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# LIKE LAMBS TO THE SLAUGHTER: HOW UNREGULATED IMMIGRATION PRACTITIONERS HARM IMMIGRANTS

*by* JOSEPH M. GIETL

**F**raud committed by immigration consultants<sup>1</sup> has become an increasing problem within the immigrant community.<sup>2</sup> Children in the United States are desperate for their undocumented parents and siblings to remain here, while undocumented immigrants are anxious for permission to work.<sup>3</sup> Their desperation, coupled with the complexities of immigration law, makes the de-

frauding of immigrants a seemingly effortless, and profitable, endeavor.<sup>4</sup> With comprehensive immigration reform on the horizon, millions of immigrants could potentially become eligible to legalize their immigration status.<sup>5</sup> These immigrants will need qualified, competent representation, as well as an awareness of individuals looking to scam or defraud them. In anticipation of a potential reform bill, local, state, and federal governments are stepping up campaigns to educate the community and criminalize the unlawful practice of immigration law.<sup>6</sup>

In June 2012, President Obama announced a new program that grants temporary protection and work authorization for undocumented immigrants who came to the U.S. as children.<sup>7</sup> The number of immigrants seeking help greatly exceeded immigration attorneys' resources.<sup>8</sup> Alisa Daubenspeck, supervising attorney at the Central American Resource Center (CARECEN) in Los Angeles, recalls how difficult it was to balance the steady stream of clients her organization normally serves with the huge influx of new clients wanting to file applications under the new program. "It nearly killed us. There are just not enough people practicing immigration law to meet the demand,"<sup>9</sup> said Daubenspeck.

#### THE NOTARIO PROBLEM

The difficulties inherent in the immigration process has forced immigrants and undocumented individuals to find help elsewhere, and many look for trusted individuals within their community who speak their language and share their culture.<sup>10</sup> For many Spanish-speaking immigrants living in the U.S., this means a visit to consult with a *notario público* or *notario* for immigration help.<sup>11</sup>

In Spanish-speaking Latin America, a *notario* is a highly-respected attorney, and often an important public official with years of legal training.<sup>12</sup> What many immigrants living in the U.S. do not realize, however, is that a notary public – the English translation of *notario público* – is not authorized to practice law or give legal advice, but merely to authenticate documents and give oaths.<sup>13</sup> Because of this, *notarios* and immigration consultants often prey on immigrants by muddling the distinction. They offer legal advice, submit immigration forms to the U.S. Citizenship and Immigration Services (USCIS) when the immigrant is ineligible, misrepresent facts on USCIS forms, and even

take an immigrant's money without filing USCIS documents.<sup>14</sup> "It's inevitable that *notarios* are going to get involved," Daubenspeck says.<sup>15</sup>

Deceitful attorneys or agencies that offer fraudulent immigration services demand large sums of money for services that they have no intention of providing, or know they do not have the ability to provide.<sup>16</sup> Undocumented individuals who fall victim to the scheme are therefore exploited for their money and private information, which then affects other aspects of their lives, particularly in relation to employment, wages, and housing.<sup>17</sup>

#### STATE'S INCREASE REGULATION AND ENFORCEMENT

Given this reality, many recent state laws were passed to increase penalties for immigration consultants and *notarios* who engage in the unauthorized practice of law.<sup>18</sup> For example, in December 2012, New York Governor Andrew M. Cuomo signed legislation to make the unlicensed practice of law a felony, punishable by up to four years in prison, rather than a misdemeanor.<sup>19</sup> Likewise, it is a felony-level crime in New Jersey for an immigration consultant to engage in the unauthorized practice of immigration law, and those who fraudulently claim to be an attorney or render legal services or advice could face up to five years in prison.<sup>20</sup> Other states with large foreign-born populations,<sup>21</sup> like California, Texas, and Illinois, have enacted misdemeanor violations for first-time offenders of this type.<sup>22</sup> To increase the overall effectiveness of deterring immigration consultants from offering legal advice and filing frivolous claims for benefits, criminal penalties must be widely publicized to increase reporting and widely prosecuted to protect immigrant communities from further abuse.<sup>23</sup>

