

**Task Force on Immigration Consultant Fraud (HB 3525)**

**August 18, 2015**

**10:00am – 11:30am**

**Hearing Room C, 900 Court St. NE**

**Salem, OR 97301**

Minutes

Members Present: Senator Gelser, Representative Vega Pederson, Bonnie Allen-Sailer, Keith Bickford, John Haroldson, Amber Hollister, Aaron Knott, John Marandas, Judy Parker, Chanpone Sinlapasai-Okamura, Peter Threlkel

Members Excused: Stephanie Engelsman

Staff: Nancy Kramer, Oregon Advocacy Commissions Office

I. The meeting was called to order at 10:04am, Tuesday, August 18<sup>th</sup>, by Senator Gelser.

II. Adoption of Proposed Rules

The Task Force reviewed a draft of rules that legislative groups often use.

MOTION (Representative Vega Pederson): To adopt the proposed rules for Task Force on Immigration Consultant Fraud. CARRIED.

III. Election of Chair/Co-Chairs

MOTION (Knott): To nominate Senator Gelser and Representative Vega Pederson to serve as Co-Chairs for this committee. CARRIED.

The Co-Chairs agreed to alternate holding the gavel for these task force meetings.

IV. Introductions

The members of the task force introduced themselves and shared briefly about their interest and connection to the topic of immigration consultant fraud.

V. Summary: History and original concept of HB 3525

Judy Parker and other members of the Task Force discussed the history of notario fraud and HB 3525.

Under Oregon Revised Statute, Chapter 9, the only people in Oregon authorized to work on immigration papers are lawyers and immigration consultants. A Notario does not hold a law degree and cannot legally do the work of an immigration lawyer. Some notarios in Oregon falsely claim they can accomplish the work of an immigration lawyer, and prey upon immigrants and their families who are uneducated and unfamiliar with the U.S.'s legal system. They claim they can provide legal U.S. immigration documentation for the

victim and the victim's family members who are still abroad, feeding on a victim's false hope for family reunification.

In September 2014 a CLE was held at the Oregon State Bar to raise awareness about Notario Fraud. Currently no law exists to prosecute and convict Notario Fraud. Not long after the training a work group was formed, led by Judy Parker, a practicing attorney and a member of the Oregon Commission on Hispanic Affairs (OCHA), with the goal of developing legislation to strengthen prosecution of Notario Fraud. The original concept of HB 3525 was to amend ORS 162.235 (Obstructing governmental or judicial administration) to include language that makes it a crime to intentionally act to obstruct, impair or hinder another person from reporting an immigration consultant acting in violation of ORS 9.280 to a law enforcement agency or judge by instilling in the other person a fear that, if the other person reports a violation, the actor or a third person will unlawfully cause one or more types of harm, to the victim.

Several real-life examples of cases regarding Notario Fraud were cited in general terms by different members of the task force, and illustrated actions a fraudulent Notario might take to cause harm: coercion, intimidation, threats of deportation and violence to the victim and their families.

The work group submitted HB 3525, sponsored by Representatives Vega Pederson and Gallegos, after the 2015 legislative session began, leaving less time than usual to work on the bill. As the bill moved through the Judiciary Committee some issues were identified as problematic and there was not enough time remaining before the end of session to amend the legislation in ways amenable to all stakeholders. The bill was revised to establish a task force on Immigration Consultant Fraud consisting of 12 appointees: one Senator, one Representative, one from the Secretary of State's office and nine members appointed by the Governor.

#### VI. Points of consideration

The members of the task force determined there were two broad issues to take into consideration in order to develop effective legislation that would pass muster:

1. Where to put the statute that addresses the crime that is happening
2. How to address the side effects that happen when a victim who does not have documentation reports the crime of Notario Fraud

The group discussed the different aspects of coercion, fraud, theft, extortion and obstructing governmental administration as described in the Oregon Revised Statutes, in respect as to how prosecution of Notario Fraud could fit into a revision. It was agreed that Legislative Counsel needs to weigh in on the discussion.

There was also discussion about how a victim of Notario Fraud who does not have proper documentation would be reluctant to report the crime, as they would put themselves and possibly others at risk of being deported. Members of the task force confirmed that clients have been deported for this reason.

Discussion included review of an immigration form used at the U.S. Citizenship and Immigration Services' Vermont Service Center, and taking into account whether the ideas proposed so far would pass muster given the limited number of options on Form I-918 Supplement B.

VII. Outcomes of the task force and challenges

The overall timeframe for the Task Force includes submitting a report to the legislature by September 15<sup>th</sup>, 2015.

A proposal was made to address item #1 above by amending the title of the Theft by Extortion statute (ORS 164.075) and/or adding a new section or a new sub caption about Extortion in terms of Notario Fraud.

As a means to address item #2 above, John Haroldson proposed adding language to the Intimidation statute (ORS 166.155 and 166.165) regarding Notario Fraud, as that statute already includes wording about the perception of a victim's national origin.

Senator Gelser asked Aaron Knott and John Haroldson to develop a rough outline of these two proposals. Senator Prozanski and Representative Barker will be asked to review these before the next task force meeting. Their input will be shared at the next task force meeting to better understand the political opportunity and the political challenge of these ideas.

John Marandas will research what a federal agency will or will not allow in terms of language about extortion.

Peter Threlkel will look into the details of punishment for impersonating a Notary Public. He is aware of a sentence of suspension for 10 years and also being barred for life from ever becoming a Notary again.

VIII. Scheduling 2<sup>nd</sup> and 3<sup>rd</sup> meeting

The Task Force will meet for the 2<sup>nd</sup> time on Wednesday, 9/2 from 10:00am – 11:30am in the Capitol building.

A 3<sup>rd</sup> meeting was scheduled for Thursday, 9/17 from 10:00am – 11:30am in the Capitol building. It may or may not be needed. This will be decided at the next meeting.

IX. Adjourn – the meeting adjourned at 11:23am.

NOTE: The official record of this meeting is the video recording. If you would like a copy of this recording contact Nancy Kramer at [nancy.kramer@oregon.gov](mailto:nancy.kramer@oregon.gov).