

The Immigrant's Journal

Our leaders who stood for Unity & Justice



FREE

Protecting God's Children From Distant Lands

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26 Court Street, Suite 701, Brooklyn, NY 11242 Tel: 718-243-9431 Fax: 718-222-3153 Email: immjournal@aol.com

DA Hynes Leads The Charge Against Immigration Fraud

The Kings County District Attorney Charles J. Hynes has been a leader in the fight to protect the citizens of Brooklyn against Immigration Fraud. Hynes created the first Civil Rights Bureau within a District Attorney's Office in the State of New York shortly after he took Office in 1990. Immigration fraud is prosecuted by the Civil Rights Bureau of the Kings County District Attorney's Rackets Division. The Chief of the Rackets Division is Michael F. Vecchione and the Chief of the Civil Rights Bureau is Charles M. Guria.

Immigrants and their families are the target of individuals who offer unauthorized immigration-related services. In some instances, these unscrupulous individuals make false promises of United States legal permanent residency and/or citizenship.



Under state and federal law, only lawyers or accredited representatives can represent individuals before immigration authorities. Further, under New York State law, it is unlawful to mislead or defraud any person in providing immigration-related services. New York law also requires anyone providing immigration services to comply with advertising guidelines, signature and surety requirements, as well as to provide the clients with written contracts in both the clients' native language and English, detailing the services they will be providing.

Many undocumented immigrants are afraid to come forward and report that they have been the victim of immigration fraud. They believe that if they come forward they will be deported. Those individuals

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A New Year's Resolution That Millions Will Support



Los Angeles— The White House has made it public: President Obama will push to overhaul the nation's broken immigration system in 2010. The effort will include a two-path approach of beefing up border security and a practical and humane path to citizenship for the millions of families currently living in the shadows. The New Year's resolution was featured in a front-page Los Angeles Times article on December 30, 2009. The following is a statement by Angelica Salas, Executive Director at the Coalition for Humane Immigrant Rights in Los Angeles (CHIRLA), a regional human and immigrant rights organization based in Los Angeles.

"We are delighted the White House has once again expressed its commitment to work on fixing the ailing immigration system in 2010. Americans have been

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Beware of Immigration Fraud

Fraud directed at legal and undocumented immigrants is a serious problem New York. While immigration fraud can take many forms, it most often occurs as false promises for immigration services that sound too good to be true. By making false promises, con artists attempt to justify excessive "service" fees they demand. Once a victim pays the large sum of money, the con artist refuses to help the individual and often reports the person to the INS as undocumented.

How to spot a fraudulent immigration service provider

- If an immigration service provider

fails to provide you with a written contract.

- If an immigration service provider fails to inform you that you have the right to cancel a written contract within three business days of its execution without fee or penalty.
- If an immigration service provider fails to provide you with copies of all documents filed with the BCIS.
- If an immigration service provider fails to inform you that he is not an attorney licensed to practice law or that he is not accredited by the Board of Immigration Appeals, including his failure to post signs stating this lack of legal recognition.
- If an immigration service provider fails to provide a fifty thousand dollar bond or con-

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City Councilmember Dr Mathieu Eugene warns: beware of immigration fraud

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LEGAL ISSUES

How to Handle An NTA Before Immigration Court

The issuance of Notice to Appear (NTA) to immigrants after a botched interview seems to have hit an all-time high. The notice to appear is the letter asking an immigrant to appear before the immigration court for removal proceedings. The rate at which this notice is being issued by the U.S. Citizenship & Immigration Services (USCIS) to immigrants in the United States is unprecedented in the history of this country.

An immigrant who has overstayed his or her authorized stay in the United States could be issued a notice to appear before an immigration court for deportation proceedings. Usually, those who are caught inside Greyhound Buses, Amtrak Trains or at any Immigration and Customs Enforcement (ICE) raids are quickly issued the notice to appear before the court so that necessary order to deport them could be obtained for their removal from the United States.