State and national bar associations have been spreading the word about the dangers of *notario* fraud,<sup>24</sup> while grassroots and public interest organizations attempt to mitigate the serious immigration consequences by blogging and participating in direct actions.<sup>25</sup> Many state bar associations have committees that draft ethics opinions and investigate complaints surrounding the unauthorized practice of immigration law.<sup>26</sup> But criminal convictions are rare, in part because prosecuting agencies rely heavily on tips from individuals who were harmed.<sup>27</sup> When a good tip does come in, many prosecutors' offices go after immigration services fraud or pursue civil remedies.<sup>28</sup> For example, in June 2013, a woman pled guilty to holding herself out as an attorney with experience to handle immigration matters, and received a nine-month jail sentence

in New York.<sup>29</sup> It is more common, however, that a civil claim is filed.<sup>30</sup> Often a default judgment is entered because the *notarios* flee the area, and they cannot be personally served.<sup>31</sup> In Pennsylvania, a law passed in October 2013 provides that only a lawyer admitted to practice law in that jurisdiction can use the term *notario público*, a creative way to restore the true meaning to the word as Spanish-speakers understand it.<sup>32</sup>

Civil remedies were created for use by victims of *notario* fraud, prosecutors, and the general public in California.<sup>33</sup> In California, Assembly Bill (AB) 1159 was signed into law on October 5, 2013, to combat fraud prospectively in the event that an immigration reform act were to become law.<sup>34</sup> It requires attorneys to deposit clients' retainers into trust accounts until the attorney files the application, and attorneys would also have to provide a written contract that provides contact information to report complaints.<sup>35</sup> The American Immigration Lawyers Association (AILA) opposed AB 1159, believing that it would force solo practitioners to dramatically increase the amount they charge for their services.<sup>36</sup> The bill doubles the required bond or malpractice insurance coverage amount for immigration consultants to \$100,000 to "benefit . . . any person damaged by any fraud, misstatement, misrepresentation, unlawful act or omission, or failure to provide . . . services."<sup>37</sup> The California legislature's passage of AB 1159 sends a clear message that the state not only takes *notario* fraud seriously, but recognizes attorneys' roll in using deceptive trade practices to harm immigrants too.<sup>38</sup>

#### FEDERAL RESPONSES TO COMBATING IMMIGRATION SCAMS

The Department of Homeland Security, the Federal Trade Commission, and the Department of Justice unveiled a new campaign in June 2011 to stop the unauthorized practice of immigration law.<sup>39</sup> The initiative uses enforcement,<sup>40</sup> education, and continued inter-agency collaboration to crack down on schemes aimed at defrauding immigrants.<sup>41</sup> These measures are helping to raise awareness across the country about how to identify and avoid common scams, who to contact to complain, and where to find trustworthy legal services.<sup>42</sup> Only an attorney or an accredited representative working for a non-profit agency recognized by the Board of Immigration Appeals (BIA) is allowed to practice immigration law.<sup>43</sup> Certain non-profit organizations can apply for recognition by the BIA, and once recognized, the organization can apply to have its employees become BIA-accredited representatives.<sup>44</sup>

## MORE FEDERAL REGULATION NEEDED

Part of the problem could stem from the difficulties an immigrant faces in determining whether a person is actually authorized to practice immigration law.<sup>45</sup> Both the Department of Justice's Executive Office for Immigration Review (EOIR)<sup>46</sup> and the Department of Homeland Security<sup>47</sup> permit a variety of other people to appear before its immigration courts and USCIS offices besides licensed attorneys admitted to practice in the state where a particular immigration court or USCIS office is located.<sup>48</sup> Out-of-state attorneys, law students, accredited representatives who work at qualifying non-profit agencies, consular officials, and even reputable individuals of good moral character<sup>49</sup> can all represent immigrants before the immigration courts and USCIS.<sup>50</sup>

