



DEPARTMENT OF JUSTICE

**Testimony in Support of HB 2573
Assistant Attorney General Diane Sykes
Oregon Department of Justice
House Judiciary Committee
February 20, 2013**

I am appearing on behalf of the Oregon Department of Justice in support of HB 2573, a bill sponsored by the Oregon State Bar. HB 2573 seeks to clarify that the unauthorized practice of law (UPL) is a separate violation of the Unlawful Trade Practices Act (UTPA). The proposed bill uses the definition of UPL, stated in ORS 9.280, pertaining to immigration consultants.

Oregon Department of Justice enforces the UTPA. Our office receives several consumer contacts annually about immigration consultants who charge fees to assist immigrant consumers with selecting, filling out and filing immigration paperwork with the federal agency, U.S. Citizenship and Immigration Services (USCIS). In order to assist with immigration matters, a person must be a licensed attorney or an accredited representative of an organization that is recognized by the U.S. Department of Justice Executive Office for Immigration Review (EOIR).

The contacts that we receive often involve an unlicensed immigration consultant (commonly referred to as a "notario") who targets immigrant populations to offer immigration services that they are not qualified or authorized to perform. In Latin American countries, "notario publicos" are actually highly qualified, credentialed and extensively trained professionals who offer a variety of consumer and/or legal services. In the U.S., unlicensed immigrant consultants hold themselves out as "notario publicos" in an effort to solicit business from unsuspecting immigrants who believe the notario is highly qualified to perform legal work, such as immigration assistance. In reality, many "notarios" are not actually a licensed notary public.

DOJ has taken enforcement action against unlicensed immigration consultants or "notarios" who accept money to provide immigration assistance. In some cases, the consumer fails to receive any services after paying large sums of money. In other instances, the work performed by the immigration consultant or "notario" is inadequate because the incorrect USCIS forms were used, the filings were incomplete and/or the consumer was not eligible for the immigration relief sought. The consequences of such errors are dramatic, often involving loss of large sums of money, deportation and indefinite separation from loved ones.

Many of the concerns that we receive come directly from immigration attorneys and members of the Oregon Chapter of the American Immigration Lawyers Association (AILA). Immigration attorneys screen clients for eligibility, only to discover that improper paperwork was already filed by a notario. AILA works closely with the Oregon State Bar UPL Committee and Oregon Department of Justice to facilitate enforcement action against notarios. HB 2573 would serve to clarify that UTPA remedies are available against unlicensed immigration consultants who target immigrant populations for goods and services they are not qualified to perform.