

USING RICO AS A TOOL FOR THE
DEFENSE OF IMMIGRANTS:

ENSURING LAWYER ETHICS THROUGH
CIVIL RICO

**I-589, Application for Asylum
and for Withholding of Removal**

START HERE - Please type or print in black ink. See the Instructions for information about eligibility and how to complete and file this application. There is NO filing fee for this application.

NOTE: Please check this box if you also want to apply for withholding of removal under the Convention Against Torture.

Part A. I. Information about you.

| | |
|---|---|
| 1. Alien Registration Number(s) (A-List) <i>(If any)</i> | 2. U.S. Social Security Number <i>(If any)</i> |
| 3. Complete Last Name | |
| 4. First Name | 5. Middle Name |
| 6. What other names have you used? (Include maiden name and aliases.) | |
| 7. Residence in the U.S. /Where you physically reside.) Street Number and Name | Telephone Number () Apt. Number |
| City | State |
| Zip Code | |

which I have knowledge, or which was provided to me by the applicant, and that the completed application was read to the applicant in his or her native language or a language he or she understands for verification before he or she signed the application in my presence. I am aware that the

| | | | |
|--|--|----------------------------------|--------------|
| Street Number and Name | Apt. Number | | |
| City | State | | |
| Zip Code | | | |
| 9. Gender <input type="checkbox"/> Male <input type="checkbox"/> Female | 10. Marital Status <input type="checkbox"/> Single <input type="checkbox"/> Married <input type="checkbox"/> Divorced <input type="checkbox"/> Widowed | | |
| 11. Date of Birth <i>(mm/dd/yyyy)</i> | 12. City and Country of Birth | | |
| 13. Present Nationality <i>(Citizenship)</i> | 14. Nationality at Birth | 15. Race, Ethnic or Tribal Group | 16. Religion |
| 17. Check the box, as through c, that applies: a. <input type="checkbox"/> I have never been in Immigration Court proceedings. b. <input type="checkbox"/> I am now in Immigration Court proceedings. c. <input type="checkbox"/> I am not now in Immigration Court proceedings, but I have been in the past. | | | |
| 18. Complete 18 through c: a. When did you last leave your country? <i>(mm/dd/yyyy)</i> b. What is your current I-94 Number, if any? _____ c. Please list each entry into the U.S. beginning with your most recent entry. <i>List date (mm/dd/yyyy), place, and your status for each entry. (Attach additional sheets as needed.)</i> | | | |

| | | | |
|--|--|---|---|
| Date _____ Place _____ Status _____ | Date Status Expires _____ | | |
| Date _____ Place _____ Status _____ | | | |
| Date _____ Place _____ Status _____ | | | |
| 19. What country issued your last passport or travel document? 20. Passport # _____ Travel Document # _____ | 21. Are you fluent in English? <input type="checkbox"/> Yes <input type="checkbox"/> No | 22. What is your native language? (Include dialect, if applicable.) 23. What is your native language (include dialect, if applicable)? | 24. What other languages do you speak fluently? |
| <p>Action: For USCIS use only: Decision:</p> <p>Interview Date: _____ Approval Date: _____</p> <p>Asylum Officer ID# _____ Referral Date: _____</p> | | | |
| <p>For EOIR use only:</p> | | | |

| |
|---|
| 24. Are you fluent in English? <input type="checkbox"/> Yes <input type="checkbox"/> No |
|---|

“La ley de 10 años”.....

“The ten-year law”
....MYTH LAW

Guzman et al. vs. Hecht et al.



Applying for **residency** on the basis of **Asylum**, without any factual evidence to provide support to the claim, guarantees an order of **deportation**.

Most Affected Group

Between January 2012 to May 2018, the Federal Trade Commission (FTC) received 6,330 complaints from consumers about immigration service frauds



The Origins of RICO: from Mafia to Civil Suits



The statute states, "...unlawful for any person employed by or associated with any enterprise . . . to conduct or participate, directly or indirectly, in the conduct of such enterprise's affairs through a pattern of racketeering activity.

Racketeer Influenced Corrupt Organizations Act (RICO)

The defendants:



Invested or derived
proceeds

Began or maintained

Was or is associated

Conspired to violate RICO
provisions

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(1) The “conduct”

- Enacting the scheme of the enterprise
- Who holds liability?
 - Reves v. Ernst & Young (1993)

If "Yes," explain in detail:

1. What harm or mistreatment you fear;
2. Who you believe would harm or mistreat you; and
3. Why you believe you would or could be harmed or mistreated.

HARM TO U.S. CITIZEN CHILDREN.

1000

(2) The “enterprise”

- Defined as “any individual, partnership, corporation, association, or other legal entity, and any union or group of **individuals associated in fact** although not a legal entity”
- United States v. Turkette (1981)
- Boyle v. United States (2009)



(3) A “Pattern” of

- Two acts of racketeering within a 10 year span
- “Continuity” under *Boyle v. United States*

(4) racketeering activity

- common criminal statutes include fraud, obstruction of law enforcement, forgery, and trafficking statutes
- Extends to include crimes such as kidnapping, robbery, and gambling

Mail Fraud

- Prohibits the use of the mails from performing “any scheme or artifice to defraud” or for “obtaining money or property by means of false or fraudulent pretenses, representations, or promises”
 1. There must be a scheme to defraud
 2. Involving the use of mail
 3. With the intent to defraud another
 4. Of money, property or honest services

Visa Fraud

- The misuse of visas permit and other documents
 - Includes individuals who **“knowingly forge, counterfeit, alter, or falsely make any immigrant or nonimmigrant visa, permit...”**
 - **“knowingly subscribes as true, any false statement with respect to a material fact in any application”**