There are problems with the EOIR's recognition and accreditation system. Daubenspeck notes, "Sometimes these non-profits do bad work, too."<sup>51</sup> They may not even have a lawyer on staff in the building. The BIA requires no [standardized] test for minimum knowledge, and no oversight."<sup>52</sup> In a recent decision, the BIA held that "one formal training course designed for new practitioners" covering the basics of immigration law and procedure is sufficient for a person at a recognized organization to become accredited.<sup>53</sup> For EOIR to expand the number of recognized organizations and accredited representatives to meet the growing demand for immigration legal services, some immigration practitioners are pushing for mandated training and testing and the submission of writing samples and legal reasoning analyses by representatives before accreditation.<sup>54</sup> Other possibilities include requiring a recognized non-profit to apply to be re-recognized every three to five years, guarantees of adequate supervision, and a conspicuous complaint process.<sup>55</sup> While these steps may seem onerous, they will help the EOIR prevent itself from the unintended sanctioning of inadequate provision of legal services.

## CONCLUSION

Recent positive steps at the state level, with increased criminal penalties for unauthorized practice of law and greater regulation of immigration consultants, must also be matched at the federal level. In a rare coalescence of federal bipartisan collaboration, the U.S. Senate passed a comprehensive immigration reform bill – S. 744 – in June 2013.<sup>56</sup> The bill includes a provision to combat

fraudulent scams against immigrants, allowing for injunctive relief against immigration service providers who “engage in fraudulent conduct that substantially interferes with the proper administration of the immigration laws or who willfully misrepresents such provider’s legal authority to provide representation . . . .”<sup>57</sup> Unfortunately, the U.S. House of Representatives has refused to take up consideration of S. 744, and instead, House leadership has indicated that if they plan to work on any immigration legislation at all, it will be done piecemeal.<sup>58</sup>

Immigrants need lots of help navigating the complex world of U.S. immigration laws, and outreach campaigns must effectively communicate the dangers of unauthorized immigration practitioners providing such assistance.<sup>59</sup> Daubenspeck believes that, at the end of the day, collaboration is key, but remains realistic: “This is all hard to plan because we don’t know if and when immigration reform is going to happen. It would take such a huge effort. It’s hard to believe that this would be pulled off in time.”<sup>60</sup> But the more work done now to stop *notario* fraud and to increase competent, low-cost non-profit legal services, the greater the odds<sup>61</sup> immigrant families have of staying together in the U.S. once an immigration overhaul arrives.<sup>62</sup>

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#### NOTES

1 Immigration consultants are permitted to render only *non-legal* services, like filling out forms to be sent to the U.S. Citizenship and Immigration Services (USCIS), translating a client’s answers to put on those forms, but not choosing or advising which forms to fill out or advising on how to answer on the forms. See Immigration Consultants Act, CAL. BUS. & PROF. CODE § 22400, et seq. (2013).

2 Nancy Lofholm, *Notarios on the rise in Colorado with promise of immigration reform*, DENVER POST, Sept. 23, 2013, [http://www.denverpost.com/ci\\_23520315/notarios-rise-colorado-promise-immigration-reform](http://www.denverpost.com/ci_23520315/notarios-rise-colorado-promise-immigration-reform).

3 See, e.g., Hena Mansori, *Rethink Immigration: If Our Immigration Laws Were Just, Gilberto Would Still Be With His Kids*, NAT’L IMMIGRANT JUST. CTR. (Sept. 11, 2013, 8:10 PM), <http://immigrantjustice.org/staff/blog/rethink-immigration-if-our-immigration-laws-were-just-gilberto-would-still-be-his-kids#.UoGpmvmsiSo>; see also KEEPING FAMILIES TOGETHER, [www.keepingfamilies.together.net](http://www.keepingfamilies.together.net) (last visited Nov. 11, 2013).

4 Press Release, N.Y. Cnty. Dist. Attorney’s Office, Da Vance Announces Indictment of Martin Mannert for Defrauding Foreign Victims of Immigration Scam (Aug. 21, 2013), *available at* <http://manhattanda.org/press-release/da-vance-announces-indictment-martin-mannert-defrauding-foreign-victims-immigration-sc> (immigrant victims paid Mannert, who falsely represented himself as authorized to provide legal assistance, about \$10,000 a piece to have him file applications to obtain permanent residency).

