



WNYC News

Published by

WNYC News

Congresswoman Calls for More Oversight of Non-Lawyers Representing Immigrants

...4 min...

[Download this audio](#)

.....[Email a Friend](#)



Carlos Davila in his office, being interviewed by WNYC and Telemundo 47 about allegations that he defrauded immigrants. ([Peter Mármol / Telemundo 47](#) / Telemundo 47)

May 9, 2017 · by [Beth Fertig](#)

New York Congresswoman Nydia Velázquez said she will write a letter asking the House Judiciary Committee to investigate a Department of Justice program that lets nonlawyers practice immigration law.

The Congresswoman's concerns follow [an investigation](#) by WNYC and Telemundo 47 that found a convicted criminal in the Bronx obtained DOJ accreditation to represent people in immigration court. He is now accused of defrauding them.

Three immigrants without legal status claim they gave Carlos Davila money to file applications for asylum, but then never received the required acknowledgment letters from the federal government. He is also selling identification cards called ID4ICE. In a Spanish-language video [on his website](#), he said the cards can prevent someone from being deported.

“The fact that Carlos Davila is taking advantage of fear in our communities to scam people is really outrageous and the Department of Justice needs to have oversight and accountability over this program,” said Velásquez.

The DOJ's accreditation program requires that nonlawyers work at a nonprofit that helps low-income immigrants, and that they show knowledge of law. They are also not supposed to have any serious criminal convictions. But the DOJ does not conduct criminal background checks.

Davila served a total 12 years in prison for first-degree manslaughter. He obtained accreditation to represent people in immigration court in late 2011, the same year he got tax-exempt status for his Bronx charity, A New Beginning for Immigrants Rights.

When confronted by WNYC and Telemundo 47, Davila said the ID4ICE card is no guarantee against being deported. He also claimed the immigrants who complained about him must have gotten impatient.

But New York State Attorney General Eric Schneiderman's office, which regulates local charities, said it has opened an inquiry. On Monday, the attorney general sent a letter to Davila citing delinquent annual filings of his charity's tax forms with its office. The letter said he must cease soliciting contributions or engaging in any other fundraising activities, which includes selling identification cards.

The DOJ is currently reviewing Davila's accreditation, but he is still allowed to practice.

Immigration lawyers and judges strongly support the DOJ's accreditation program for nonlawyers to represent people in immigration court. It was created in 1983 because there weren't enough lawyers to help low-income immigrants.

Judge Dana Marks, speaking in her capacity as president of the National Association of Immigration Judges, said she has seen very fine accredited representatives in her 30 years on the bench.

"Many of them have been outstanding practitioners," she said, adding that "their background and understanding of immigration law was so sophisticated, and their commitment to their clients was really exemplary."

However, she said criminal background checks should be required for all applicants.

Federal Judge Robert Katzmann agreed. He is chief judge of the U.S. Court of Appeals for the Second Circuit in New York, and said criminal background checks are needed because immigrants are extremely vulnerable to scams.

"It seems to me that ensuring immigrants aren't ripped off by unscrupulous organizations and individuals in the first place, that is the front-end approach," he explained. He said a criminal background check could save immigrants from "disastrous consequences of inadequate representation, and also saves law enforcement of the effort entailed in prosecuting purveyors of immigration fraud."

Katzmann founded a program a few years ago called the Immigrant Justice Corps which trains new law school graduates to work as immigration lawyers, because he saw a lot of poor quality lawyers representing immigrants in his courtroom.

Although the Department of Justice said it has punished representatives in the past, a review by WNYC found only two on a list of disciplined practitioners dating back to 1994. Everyone else on the list was a lawyer banned or suspended from practicing immigration law.

David Leopold, former president of the American Immigration Lawyers Association, said the Davila case shows the immigration court system needs a review. "What happens in immigration court is a matter of life and death for many immigrants," he said. "It's critical that the Department of Justice — which oversees the immigration court system — ensure that every immigrant is afforded due process."

RELATED

When Immigrants Are Vulnerable to Scams

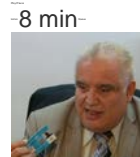
A convicted felon is nevertheless certified to represent immigrants in court by the DOJ — and is now selling cards that falsely promise to protect his clients from deportation. May 8, 2017



24 min-
WNYC News /

Felon Has Federal Approval to Represent Immigrants. Now He's Selling This.

After he got out of prison, a Bronx businessman got an accreditation from the Department of Justice. A WNYC-Telemundo 47 investigation found immigrants now accuse him of defrauding them. May 8, 2017



<http://www.wnyc.org/story/congresswoman-calls-more-oversight-non-lawyers-representing-immigrants/>