Similarly, an immigrant who applied to the USCIS for permanent resident status who was denied or failed to appear for an interview is quickly issued a notice to appear before the immigration court for overstaying his or her authorized stay. In some Immigration Districts, the issuance of a Notice to Appear after a failed interview or failure to attend adjustment of status interview is almost automatic.

In New York, the trend is currently picking up some steam, but New York is still a better place for immigrants when compared to the Baltimore and Atlanta Districts. There are other locations with worse records. The District Office in Newark, NJ has also followed suit after a failed stokes interview.

It is our advice to all immigrants to take adequate preparation for their interview very seriously as the issuance of the notice to appear may spell your removal from the United States. It is more important than ever before that the services of qualified attorneys be used in processing an application for adjustment of status. It is cheaper to retain an attorney to work with you for your filing and attend the interview with you than to retain an attorney to represent you in court. In fact, many of the victims of the Notice to Appear notices will end up being deported after spending so much in retaining legal representation.

If you receive the notice to appear, please do not panic. All you need to do is to quickly consult with an attorney. Some of the notices will give you a date to appear in court while others because of the court's congestion will have a date "to be set". If your letter has a date to be set, consult with a lawyer in preparation for your case, you will receive another



Notice advising you of the date to appear in court.

It is important to note that moving from your address will not solve the problem. Please do not move. The ICE Agents will

not come looking for you because you are not ordered deported yet. Many street advisers will misdirect you by telling you that you will be arrested in court. No one will arrest you in court as long as your case is still pending. All you must do is to attend all court hearings and get to court on time.

If you failed to attend the court hearings, you simply made it easy for immigration to order you deported in absentia. There are consequences for an in-absentia deportation order. It is also not easy to get the case reopened without an exceptional reason for failure to appear in court. You must attend to have a chance to beat deportation. It appears that relocation will not solve the problem, it will simply turn you into a fugitive and you will be surprised how easy it is for ICE to find you.

During your consultation with your attorney, both of you must agree on how to handle the matter and the possible end game. You need to ask your attorney about the worse case scenarios. The reason for this is that the options that are available to you once you are before the immigration court are limited.

When it comes to court, time changes things. The longer you keep the case open, the better your chances of beating the charges. It is possible for the law to change while you are waiting to be heard. Also the government's case against you might become weaker with time. The aggressive District Counsel might be changed.

Be warned. Do not let anyone deceive you and give you false hope when you have no case. It will be false hope for any attorney to take your money and assure of you of winning when you have a prior conviction for an aggravated felony. By law anyone convicted of aggravated felony is deportable. You are deemed inadmissible and ineligible to receive any relief. The end game is that you will be deported, but you might as well buy time to save some money. Anyone with any form of criminal convictions will have a hard time before the court, but not all criminal convictions will earn you deportation. If the convictions involve crime involving moral turpitude, you could apply for waiver. If the crime is a petty offense, it will not count against you.

The best thing to do is to consult with an attorney regarding this matter. ♦

New York City Family Justice Center

350 Jay Street, 15th Floor
Brooklyn, New York 11201

The following is a list of services available at the New York City Family Justice Center in Brooklyn (BKFJC). All information is kept confidential, however those services marked with an asterisk (*) are mandated reporters of child abuse and/or neglect, and are required to report suspected child abuse and/or neglect to the proper authorities. The BKFJC is an initiative of the Mayor's Office to Combat Domestic Violence in partnership with the King's County District Attorney's Office.

Case Managers*

Police *

Probation *

The District Attorney's Office (DA) *

Therapeutic Counseling *
Elder Abuse Services *

Legal Information on Family Matters, Immigration & Divorce
Self-Sufficiency Services

Interfaith Spiritual Caregivers

Children's Services *

In an emergency call 911; for general questions about domestic violence services, please call the NYC 24-hour domestic violence hotline 1-800-621-HOPE or 311



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IMMIGRANTS' CONCERNS

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Beware of Immigration Fraud...

tract of indemnity for the benefit of any person who does not receive a refund of fees or is otherwise injured by the provider.

