

Legislation Text

File #: 130931, **Version:** 0

Authorizing the Committee on Public Safety to hold hearings to investigate Notario Fraud and other forms of immigration consultant fraud in the City of Philadelphia.

WHEREAS, Our nation's immigration system is notoriously complex. Often immigrants seek immigration consultants to navigate this complicated system; and

WHEREAS, "Notario fraud" is the term used when referring to immigration consultant fraud.

WHEREAS, Notario fraud occurs when an individual or "notario público" provides immigration and other legal services he or she is not qualified to perform. This fraud is committed by individuals who capitalize on immigrants' vulnerability and ignorance of the United States' legal system to offer substandard, false, or nonexistent immigration services; and

WHEREAS, Immigrants are often linguistically and culturally isolated, unfamiliar with the United States legal system, and fearful of approaching government officials because they do not want to draw attention to their status; and

WHEREAS, Individuals who run immigration scams often share the ethnic background of their victims, locate their businesses in immigrant dense neighborhoods, and target advertising at their own community. They then exploit the sense of trust that being integrated into the community engenders; and

WHEREAS, Trusting and unsuspecting immigrants often pay tens of thousands of dollars for what they believe are the legitimate services of a licensed attorney only to fall victim of notario fraud; and

WHEREAS, In many cases these individuals promise to help the victim apply for immigration benefits that do not exist, file incorrect or incomplete forms, file false claims with the government or fail to file paperwork resulting in missed deadlines. As a result of the advice or actions of such individuals, an immigrant can miss opportunities to obtain legal residency, can be unnecessarily deported, or can be subject to civil and/or criminal liability for the filing of false claims; and

WHEREAS, The term "notario público" is particularly problematic in that it creates a unique opportunity for deception. The literal translation of "notario público" is "notary public". While a notary public in the United States is authorized only to witness the signature of forms, a notary public in many Latin American and European countries refers to an individual who has received the equivalent of a law license and is authorized to represent others before the government; and

WHEREAS, Due to recent developments in national immigration policy and to the ever-growing number of immigrants defrauded each year, "notario fraud" has drawn increasing attention from practitioners, government officials and advocacy organizations. This issue manifests in numerous ways, but often produces severe consequences for victims and their families; and

WHEREAS, Pennsylvania has a large immigrant population - according to the U.S. Census Bureau, approximately 723,426 residents in Pennsylvania are foreign-born. Furthermore, only about half foreign-born residents are naturalized U.S. citizens; and

WHEREAS, Philadelphia has seen a tremendous increase in foreign-born residents. The immigrant community in Philadelphia is diverse - there are immigrants from all over the world, which means that a collaborative effort to combat immigration fraud is critical; and

WHEREAS, In Pennsylvania, House Bill 25 was signed into law on October 9, 2013 and became ACT 73 of 2013. Act 73 replaces the former Notary Public Law on Notarial Acts with modern language and best practices. The new state law prohibits notaries from engaging in false or deceptive advertising, providing legal advice or representation and purporting to act as “notario público”. Additionally, both civil and criminal penalties can be levied against fraudulent notaries. This effort to hold perpetrators accountable is a critical component of addressing notario fraud; and

WHEREAS, Although laws to hold perpetrators accountable have been enacted, awareness of the issues surrounding notario fraud is essential for effective enforcement due to techniques that perpetrators use to keep their victims from self-reporting; now, therefore, be it

RESOLVED, BY THE COUNCIL OF THE CITY OF PHILADELPHIA, that this Council is authorized to hold hearings to examine the impact of notario fraud and other forms of immigration consultant fraud on Philadelphia’s immigrant community and the response from appropriate agencies to enforce current laws and reduce future fraud.