

Keeping the American Dream Viable for Immigrants

By Jerry Grzeca and John Sesini

January 2010



Millions of people come to the United States in search of “The American Dream,” a new life filled with opportunities

and based on freedom. Fulfilling that dream can be a long and arduous process with many legal hurdles to overcome. Unfortunately, what they may not know is that their dreams can be quickly shattered because the advice and assistance they received during the legal process was incorrect.

“Notarios”- Friend or Foe?

The term *notario* conveys a vastly different meaning in Latin American countries than in the United States. In Mexico, for example, *notarios* are keepers of the public record, legal professionals who give up their private practices to oversee and approve articles of incorporation, publicly recorded contracts, transfers of real estate property titles, and depositions. They also act as official witnesses for legal transactions such as birth, marriage, and death certificates.

In the U.S., however, *notarios* are not formally trained or qualified legal professionals. Only attorneys licensed in the U.S. can give legal advice because completing the U.S. immigration process involves much more than just filling out the forms, it always involves a legal decision. Advising how to answer complicated immigration process questions in the United States is “practicing law”. *Notarios* can put immigrants at risk because they are not licensed to apply regulations, statutes, and immigration case law to individual matters. Without that ability, *notarios* can cause significant harm to individuals who seek permanent or temporary legal status.

There appears to be a steady increase in the number of *notarios* who exploit the trust of immigrants to this country. Some *notarios* even go so far as to claim to have a special relationship with the United States Citizenship and Immigration Service (USCIS) or Executive Office of Immigration Review. In fact, *notarios* are not authorized to handle such matters. By providing misinformation to immigrants, their actions have resulted in serious consequences, such as missed deadlines, lost opportunities to obtain legal residency, and ultimately deportation from the U.S. Immigration cases require a deep understanding of a myriad of laws and legal nu-

ances involved in emigrating, and these matters should only be handled by a qualified and knowledgeable licensed legal professional.

Taking action in our local communities

The U.S. Department of Justice recently released a warning about *notario* fraud, and the issue remains on the radar of every state Attorney General’s office. Additionally,



professionals organizations such as the American Immigration Lawyers Association (AILA) and the American Bar Association (ABA) continuously work to educate the immigrant community about the dangers of working with *notarios* in the U.S. Even though *notarios* in the U.S. can face harsh penalties for fraudulent practices, the cooperation of these organizations, attorneys, and the immigrants that have been personally wronged through the unlawful practice of law is imperative for concrete change.

In Southeastern Wisconsin, Grzeca Law Group, www.grzecalaw.com, has developed a community-based educational program designed to dispel common myths surrounding U.S. citizenship, to discuss the proper paths to living and working in the U.S. legally, and to provide vital informational resources on basic immigrant rights. This educational program, “*The American Dream: Know Your Immigration Rights*,” is offered in multiple languages including Spanish, Portuguese, Italian, and English. The program is presented through various community outreach initiatives that include local churches, school-sponsored seminars and forums, and not-for-profit organizations. It is our belief that through this combination of educational and advocacy efforts at the national and local level, immigrants have an improved chance of realizing their American Dream.

For more information about *notarios*, please visit the ABA at www.abanet.org or AILA at www.aila.org. To file a complaint against a *notario* in Wisconsin, contact one of the four regional offices for the Department of Agriculture, Trade, and Consumer Protection, visit www.datcp.wi.us for more information.

GRZECA LAW GROUP, S.C.

1434 West State Street
Milwaukee, WI 53233

Phone: 414-342-3000
Fax: 414-342-3801

clients@grzecalaw.com
www.grzecalaw.com