Spotting a fraudulent immigration attorney

- If an attorney fails to file those petitions or apply for those benefits for which you are clearly eligible.
- If an attorney files petitions for illegitimate programs that do not exist or for legitimate programs for which you are clearly ineligible.
- If an attorney fails to file a notice of appeal or a motion to reopen within the applicable statute of limitations

What to do if your immigration service provider or your attorney induces you to:

- a. Enter into a business marriage
- b. File a fraudulent asylum petition
- c. File a fraudulent religious worker petition
- d. File a fraudulent amnesty petition
- e. Obtain a fraudulent immigration document

● If your immigration service provider is in **violation of the city's Administrative Code**, call the Department of Consumer Affairs at 212-487-4110.

● If you are a victim of **attorney misconduct**, call the Departmental Disciplinary Committee in the borough where the attorney's office is located:
-Manhattan, the Bronx: 212-401-0800.
-Queens, Brooklyn, Staten Island: 718-923-6300.

● If you are trying to obtain the **reimbursement for attorney fees** in the case of malpractice, call Lawyer's Fund for Client Protection at 800-442-FUND.

● **On a local level**, your first move as a victim of immigration service fraud should be to contact the District Attorney's office of the borough in which the fraud was committed. For Brooklyn, that number is 718-250-2000.

● **On a city level**, you must complete a General Complaint form issued by the New York City Consumer Affairs Consumer Complaints Division. This department is responsible for investigating reports of immigration fraud and providing immigrants with tips on how to avoid becoming victims. DIAL 311: For access to help in 170 languages, 24 hours a day. Reach them on the web at www.nyc.gov/consumers.

● **On a state level**, you must contact the State Attorney General's Office and fill out a complaint form.
-New York State Attorney General's Office Consumer Helpline: 800-771-7755
-New York State Attorney General's Office Consumer Frauds Bureau NYC Office: 212-416-8300; 212-416-8346 (Spanish); 212-416-8893 (TTY/TDD)
-Albany Office: 518-474-5481
-Consumer Helpline: 800-771-7755
-www.oag.state.ny.us

Common immigration scams

Some ways that dishonest immigration consultants take advantage of people:

- Charging excessive fees for immigration services and then failing to file any documents.
- Promising to get Green Cards, work visas, religious visas or other benefits for immigrants who are not eligible.
- Claiming special connections to the United States Citizenship and Immigration Services (USCIS) which was formerly the Immigration and Naturalization Services (INS) that will result in special treatment for clients.
- Filing false asylum claims on behalf of immigrants who do not qualify and/or do not speak or read English.
- Encouraging fake marriages without explaining to clients that the USCIS will question them about all the habits of their "spouse" and all the details of their life together.
- Notary publics or *notarios* who claim they can handle USCIS matters.

Important guidelines to remember when dealing with immigrant consultants

- **Eligibility.** Don't let a consultant apply for an immigration benefit for you if you know you are not eligible for it or even have reason to question your eligibility.
- **Bribes.** Bribing government officials is illegal. Don't give extra money to anyone who claims he/she can get special immigration benefits for you if you give him/her extra money.
- **Proof.** Get everything in writing.

Whether you are using an attorney or a legal advocate, you have the right to receive a written contract outlining the agreement you have settled on. Read it carefully and make sure you get a copy of the contract and any other documents. If you cannot read English, bring someone with you who can translate for you.

● **Being informed.** Ask about the consultant's educational background and work experience.

● **Checks or money orders.** Try to pay with checks and money orders. If you pay cash, make sure you get a receipt. Make sure the receipt has the agency's or consultant's name and address printed on it.

● **Blank forms or applications.** Do not sign any blank forms or applications. Make sure you know and understand what you are signing.

● **Pressure.** Stay away from consultants who pressure you about payment.

● **Original documents.** Do not leave original documents, such as passports or other identity documents, with a consultant. The USCIS does not require original documents for any transaction. Photocopies are accepted.