5 MICHAEL HOEFER, NANCY RYTINA & BRYAN BAKER, U.S. DEP'T OF HOMELAND SEC., OFFICE OF IMMIGRATION STATISTICS, Estimates of the Unauthorized Immigrant Population Residing in the United States: January 2011 1 (March 2012), *available at* [https://www.dhs.gov/sites/default/files/publications/ois\\_ill\\_pe\\_2011.pdf](https://www.dhs.gov/sites/default/files/publications/ois_ill_pe_2011.pdf) (estimating that 11.5 million undocumented, or “unauthorized,” immigrants were living in the United States as of January 2011). The comprehensive immigration reform bill that was passed in the U.S. Senate in June 2013, contains a pathway to legalization by creating a new “registered provisional immigrant status.” See Border Security, Economic Opportunity, and Immigration Modernization Act of 2013, S. 744, 113th Cong. § 2101, *et seq.* (2013).

6 See, e.g., *National Initiative to Combat Immigration Services Scams*, U.S. CITIZENSHIP & IMMIGRATION SERVS., (June 9, 2011), <http://www.uscis.gov/news/fact-sheets/national-initiative-combat-immigration-services-scams-fact-sheet>.

7 This initiative is known as Deferred Action for Childhood Arrivals, or DACA. See *Consideration of Deferred Action for Childhood Arrivals Process*, U.S. CITIZENSHIP & IMMIGRATION SERVS., [www.uscis.gov/childhoodarrivals](http://www.uscis.gov/childhoodarrivals) (last updated July 2, 2013).

8 Sandhya Dirks, *With Or Without Overhaul, Immigration Lawyers In Short Supply*, NAT'L PUB. RADIO (Apr. 29, 2013, 2:45 PM), [www.npr.org/2013/04/29/179019214/with-or-without-reform-immigration-lawyers-in-short-supply](http://www.npr.org/2013/04/29/179019214/with-or-without-reform-immigration-lawyers-in-short-supply).

9 Telephone Interview with Alisa M. Daubenspeck, Supervising Attorney, Central American Resource Center – Los Angeles (Oct. 26, 2013).

10 Mary Dolores Guerra, *Lost in Translation: Notario Fraud – Immigration Fraud*, 26 J. CIV. RTS. & ECON. DEV. 23, 26-27 (2011).

11 *Id.*

12 *Id.*

13 *Id.*

14 Meeting Notes, U.S. Citizenship & Immigration Servs., Office of Public Engagement, USCIS Collaboration Session on the Unauthorized Practice of Law (Jan. 12, 2010), *available at* <http://www.uscis.gov/outreach/notes-previous-engagements/meeting-notes-uscis-collaboration-session-unauthorized-practice-law>.

15 “The worst cases arise when the *notario* says that he or she can get the immigrant victim a work permit and then files a bogus asylum application,” she notes. Many times the victim gets her work permit as promised, but she also receives a removal order from an immigration judge because the *notario* never told the victim she had a hearing, or she was never eligible for asylum to begin with. “Sometimes they are easy to fix, but other times there is no relief.” Telephone Interview with Alisa M. Daubenspeck, *supra* note 9.

16 Resources for Victims of Immigration Fraud, N.Y. CNTY. DIST. ATTORNEY'S OFFICE, <http://www.manhattanda.com/resources-victims-immigration-fraud> (last visited Jan. 28, 2014).

17 *Id.*

18 CHAU WING LAM, ET AL., NAT'L CONFERENCE OF STATE LEGISLATURES, 2013 REPORT ON STATE IMMIGRATION LAWS (JAN.-JUNE) 7-8 (Aug. 2013), *available at* [http://www.ncsl.org/documents/statefed/ImmigrationReport\\_August2013.pdf](http://www.ncsl.org/documents/statefed/ImmigrationReport_August2013.pdf) (noting an 83 percent increase in immigration-related laws and resolutions passed by state legislatures in the first half of 2013 over the previous year).

