³⁷ *Id.*
- ³⁸ Fight Notario Fraud Act of 2021, H.R.4435, 117th Cong. (2021-2022).
- ³⁹ *Id.*
- ⁴⁰ *Id.*
- ⁴¹ *Supra*, *Cooner v. State* at 3,4.
- ⁴² *N.Y. C. & H. R. R. Co. v. United States*, 212 U.S. 481, 29 S. Ct. 304 (1909).
- ⁴³ *United States v. Bank of New England, N.A.*, 821 F.2d 844 (1st Cir. 1987).