How to Avoid Immigration Fraud

Immigration fraud will not only waste your family’s money, but can also damage your legitimate immigration opportunities. There are NO hidden or secret laws within immigration law.

People Who Can Provide Help with Immigration Law
The most effective way to prevent immigration fraud is to check and confirm that the person handling your immigration case has the correct qualifications.

Although friends, families, religious communities, and civil organizations who are involved with immigrants can provide help, they cannot charge you with fees or legally represent you.

Only lawyers in the U.S. or representatives specifically accredited by the U.S. Dept. of Justice, have the qualifications required to provide immigration services for fees. Be aware that people who advertise in newspapers, radio stations, or TV might NOT be a lawyer or an accredited representative.

If someone who is not a lawyer or an accredited representative approaches you, you may be in danger of immigration fraud.

How to Check a Lawyer
Each state court operates a website to verify the qualifications of lawyers. Websites for New York and New Jersey are provided below:

New York:  http://iapps.courts.state.ny.us/attorney/AttorneySearch
New Jersey:  https://portal.njcourts.gov/webe5/AttyPAWeb/pages/home.faces

WARNING: Even if a lawyer’s name is on the website, the lawyer MUST NOT have any records of being disciplined, suspended, or disqualified. You MUST research and check to ensure that your lawyer has a good reputation.

How to Check an Authorized Representative
Only authorized agencies or representatives can represent you on your immigration affairs. The U.S. Department of Justice publishes a list of authorized agencies and individuals.

If, by chance, the person is not a lawyer, then you must go to the website (provided below) and check to see whether the person is an authorized representative.  
Common Immigration Scams

1. **Selling immigration forms:**

   Immigration forms are available free of charge at www.uscis.gov. You will NEVER be asked to pay for an immigration form.

2. **Suggesting entitlement to register for permanent residency (Green Card) after living in the United States for more than 10 years:**

   The US does not grant permanent residence according to the period of residence. The relief in immigration court of Cancellation of Removal is not for everybody who lived in the United States for more than 10 years, but only extreme cases.

3. **Suggesting a diversity lottery ticket for permanent residency:**

   Immigrants from countries with historically low rates of immigration to the United States are eligible for the Diversity Visa Program.

   Please be aware that immigrants from the following countries are **NOT** eligible: Bangladesh, Brazil, Canada, China (mainland-born), Colombia, Dominican Republic, El Salvador, Haiti, India, Jamaica, Mexico, Nigeria, Pakistan, Peru, Philippines, South Korea, United Kingdom (except Northern Ireland) and its dependent territories, and Vietnam.

4. **Offering work permits, driver’s licenses, and social security numbers for those who are undocumented:**

   Currently, there is no way for a person without legal status to receive a driver’s license or social security number in New York and New Jersey.

   In most cases, scammers will file a false immigration application, or create a falsified document, and submit it to a public agency. This is a SERIOUS crime.

5. **Offering permanent resident (Green) cards to undocumented immigrant workers through employment-based immigration:**

   Except for current beneficiaries under a formerly available regulation 245 (i), undocumented immigrants are **NOT** eligible for an employment-based green card.
At the application stage, you may be approved for the labor certificate and I-140 immigration petition. However, the last stages of green card application of adjustment of status (I-485) will be denied.

### INA 245 (i) Eligibility

- Primary or Derivative Beneficiaries of an immigration petition (I-130, I-140, I-360, I-526) or an Application for Labor Certification filed on or before April 30, 2001.

- If an immigration petition or work permit application was received after January 14, 1998, the applicant must have been physically present in the United States on December 21, 2000.

6. **False marriage with a U.S. citizen to obtain a green card:**

   Some suggest that an 'easy' way to receive a green card is to marry a U.S. citizen.

   However, marriage with the intention of receiving immigration benefits is considered immigration fraud.

   The USCIS is making efforts to catch marriage frauds. Do not be deceived by scammers who say that marrying a U.S. citizen is a safe and easy way to obtain a green card.

7. **Promising restoration of non-immigrant status (typically to student or visitor status) to undocumented persons:**

   Currently, there is no way for undocumented immigrants to revert to a legal non-immigrant status. In most cases, this type of fraud is utilized to forge immigration documents.

### How to Prevent Immigration Fraud

1. You should **ONLY** receive legal help or assistance from a lawyer or an authorized representative. It is illegal for an unqualified person to represent an immigrant for money.
2. Do **NOT** sign blank forms or forms with false information. Only when you have completely understood and agree with all the contents of a document, should you sign it.

3. Keep a copy of all immigration documents and government correspondence. Scammers will not give you copies of documents and/or they will demand excessive payment for copies of documents. You have the right to copies of your immigration documents produced by your representatives.

4. Upon submitting documents, you will receive a receipt issued by the USCIS. You **MUST** keep the receipt in a safe location.

**Reporting Immigration Fraud**

If you or your acquaintances are victims of immigration fraud, you should immediately report it to the authorities to prevent further victims.

- **New York (Office of New Americans) Hotline** (Multi-lingual service available): 1-800-566-7696
- **Federal Department of Justice (Executive Office of Immigration Review):**
  - EOI.R.Fraud.Program@usdoj.gov or at (703) 305-0470
- **Korean American Civic Empowerment (KACE) Immigration Hotline:** (646) 450-8603

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