● **Second opinions.** Get a second opinion before you agree to costly procedures.

● **Attorneys.** Determine whether you need an attorney. If a form or legal document is lengthy or too complicated to understand, try to find an immigration attorney. You may find that some attorneys charge less than immigration consultants. You should also be careful when looking for an attorney.

● **Licenses.** Always check to see whether your attorney is licensed to practice law in New York State. You can contact:

- Your local district attorney
- The New York Bar Association
- Office Court of Administration (OCA)
- The New York State Unified Court System Attorney Registration Unit: 212-428-2800.
Email: attyreg@courts.state.ny.us

● **Confidentiality.** Remember that the Kings' County District Attorney's office has a strict confidentiality policy. As a victim of immigration fraud you will not be reported to the USCIS under any circumstances—guaranteed. Be sure to look into the policies of your local DA. Criminals cannot and will not be caught if people do not report their crimes.

● **If it sounds too good to be true, then it probably is!**

● **Be aware.** Be wary even of those service providers who are from your country of origin. A national connection is an integral part of many scams. ♦

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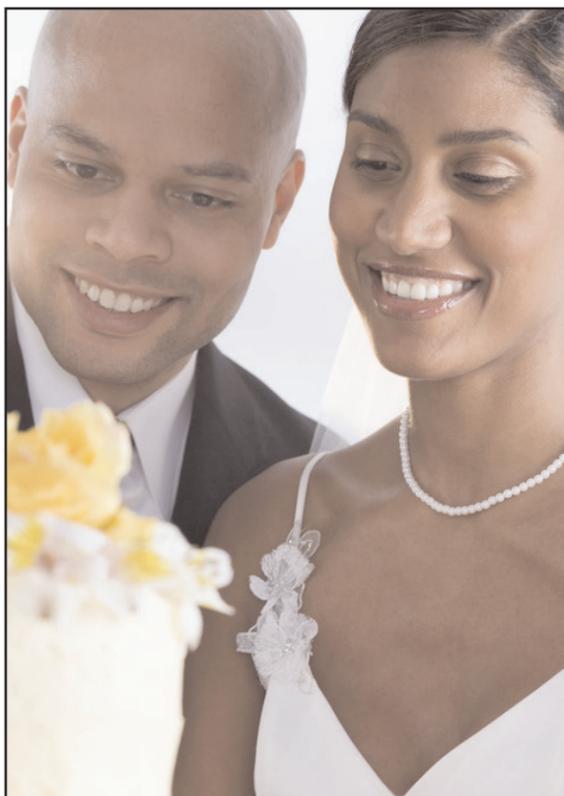
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FAMILY MATTERS

Relative Status, Bogus Marriages & Employee Sponsorship

In seeking consultation to help navigate the complex U.S. immigration laws, immigrants find themselves victimized by an even greater predator: crooked immigration service providers. Not only do many immigration laws apply only to select people or groups, but many also have a number of exceptions that only the most highly qualified immigration consultants and attorneys truly have a grasp of. Thus, it becomes all too easy for con-artists to prey on immigrants—many of whom do not read or speak English, but all of whom have legalized status in the United States as a top priority—by convincing them that they qualify for paths to legalization for which they are clearly ineligible or by merely taking their money without ever attempting to file documents on their behalf.

Consultants often deceive their clients by highlighting “immediate relative status” as the most preferred immigrant category under current laws, exempting relatives and spouses of U.S. citizens from numerical limitations. Since the beneficiaries of this category can obtain immediate work authorization, a social security number, and the chance for a Visa within one year, consultants encourage their clients to engage in phony marriages. Not only does this lead to serious fragmentation in immigrant families when



spouses of longstanding divorce to make bogus marriages possible (applicants for Green Cards must provide proof that all prior marriages were legally terminated), but consultants often fail to inform their clients how strict the authorities can be with regard to such marriages. Part of the application process for a Green Card requires an interview with the U.S. Citizenship & Immigration Services (USCIS) that includes an examination of your marriage.

