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JUSTICE WATCH John Pacenti

Undocumented Haitians likely targets of fraud



Now that undocumented Haitians in the United States can breathe easy without fear of deportation, they have fraud to worry about. The United States granted Haitians temporary protected status in the wake of the earthquake that devastated their country.

Immigration officials in Miami last week warned undocumented Haitians to be wary of

so-called “notarios,” who are infamous for taking immigrants’ money and providing nothing. Mistakes could jeopardize an undocumented worker’s chance of staying in the United States.

Alejandro Mayorkas, director of the U.S. Citizenship and Immigration Services, urged Haitians to go through attorneys.

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UNDOCUMENTED HAITIANS LIKELY TARGETS OF FRAUD

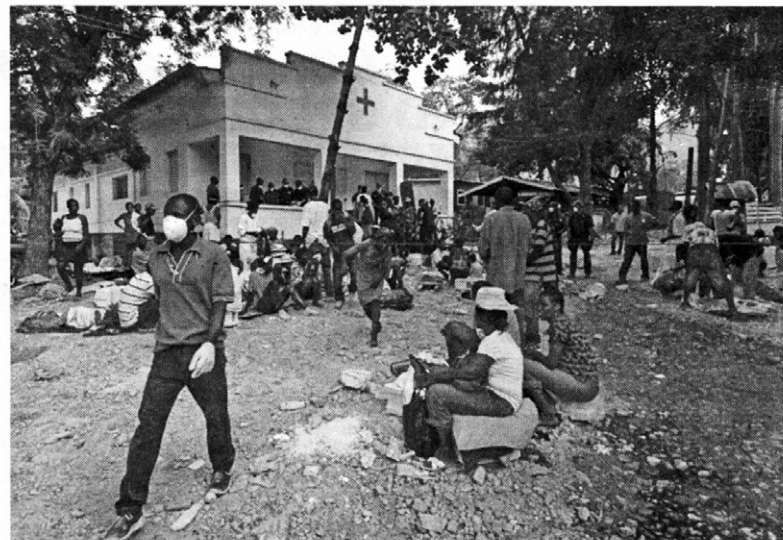
While immigration officials in Miami informed a mourning Haitian community how undocumented immigrants could seek temporary protected status, an enterprising individual was populating car windshields with a flier offering to help.

The flier offered to translate birth certificates and fill out the new immigration forms.

South Florida immigration attorneys say the fliers were a bad sign. So-called “*notarios*” often take the money and run, or worse — fill out forms inadequately and cost undocumented immigrants their chance to stay in the United States.

“The last time we had a law that was passed for Haitian immigrants specifically, we had a lot of problems with people filing incorrectly,” said Miami immigration attorney Marjoto Levy.

In the wake of a devastating 7.0 earthquake that struck Haiti on Jan. 12, undocumented Haitians in the United States can get temporary protected status to avoid deportation and get a valid work



ADRIAN WHITE/U.S. NAVY/BLOOMBERG NEWS

Earthquake victims wait outside a clinic in Killick, Haiti, to be treated. Due to the Jan. 12 disaster, the U.S. Citizenship and Immigration Services is allowing Haitians already in the United States to get temporary protected status.

permit. South Florida’s Haitian community strived for years for the special status, but now that it’s here, there is concern about fraud — not only from *notarios* but by people using and selling fraudulent documents.

Alejandro Mayorkas, director of the U.S. Citizenship and Immigration Services, told the community at a seminar Wednesday in Miami that fake papers won’t be tolerated as his agency grapples with an expected 200,000 applications. The Miami

U.S. attorney’s office said it was too soon to comment on fraud under the new program.

The first official acknowledgement of trouble came last week, when U.S. Customs agents reported detaining a Haitian prison escapee, another man with an outstanding Florida warrant and others arriving with suspicious papers on 50 specially arranged relief flights to Orlando Sanford International Airport.

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JUSTICE WATCH: Attorneys warn Haitians not to visit 'notarios'

Document fraud is definitely going to happen because Haitians can't get birth certificates out of Haiti, said Jessica Meldon, an associate immigration attorney with the Bernstein Osberg-Braun firm in Miami.



Meldon

Immigration officials say they will accept other identification to process applications, such as school records, baptismal certificates, electric bills and even affidavits from family members. They say filing fees also can be

waived.

Hector Chichoni, an immigration attorney with Epstein Becker & Green in Miami, said immigration officials may once again end up creating more problems than they solve.

Some of these records can be created illegally when there is an application that requires certain secondary documents that can be forged, he said.

Lawrence Lataif, senior immigration counsel at Shutts & Bowen in West Palm Beach, said there may be problems with the temporary protected status application itself.

One of more than three dozen questions, for example, asks whether the applicant had engaged in an activity that

"Out of the 37 items here, I believe 30 could be struck down by the court as constitutionally vague . . . This would be Comedy Central if it weren't involving some serious issues."

**LAWRENCE LATAIF
IMMIGRATION ATTORNEY
AT SHUTTS & BOWEN**

could have had adverse foreign policy consequences.

"Out of the 37 items here, I believe 30 could be struck down by the court as constitutionally vague," Lataif said. "It is unbelievable. This would be Comedy Central if it weren't involving some serious issues."

He said problems will come when notarios try to interpret the questions because the application asks for legal conclusions that laymen are not competent to address and even experienced lawyers would have difficulty advising a client how

to answer.

Notarios are a big concern among immigration attorneys.

"We are organizing a relief drive with licensed attorneys handling cases as opposed to them going to these *notarios* and messing up their applications," said Maithe Gonzalez, a Coral Gables immigration attorney. "A lot of [*notarios*] take their money, fill out the forms and never see them again."

TPS is a designation reserved for immigrants without a serious criminal record from countries torn by natural disasters or war. Those approved can stay in the United States for 18 months and work legally.

Jean Nacier, a notary public, was the person who put the fliers on vehicles outside the Miami immigration office last week.

Nacier said he is trying to help fellow Haitians, especially those who don't speak English. He charges a \$50 fee to translate birth certificates and complete applications.

Nacier said he has never heard of the term *notario*.

"I see myself as regular notary public trying to get some extra income," he said. "I'm not even working right now. I have my notary stamp, and I might as well use it and help my Haitian friends out."

Miami resident Jean Rinvile was at the immigration offices the same day. He said he had all applications approved for his family to come over from Haiti when the earthquake hit. They survived but now are among the many trying to reach the United States.

"They are living in the street. They have nowhere to sleep. Their house has collapsed," he said. "They should be here."

Immigration officials advised him to make an appointment.

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TEMPORARY PROTECTED STATUS AT A GLANCE:

- Haitians can work legally in the United States and avoid deportation
- Applications accepted starting Thursday
- Applies only to people with no serious criminal record
- Requires applicants to prove they were in the U.S. before Jan. 12
- Requires birth certificates and other primary identification, though electric bills, school records and affidavits from family members may be accepted