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

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Carlos Davila holds up the "National Identification" card he manufactures himself and sells for \$200. (Peter Mármol / Telemundo 47)

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May 8, 2017 · by [Beth Fertig](#)

From

A Bronx businessman authorized by the federal government to represent immigrants in legal proceedings is selling \$200 cards on a false promise that they offer protection against deportation, an investigation by WNYC and Telemundo 47 has found.

The man, Carlos Davila, pled guilty to first-degree manslaughter in 1988 and was convicted of misdemeanor sexual abuse while out on parole in 1996. He served a total of 12 years in prison. The Department of Justice told WNYC Davila's authorization to represent immigrants is now under review, but he is still accredited and allowed to practice.

Immigrant rights advocates said the episode raises questions about the federal program that lets nonlawyers represent poor people in immigration court. They also said it underscores dysfunction in an overburdened system for immigration proceedings just as the Trump Administration is cracking down on people who are in the country illegally.

Carlos Davila is advertising "ID4ICE" on a website called [No Mas Deportaciones](#), which went up in February, soon after Donald Trump was sworn in as president. [In a Spanish](#)

language video, he says the card was created "for people who are undocumented and have to go against an interview with ICE."



Carlos Davila got a trademark for his "National Identification" card and manufactures it himself. (Courtesy of Telemundo 47)

"If you don't talk and let the ID do its job, you will not be deported," he says in the video. It first appeared on Davila's YouTube channel about a year ago, and the price tag was \$50 at the time.

But legal experts said that there is no identification card that can prevent an immigrant from being deported.

"It's meaningless and to the extent he's implying that it has meaning or any force, then that's a clear misrepresentation," said Matthew Blaisdell, who chairs a committee on the unauthorized practice of law for the American Immigration Lawyers Association.

Asked about the blue plastic cards in an interview with WNYC and Telemundo 47, the 62-year-old Davila defended them as legitimate. He noted that each card says, in English, that its holder is protected by the U.S. Constitution's Bill of Rights and the Vienna Convention, and that the holder has the right to call a legal representative if detained. The cards also say the individual will not sign any document or consent to a search without a warrant.

(Video courtesy of Telemundo 47)

"We can't say ICE [is] not going to touch you," he explained, when asked if the cards could give someone the impression of immunity from an Immigration and Customs Enforcement agent.

But he insisted the reminder on the back of the card is a form of protection. "With this here, they have a list, they have an assurance that they [are] protected, they know their rights." He said he has sold about 25 cards so far.

Many established immigrant advocates distribute similar information and have ramped up their outreach since Trump was elected president.

"He does have a nice point giving someone a card they can hand to an enforcement officer without having to speak, said Lenni Benson, an immigration professor at New York Law School. "But those are available all over the Internet for free."

Davila described the card's \$200 fee as something like a donation to his nonprofit group, A New Beginning for Immigrants Rights, which he said provides free immigration services for victims of domestic violence. He referred Telemundo 47 to a woman who said Davila helped her get a green card after she was abused by her partner. Like the card, the service wasn't free. She said she paid Davila \$600.

"This is like fundraising for us," he said, of the card's price. "You get two years of this ID card and also if we need to go to court, we go to court for you."



ID4ICE ad on Facebook page of Carlos Davila's charity, A New Beginning for Immigrants Rights, says "You will not be deported."

(Facebook)

The card says "National Identification" in capital letters at the top. Asked if this could be misleading, Davila said it was just the name of the card, explaining that he had obtained [a trademark on ID4ICE](#) from the federal government for his logo to be used on magnetically-coded identity cards. An acknowledgment of the trademark is framed on the wall behind his desk. It's next to a copy of the U.S. Constitution and a master's degree from [the fake online Rochville University](#), which is now defunct.

A spokeswoman at Immigration and Customs Enforcement said the agency had never heard of the ID4ICE.

A Criminal Record but Allowed to Represent Immigrants in Court

It's not new to find people making misleading offers to help immigrants who are in the country illegally. Seven years ago, New York State [shut down one business](#) that was selling what it described as international ID cards to immigrants. But in the wake of Trump's election, authorities have warned that immigrants afraid of being deported may be especially vulnerable to scams.

The group [Protecting Immigrant New Yorkers](#) issued a report saying those who take advantage of immigrants are usually unscrupulous attorneys or *notarios*, notaries who are often mistaken for lawyers because they're licensed to prepare legal documents.

But Davila's enterprise has the federal government's seal of approval. The Department of Justice created a [recognition and accreditation](#) program in 1983 for nonlawyers to represent low-income people when they apply for green cards and go to immigration court because there weren't enough attorneys to meet the demand.

To qualify, applicants must show they have knowledge of the law and work at a nonprofit. Accredited representatives are also supposed to possess the "character and fitness" to represent clients before immigration courts. Regulations state that having a criminal record may make someone ineligible for accreditation.

But the Department of Justice does not run criminal background checks on applicants.



305 E. 149th Street in the Bronx
(Richard Yeh/WNYC)

How did Davila get into the federal program?

Davila works out of a second floor office at 305 East 149th Street which he shares with a small law firm. He received full accreditation from the Department of Justice in November of 2011, less than a year after getting tax-exempt status for his tiny Bronx charity, A New Beginning for Immigrants Rights. He said he has two full-time staffers, including himself, and three volunteers.

Blaisdell, of the immigration lawyers association, said this raised a red flag, noting most accredited representatives work at established nonprofits like Legal Services, Make the Road or Catholic Charities. There are more than 80 such organizations in New York City with accredited nonlawyers on the [national list](#). Most representatives only have the power to help immigrants with Department of Homeland Security issues such as green cards and citizenship. Davila has full accreditation to also represent people in the immigration courts.

