

IMMIGRANTS ARE EASY FRAUD TARGETS;
CONSULTANTS SHOULD HOLD STATE LICENSES AND BE SUBJECT TO
FEDERAL GUIDELINES

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Body

Undocumented immigrants are easy prey.

That vulnerability has inspired growing numbers of shady immigration consultants who bilk immigrants out of hard-earned cash only to file fraudulent documents or who fail to provide any services at all, as stories in Monday's and today's Mercury News show.

Hairstylists go through more rigorous training and licensing than immigration consultants, who offer to help immigrants with the confusing process of work permits, green cards and citizenship. Federal guidelines are needed to establish uniform requirements nationally and all consultants should hold a state license -- or be shut down.

Tighter controls would help curb widespread fraud. In addition to an onslaught of cases in immigration gateway cities -- Chicago, Miami, Los Angeles and New York -- corrupt consultants are cropping up in not-so-obvious places, including Atlanta, New Orleans and Denver.

Faced with the same issues, Canadian officials have taken a more aggressive approach, including requiring that consultants meet educational and character standards and obtain professional liability insurance. They also plan to create a compensation fund for fraud victims.

California requires consultants to post a \$50,000 bond and prohibits them from dispensing legal advice. But stricter licensing procedures would allow the state to require training, do background checks and make it easier to crack down on fraud.

In Santa Clara County, which has one of the more impressive records for catching consultant fraud, the district attorney's office also advocates extending the statute of limitations in these fraud cases from one year to four, and requiring the secretary of state to notify the district when bonds are canceled or expired.

That's a good start, but more needs to happen. The Citizenship and Immigration Services bureau (formerly Immigration and Naturalization Services) should make the system for applying for permits and citizenship easier to navigate. Making application forms for green cards, work permits and citizenship easily available in languages other than English is a solid start. (President Clinton's executive order 13166 issued in August 2000 requires access to federal programs in languages other than English, but that is not widely enforced.)

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To its credit, the bureau offers help in other ways, including sponsoring community workshops. But many undocumented immigrants are afraid to use those resources because of a deep distrust of the government. That's where similar programs run by immigrant advocacy groups and church support systems play a key role in community outreach.

Many of the undocumented immigrants using these consultants have legitimate claims for legal residency. They have built their lives here and have contributed to the community. As Karyn Sinunu, Santa Clara County's assistant district attorney puts it: "Their children are going to school here, they go to our churches, they're employees working here . . . and frankly, they're a part of our community. Nobody should be exploited -- we should care."

Graphic

Photo;

PHOTO: DAI SUGANO -- MERCURY NEWS

An undocumented Salinas farmworker watches television on his day off. He could face deportation because federal officials have questioned his paperwork, which was submitted by a consultant.

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