The Green Card applicant and his or her new spouse will be asked to describe at length the nature of their relationship

and the circumstances under which they met. They will be asked to provide photographs of their wedding and a copy of the guest list or to produce evidence of leases, joint bank accounts or mail sent to them at the same address. Questions can be as technical as descriptions of the rooms in their home and the colors of carpets, drapes or walls. If the USCIS doubts the legitimacy of their claims, the immigrant will first be given an opportunity to declare in writing the validity of what he/she has told them, but if the BCIS ultimately denies his case, his/her name can then be submitted for removal (deportation), and possible indefinite prohibition from entrance to the U.S. Also, those couples married for less than two years at the time of application will remain under surveillance by the USCIS for the two years following the attainment of “conditional” resident status.

Despite one’s immense desire as an immigrant to become legal, one must always remember that there are very few legal remedies and those that exist have a lot of very fine print. Therefore, if you fear you may not qualify, you probably don’t. Remember, employee sponsorship is easiest to attain for those who are of “extraordinary ability in business, sciences, arts, education, or athletics, professors, researchers, international executives or managers, have a “National Interest Waiver” or are registered physical therapists or nurses. Any alien in search of sponsorship without these qualifications is subject to “labor certification” or proof that his/her field is underserved and that there are no legal citizens at the time of his/her application for the visa who are available, willing and able to take the position.

Aliens convicted of felonies also have very little relief available to them. Beware of any attorney who encourages you to make a guilty plea in a criminal case because criminal status is grounds for deportation. If an attorney advises you to make such a plea without first warning you about the consequences, you may be able to bring a case against him/her for professional negligence by filing a complaint with the appropriate Bar Association. If the Bar finds that the lawyer is guilty of professional negligence, the immigration judge can grant you a stay of deportation so that your new attorney can reapply for the original remedy to which you were entitled.♦

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The Immigrant's Journal Legal & Educational Fund, Inc. is an organization dedicated to the educational and economic empowerment of all immigrants and immigrant organizations here in the United States. We at the Journal recognize the enormous contribution of immigrants to this country economically, socially and politically. Since September 11, 2001, however, immigrants have increasingly been discriminated against and Congress has passed legislation curtailing the rights of immigrants here in the U.S., broadly claiming that immigrants are a threat to “National Security.” We at the Journal believe that these charges are unfounded, unsubstantiated and exaggerated.

The Immigrant's Journal Volunteer Intern Program was introduced to give our volunteers the opportunity to work in an immigrant friendly environment while developing the necessary skills for college or law school. They assist our staff in resolving immigration and other legal concerns through personal interviews, radio, email and telephone contact. They also assist the public with citizenship applications and in researching whether or not children of naturalized US citizens have derived citizenship from their parents. Some of our volunteers assist our legal staff by engaging in legal research and writing letters on other legal issues. Volunteer interns are also assigned various other jobs in our Youth Programs.

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IMMIGRANTS' VOICES

Bad Samaritans: True story of consultant fraud in NYC

In the case of Pamela Brown*, her desperation for citizenship led her to follow advice based on claims whose validity she doubted even before she had given the consultant any money.

Brown immigrated to New York from Jamaica in the late 1990s. Following a flyer she saw on the street one day, she went to the BABA CAR organization to find out how she could obtain legal residency. There, a Mr. Hussein told her that she qualified for amnesty and that for \$1,985 he would complete all the forms she needed to apply for permanent resident status. Yet when he gave her the papers describing the amnesty to look over, Brown noticed that only those immigrants who had arrived before January 1, 1982 were eligible. She had come over a decade and a half too late. Hussein was probably referring to the one-year period which began on May 24, 2004, during which only those immigrants who should have been granted amnesty by President Reagan's Immigration Control and Reform Act in 1986, but were illegally turned away by the BCIS in 1987-88, were able to finally obtain the amnesty rightfully granted

Immigrants lose their life savings and dreams in immigration fraud. Don't be one of them.



them eight years earlier. Though thousands of undocumented immigrants qualified, Brown was not one of them. When she voiced her concern to Hussein regarding the time of her arrival in the United States he assured her that the date was irrelevant and proceeded to fill out all the forms. When he finished, he told

her that all she needed to do to receive a work permit and a Green Card from the USCIS was to sign the forms. She paid him \$1500 in cash and gave him a money order for \$485, which Hussein took and then submitted with the forms to the U.S. Citizenship & Immigration Services (USCIS).