19 Joel Stashenko, *Unlicensed Practice of Law Boosted to Felony*, N.Y. L.J., Dec. 13, 2012, at 1; Press Release, N.Y. Governor's Press Office, Governor Cuomo Signs Legislation to Make Unlicensed Practice of Law a Felony (Dec. 12, 2012), *available at* <http://www.governor.ny.gov/press/12122012legislationunlicensedlawfelony>.

20 N.J. STAT. ANN. § 2C:21-31 (West 2013).

21 ELIZABETH M. GRIECO, ET AL., U.S. DEP'T OF COMMERCE, ECON. & STATISTICS ADMIN., U.S. CENSUS BUREAU, THE FOREIGN-BORN POPULATION IN THE UNITED STATES: 2010 3, 5 (May 2012), *available at* <http://www.census.gov/prod/2012pubs/acs-19.pdf> (Six states comprise nearly two-thirds of the foreign-born population in the United States: California (25.4 percent), New York (10.8), Texas (10.4), Florida (9.2), New Jersey (4.6), and Illinois (4.4)).

22 CAL. BUS. & PROF. CODE § 22445(b) (2013); TEX. GOV'T CODE ANN. § 406.017(d) (2013); 815 ILL. COMP. STAT. 505/2AA(m) (2013). *See also* State ex rel. Indiana State Bar Ass'n v. Diaz, 838 N.E.2d 433 (Ind. 2005) (referencing IND. CODE § 33-42-2-10, which punishes as a Class A Misdemeanor a non-attorney who knowingly or willingly advertises in a foreign language and calls themselves some variant of a notary public without disclosing that the person is not a lawyer licensed to practice in the state).

23 *See* Cori Alonso-Marsden, "Strong Words, Gentle Deeds": Evaluating the Effectiveness of the Maryland Immigration Consultant Act Five Years On, 4 LEGIS. & POL'Y BRIEF 75, 111 (2012), *available at* <http://digitalcommons.wcl.american.edu/cgi/viewcontent.cgi?article=1033&context=lpb> (arguing for increased public outreach about and criminal prosecutions against *notarios* in Maryland).

24 *See* STOP NOTARIO FRAUD, <http://www.stopnotariofraud.org> (public service announcement of the American Immigration Lawyers Association).

25 *See, e.g., Support Mario de la Rosa, Father in Deportation, Advocate Against Immigration Fraud*, IMMIGRANT YOUTH JUSTICE LEAGUE (Nov. 5, 2012, 3:48 PM), <http://www.iyjl.org/mario-de-la-rosa-father-in-deportation-proceedings-to-speak-at-national-election-night-rally> (discussing an undocumented immigrant placed in deportation proceedings and facing removal from the United States after having been a victim of *notario* fraud).

26 Dawn Chase, *UPL Committee Takes on Immigration Consultant Fraud*, 59 VA. L. MAG. 52 (2010), *available at* [http://www.vsb.org/docs/valawyermagazine/vl0710\\_upl.pdf](http://www.vsb.org/docs/valawyermagazine/vl0710_upl.pdf). Because immigration law is federal-based law, many attorneys exclusively practice in this area in an out-of-state jurisdiction. Texas, Florida and Virginia allow this practice, so long as the attorney discloses the limitations on his or her practice and does not advise on matters of state law. *See*, Sup. Ct. of Tex. Prof. Eth. Comm., Eth. Op. 516 (1996) ("It is assumed that representing clients in Texas solely on issues or matters before the [USCIS] and in federal courts would not constitute the unauthorized practice of law in Texas. However, any such representation that also involves advice or other legal services relating to matters of Texas law would not be within the scope of this assumption and may, depending on the circumstances, constitute the unauthorized practice of law in Texas"); R. 4-7.11 of Rules Regulating the Fla. Bar (2013) ("In the areas of immigration, patent, and tax, a lawyer from another jurisdiction may establish a regular or permanent presence in Florida to practice only that specific federal practice as authorized by federal law. . . . Such a lawyer must include in all advertisements that the lawyer is 'Not a Member of The Florida Bar'"); Va. State Bar Unauthorized Practice of Law Comm., Op. 55 (1983) ("It is not the unauthorized practice of law for an attorney, not licensed in the Commonwealth of Virginia, to maintain an office in Virginia for a practice limited exclusively to United States Immigration and Naturalization matters"). Other jurisdictions, like Pennsylvania, refuse to let attorneys licensed out-of-state to open an office there. Penn. Bar Ass'n Unauthorized Practice of Law Comm., Op. 96-101 (1996).