A couple of months later Brown received a letter in the mail from the USCIS. Instead of a work permit and a Green Card, the envelope contained only a denial of her application. Even though she had known that her date of arrival did not match the one necessary for qualification, she had wanted so badly to obtain permanent status that she listened to Hussein when he told her the discrepancy did not matter.

Immigration consultants know that immigrants are new to the States and that they do not know who to trust or what to believe. For this reason, immigrants must be on the defensive and constantly on guard against the rampant threat of fraudulent businesses whose only services to offer are schemes to take away immigrants' money, and hopes of attaining legal permanent residence. ♦

Resources For Victims Of Immigration Fraud

- New York City Bar Association
212-382-6600; 800-788-9898
(TTY/TDD)
- King's County District Attorney
Citizen Action Center
718-250-2340
- New York Immigration Coalition
212-627-2227
- New York Citizenship Unit
718-923-4396
- New York Immigration Hotline
800-566-7636 and 212-419-3737
- Governor's Citizenship Unit
212-961-8261
- State Consumer Protection Board
800-697-1220
- National Fraud Information Center
800-876-7060

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If you have concerns, be aware that your conversations with non-lawyers are not privileged, should the government decide to investigate you.

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OBAMA ADMINISTRATION

continued from page 1

Call for Immigration Reform

clamoring for serious solutions for nearly two decades and today's announcement is the strongest sign yet that President Obama is ready to lead on this very urgent issue.

In 2009, more than 650 organizations have been diligently working with the White House, Congress, and the American public to facilitate a process that can help us reach a national consensus that inaction on the human crisis facing immigrants is no longer acceptable. As the President himself stated early in his Administration, immigration reform is a national priority, especially now when the American worker deserves a level playing field in the workplace if we are to emerge as a nation from this elongated economic downturn.

2010 is about getting immigration reform done. Congress must act boldly and in good conscience. Immigrant communities everywhere will be joining faith leaders, small businesses, labor, students, and grassroots organizations visiting each member of Congress. In California, CHIRLA and more than 40 organizations will lead an effort to visit each one of the 53 congressional representatives and the state's two senators during the month of January. We believe Americans are ready to make the hard choices and they expect their representatives to do so as well." ♦

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DA Hynes Leads Charge...

who perpetrate fraud against the immigrant community count on this fact and often reinforce the belief in order to remain at large and to continue their fraudulent practices. Many of the immigration fraud defendants prosecuted adversely affected the lives of dozens and sometimes hundreds of immigrants before they were caught due to victims' fears about coming forward. The Kings County District Attorney's office does not inquire into the immigration status of witnesses and victims to the Immigration and Naturalization authorities.

Victims may be eligible for a "U" Visa. A "U Visa is an immigration status available to crime victims who are helpful in the investigation and prosecution of a crime (does not only have to be immigration fraud). U Visas also create a path to lawful permanent residence, which is commonly known as the Green Card. This Visa will allow undocumented immigrants to feel safer in coming forward and reporting and testifying about crimes because they will no longer fear deportation. The U Visa is an important tool to improve the effectiveness of law enforcement in investigating and prosecuting crimes where immigrants are witnesses and victims. The Kings County District Attorney's Office has prosecuted defendants for the victims. Often the defendants take the original documents



to leave the victims without an ability to seek legitimate sources of help for their immigration issues. However, the greater the delay in reporting such crimes, the more difficult it is in trying to recover the victim's property and to obtain justice.

Things to Avoid

Notary Publics, Notarios and Immigration Consultants may not represent you before the immigration authorities. While in other countries the word "notario" means that the individual is an attorney, this is not true in the United States and they may not provide the same services that an attorney or accredited representative does.

A Notary Public may not

- Give legal advice on what immigration benefits you may or may not apply for;
- Give legal advice on what to say in an immigration interview;
- Hold themselves out as qualified in legal matters or in immigration and natu-

ralization procedures

How to Protect Yourself

- Do not sign blank applications, petitions or other papers
- Do not sign documents that you cannot read or do not understand
- Do not sign documents that contain false statements or inaccurate information
- Do not let anyone keep your original documents
- Do not make payments without getting a receipt
- Do not make payments over the internet
- Do not pay more than a nominal fee to non-attorneys (notarizing, etc)
- Make sure you obtain copies of all documents prepared or submitted for you
- Make sure you verify an attorney's or accredited representative's eligibility to represent you
- Report any representative's unlawful activity to the District Attorney's Office, the Police, New York State Attorney General's Office, the United States Customs and Immigration Services, or the State Bar Associations. ♦

To report allegations of immigration fraud to the Kings County District Attorney's Office, contact the Citizens Action Center (718-250-2340).

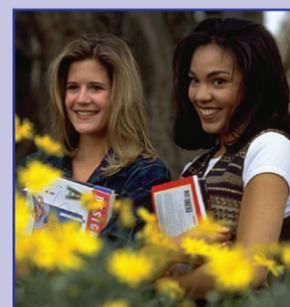
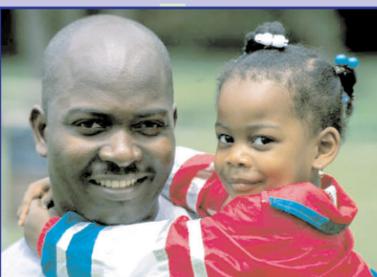
ALL IMMIGRATION MATTERS

● GET THE FACTS ● BE SMART ● MAKE THE RIGHT DECISION ● BEWARE OF IMMIGRATION FRAUD



- ▶ Health Care (RN/OT/PT/TSHH/SLP'S & IT Cases)
- ▶ Extension of Status & Visa Renewals
- ▶ Work Authorization
- ▶ H-1B Professional Workers
- ▶ F-1 Students
- ▶ J-1 Exchange Visitor Trainees
- ▶ O-1 Extraordinary Ability
- ▶ R-1 Religious Workers
- ▶ U.S. Citizenship

- ▶ Family-sponsored Permanent Residence
- ▶ Green Cards/Labor Certification (RIR)
- ▶ Immigration Visa Petitions: Employment Based
- ▶ Temporary Work Visas
- ▶ Naturalization Derivative Petitions
- ▶ Labor Certifications
- ▶ Application for Asylum
- ▶ Petitions for Writ of Habeas Corpus
- ▶ Appeals to the Board of Immigration Appeals
- ▶ Lawsuits involving Eligibility and Processing for Citizenship



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IMMIGRANT RESOURCES

Attorney Disciplinary Procedures In New York State

All attorneys are subject to a code of conduct, the Code of Professional Responsibility, as adopted by the Appellate Division of State Supreme Court. Attorneys who violate the law or fail to abide by this code of conduct are subject to discipline, which may include admonishment, reprimand, censure, suspension or loss of his or her license to practice law.

In New York State, the Court appoints discipline and grievance committees made up of both attorneys and non-attorneys, working with a court-appointed, state-financed, full-time professional staff. Committee panel members are not paid for their work, but volunteer to do this work in order to maintain the standards of the legal profession. They either investigate the complaints received by their committee or, in some cases, refer complaints to a county bar association for resolution.