27 Cecilia Abundis, Ass't Att'y Gen., OFF. OF THE ILL. ATT'Y GEN., Speaker at the Chicago Bar Association Unauthorized Practice and Multidisciplinary Practice Committee's Discussion About Immigration Fraud and Notarios with Federal and State Officials: Immigration Fraud and 'Notarios' (Nov. 15, 2013).

28 *Id.*

29 *Hot Topic: Immigration Services Fraud*, N.Y. CNTY. DIST. ATTORNEY'S OFFICE, <http://www.manhattanda.com/hot-topic-immigration-services-fraud> (last visited Jan. 28, 2014).

30 Abundis, *supra* note 27.

31 *Id.*

32 Press Release, Penn. Bar Ass'n, Pennsylvania Bar Association Applauds New Law Protecting Spanish-speaking Consumers (Oct. 9, 2013), *available at* <http://www.pabar.org/public/news%20releases/pr100913.asp>.

33 *See* CAL. BUS. & PROF. CODE § 22446.5(b) (2013) ("Any other party who, upon information and belief, claims a violation of this chapter has been committed by an immigration consultant may bring a civil action for injunctive relief on behalf of the general public and, upon prevailing, shall recover reasonable attorneys' fees and costs.")

34 CAL. AB 1159 "Immigration Services." (2013)

35 CAL. BUS. & PROF. CODE §§ 6240, 6242-43 (2013)

36 Press Release, Am. Immigration Lawyers Ass'n, AILA Urges the California State Legislature to Vote Against AB 1159 (Aug. 2, 2013), *available at* <http://www.aila.org/content/default.aspx?docid=45285>.

37 CAL. BUS. & PROF. CODE §§ 22443.1(a)(1), (b) (2013) (becoming operative on July 1, 2014)

38 Press Release, Ca. State Assembly Democratic Caucus, Gov. Brown Signs Into Law Assembly Bills 1024 and 1159 by Assemblywoman Lorena Gonzalez (Oct. 5, 2013), *available at* <http://asmdc.org/members/a80/news-room/press-releases/gov-brown-signs-into-law-assembly-bills-1024-and-1159-by-assemblywoman-lorena-gonzalez> ("AB 1159 prepares California for this upswing in demand by creating more accountability and transparency in an otherwise daunting process for immigrants, who are already targets of fraud now").

39 *National Initiative to Combat Immigration Services Scams*, *supra* note 6.

40 *See, e.g.*, F.T.C. v. Loma Int'l Bus. Grp. Inc., No. MJG-11-1483, 2013 WL 2455986 (D. Md. June 5, 2013) (Federal Trade Commission brought suit for injunctive relief and sought restitution damages of \$750,000 against a couple who misled customers while doing business in the unauthorized practice of immigration law.)

41 *National Initiative to Combat Immigration Services Scams*, *supra* note 6.

42 *Report Immigration Scams*, U.S. CITIZENSHIP & IMMIGRATION SERVS., <http://www.uscis.gov/avoid-scams/report-immigration-scams> (last updated Aug. 21, 2013).

43 *Find Legal Services*, U.S. CITIZENSHIP & IMMIGRATION SERVS., <http://www.uscis.gov/avoid-scams/find-legal-services> (last updated Apr. 10, 2013).

44 8 C.F.R. § 292.2 (2013) ("BIA will recognize a "non-profit religious, charitable, social service, or similar organization" if it charges nominal fees and "has at its disposal adequate knowledge, information, and experience.")