Submitting a Complaint

When submitting a complaint to a grievance committee, remember that it must be in writing. If the complaint describes conduct which would be considered improper and is proven to be improper then the attorney against whom the complaint is made must respond to the complaint, also in writing. If the committee maintains, after investigation and with consideration of the attorney's response, that the attorney's conduct was improper, it can send the attorney a letter of caution, admonition or reprimand, advising

him or her of the impropriety of the conduct. These letters are not made public, but are retained as part of the attorney's record and the complainant is advised if such action is taken. In cases of serious misconduct, the committee may refer the matter to court for action. If the court, after a hearing by a disciplinary panel or referee, decides to take disciplinary action against that attorney, the decision customarily is made public.

A Process to Protect the Public

By bringing a complaint to a committee's attention, the public helps the legal profession achieve its goal of protecting the public. The committees act to resolve a complaint in a manner that is fair to both the complainant and the attorney. However, the only matters that will be addressed by the committees are questions of the ethical conduct of attorneys; they cannot represent you or give you legal advice. They cannot sue an attorney on your behalf, or seek the return of money or property from the attorney. For such reimbursement of funds or property as a result of lawyers' dishonest conduct in the practice of law, the State Legislature created the Lawyers' Fund for Client Protection in 1981.

The Lawyers' Fund

Funded by attorneys practicing in New York, who are required to pay a biennial registration fee in order to practice, the Fund receives 20% of the fee. An individual need

not be represented by a lawyer in order to submit a claim to the Fund. For more information on the operations of the Fund and the filing of a claim with the Fund, you may write to the Fund at 119 Washington Avenue, Albany, New York 12210, or call the Fund's Toll-free number, 1-800-442-FUND or 1-518-434-1935. Their website is <http://www.nylawfund.org>.

The Trustees may reimburse losses caused by the dishonest conduct of lawyers admitted to the practice of law in New York State, up to a maximum of \$300,000 for each client loss. "Dishonest conduct" means the wrongful taking of clients' money or other property, in the practice of law, after June 1, 1981.

Clients must apply for reimbursement within two years after they discover their loss.

Typical losses covered include the theft of money from estates of dead clients; escrow funds in real property closing; settlements in personal injury actions; and money embezzled from clients in investment transactions.

How to File a Claim with the Lawyers' Fund

A client must complete and return an application for reimbursement. Application forms and other information are available from the fund's offices at 119 Washington Avenue, Albany, N.Y. 12210. Telephone 518/434-

1935, 800/442-FUND.

There is no application fee, and clients are not required to be represented by counsel. Lawyers in New York State who help clients process applications with the fund do not charge a fee for those services.

In order for a claim filed with the Lawyers' Fund to be considered for reimbursement, a law client who accuses a lawyer of misusing money and property must report the loss to an Attorney Disciplinary (Grievance) Committee and to the District Attorney in which the lawyer maintained law offices.

Each application is screened to see if the loss is eligible for reimbursement. Ineligible claims are dismissed promptly with an explanation why the loss cannot be reimbursed. Eligible claims are investigated and reports prepared for the Trustees. The Trustees meet four times each year to evaluate claims and to determine the amounts of reimbursement that will be allowed. The typical award is approved within seven months.

Losses are not generally reimbursed by the Trustees until a lawyer is disbarred by the New York court system. It's important that clients cooperate fully in all official investigations involving dishonesty in the practice of law. ♦

Kings, Queens and Richmond Counties

Grievance Committee for the Second and Eleventh Judicial Districts
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Brooklyn, NY 11201-3745
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You have the right to remain silent. Anything you say can and will be used against you in a court of law. You have the right to speak to an attorney, and to have an attorney present during any questioning. If you cannot afford a lawyer, one will be provided for you at the government's expense.

Latino I.C.E.

The Immigrant's Journal Legal & Educational Fund, Inc in partnership with its legal advisor, Brian Figeroux and associates Frank Castel and Rhadames Ulloa offers free legal consultations during the one hour radio program, Latino ICE (Immigration & Cultural Exposé). The consultations can be on issues such as immigration, family (divorce), real estate, bankruptcy, foreclosures, personal injury, medical malpractice, criminal and civil, wills and estate planning.



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