45 Kathy John, Immigration Fraud Prevention Counsel, EXEC. OFF. FOR IMMIGR. REV., Speaker at the Chicago Bar Association Unauthorized Practice and Multidisciplinary Practice Committee's Discussion About Immigration Fraud and Notarios with Federal and State Officials: Unauthorized Practice of Immigration Law (Nov. 15, 2013) (noting that disbarred or suspended attorneys on some occasions continue to provide legal services to immigrants).

46 The Department of Justice's Executive Office for Immigration Review (EOIR) oversees both the immigration courts and the Board of Immigration Appeals (BIA), the highest administrative appellate authority over immigration and naturalization law. *EOIR at a Glance*, U.S. DEP'T OF JUSTICE, EXEC. OFFICE FOR IMMIGRATION REV. (Sept. 9, 2010), <http://www.justice.gov/eoir/press/2010/EOIRataGlance09092010.htm>.

47 In March 2003, the Department of Homeland Security (DHS) reorganized the former Immigration and Naturalization Service (INS) into an adjudicative arm (USCIS), an internal

enforcement arm (U.S. Immigration and Customs Enforcement, or ICE) and a border security arm (U.S. Customs and Border Protection, or CBP). *See Our History*, U.S. CITIZENSHIP & IMMIGRATION SERVS., <http://www.uscis.gov/history-and-genealogy/our-history/our-history> (last updated Sept. 27, 2013).

48 8 C.F.R. § 292.1 (2013)

49 So long as that person is not an immigration consultant. *Id.*

50 *Id.*

51 *See, e.g.*, SPECIAL COMMITTEE ON IMMIGRATION REPRESENTATION, N.Y. STATE BAR ASS'N, REPORT OF THE SPECIAL COMMITTEE ON IMMIGRATION REPRESENTATION 26 (June 23, 2012), available at <http://www.nysba.org/WorkArea/DownloadAsset.aspx?id=27499> (citing Sam Dolnick, *Removal of Priest's Cases Exposes Deep Holes in Immigration Courts*, N.Y. TIMES, July 7, 2011.).

52 Telephone Interview with Alisa M. Daubenspeck, *supra* note 9.

53 *Matter of Central California Legal Services, Inc.*, 26 I&N Dec. 105, 106 (BIA 2013).

54 REPORT OF THE SPECIAL COMMITTEE ON IMMIGRATION REPRESENTATION, *supra* note 51, at 32-34.

55 *Id.*

56 Border Security, Economic Opportunity, and Immigration Modernization Act of 2013, S. 744, 113th Cong. (2013).

57 S. 744, 113th Cong. § 3708 (2013).

58 Jonathan Weisman, *Boehner Doubts Immigration Overhaul Will Pass This Year*, N.Y. TIMES, Feb. 6, 2014, <http://www.nytimes.com/2014/02/07/us/politics/boehner-doubts-immigration-overhaul-will-pass-this-year.html?hp&r=0>.

59 *National Initiative to Combat Immigration Services Scams*, *supra* note 6.

60 Telephone Interview with Alisa M. Daubenspeck, *supra* note 9.

61 The odds are daunting: there are an estimated 11.7 million undocumented immigrants living in the U.S. Hoefer, *supra* note 7. AILA has about 13,000 immigration attorney and law professor members nationally. *About AILA*, AILA INFONET, <http://www.aila.org/content/default.aspx?docid=1021> (last visited Jan. 28, 2014). There are slightly more than 1,300 BIA accredited representatives across the U.S. *Accredited Representatives Roster*, U.S. DEP'T OF JUSTICE, EXEC. OFFICE FOR IMMIGRATION REV., [http://www.justice.gov/eoir/ra/raroster\\_reps.htm](http://www.justice.gov/eoir/ra/raroster_reps.htm) (last updated Jan. 27, 2014).

62 *Building an Immigration System Worthy of American Values: Hearings Before the Sen. Judiciary Comm.*, 113th Cong. 3, 13 (March 20, 2013) (statement of Dep. Leg. Dir. Ahilan T. Arulantham, ACLU of So. Cal., L.A.)