Blaisdell said he supports the Department of Justice program, but there there needs to be more oversight of representatives at smaller and newer charities, as well as fingerprinting of applicants.

"In the field of immigration, where the population is so vulnerable, and where the consequences are so severe, and where the laws are so complex, this just creates this kind of perfect storm for exploitation," he said.

The Bronx District Attorney had Davila arrested in 2014 for impersonating a lawyer and larceny after a woman complained that he charged her \$1,000 for immigration services. But it later dropped all charges. Davila then filed a suit against the district attorney for malicious prosecution and illegal search and seizure, but it was dismissed by a federal judge.

The Department of Justice currently lists more than 1,800 representatives at more than 900 organizations around the country who are fully or partially accredited. An agency spokesperson insisted accredited representatives have been disciplined in the past. A Catholic priest in Brooklyn was stopped from practicing as a nonlawyer a few years ago, according to [The New York Times](#).

The agency's own website has [a list dating back to 1994](#) of practitioners banned from working in immigration courts, which includes representatives and attorneys. WNYC searched through that database and found only two accredited representatives who were disciplined, and it did not include the priest. By contrast, more than 750 lawyers were suspended or disbarred.

Raluca Oncioiu, director of the immigrant legal services department for Catholic Charities, said she mostly hears complaints about *notarios* and private attorneys. "I could probably count on one hand the number of complaints I've gotten against nonprofits," she said. And until someone complained this year about Davila to the state's Office for New Americans [hotline](#), which is run by Catholic Charities, Oncioiu said she had never heard of a problem involving a representative.

Experts said the lack of complaints against accredited representatives may stem from people not knowing where to go if they have a problem. With a licensed lawyer, they know to go to a bar association. "This is neither fish nor fowl," said Benson, of New York Law School. "How does the public know?"

There's also never been an audit of the accredited representatives program by the U.S. Government Accountability Office or the U.S. Department of Justice Office of the Inspector General.

In January, the Department of Justice began requiring [more oversight](#) of the charities and representatives amid concerns about immigration scams. The program used to be managed by the agency's Board of Immigration Appeals but is now under the Office of Legal Access Programs, which has more experience with nonprofits. Both fall under the Department of Justice's [Executive Office for Immigration Review](#) (E.O.I.R.).

According to E.O.I.R., accredited representatives and charities must now provide more information about the fees they charge. But there is still no requirement for a criminal

background check. E.O.I.R. would not answer questions about Davila's background and qualifications to represent immigrants. But it said he has represented about 180 people in immigration courts, including at least three of whom who were spared from deportation (many cases are still pending). Spokesperson John Martin issued this written statement about the office:

"E.O.I.R. accredits individuals based on the information presented by the applying organization and the Department of Homeland Security. If E.O.I.R. is not aware of certain information, then we cannot act on that information."

Under the new accreditation rules, however, he said E.O.I.R. has "the ability to review whether that recognized organization or accredited representative continues to maintain the qualifications for recognition and accreditation" if it receives additional information.

Full Disclosure?

WNYC and Telemundo 47 asked Davila why he didn't fully disclose his criminal background when he applied to become an accredited representative in 2011. He said it's because the government never asked him directly.

Davila admits that there should be a background check, adding that the government should also include fingerprinting if they want to weed out people with criminal records.

He described himself as rehabilitated after serving 12 years in prison. "I made a promise to God that everything that I'm going to do, I'm going to try to do to amend what I did," he said. "I helped thousands of people through all the years that I've been out."

Davila said he was born in Puerto Rico and learned immigration law while working as a paralegal and by taking classes. He said he created his nonprofit because he'd seen lawyers taking advantage of immigrants when he was a paralegal, and wanted to offer real help.

But some of his clients claim he actually ripped them off.



A man, who did not want to be photographed, files a complaint about Carlos Davila with Kerry Conboy, a migration counselor at Catholic Charities. (Beth Fertig/WNYC)

Allegations of Fraud

Davila originally came to WNYC's attention when two different agencies helping immigrants in the Hudson Valley — Catholic Charities and the Worker Justice Center — cited clients who had negative experiences with him.

"When I met Mr. Davila, he gave me hope that I could pretty securely secure asylum," said a man from Central America who now lives in the Hudson Valley.

This man said he entered the United States illegally almost 10 years ago. He recalled meeting Davila at an upstate evangelical church last year, where he said the Bronx man told him he might be eligible for asylum. He said Davila told him to bring letters from people in his home country along with \$1,000 to his Bronx office.

Normally, asylum applicants get a letter of receipt from the government within a few months. But the man said nothing happened. WNYC heard a similar story from another man upstate who said he also gave Davila money to file an application for asylum, and never heard back. He had a receipt saying he paid Davila \$500 and still owed \$3,500.

RECEIPT		DATE 7/13/2016	No. 748963
RECEIVED FROM		\$500 ⁰⁰	
FOR RENT		FIVE hundred DOLLARS	
FOR		Immigration Service	
ACCOUNT	4,000 ⁰⁰	<input checked="" type="radio"/> CASH	FROM _____ TO _____
PAYMENT	500 ⁰⁰	<input type="radio"/> CHECK	
BAL. DUE	3,500 ⁰⁰	<input type="radio"/> MONEY ORDER	
		<input type="radio"/> CREDIT CARD	BY _____

A receipt signed for "immigration service" that a complainant says Carlos Davila signed.
(Courtesy of Telemundo 47)

A Bronx woman also spoke to WNYC and Telemundo 47 about paying \$1,000 for Davila to process her asylum application. She said she entered the country a year ago, fleeing a dangerous state in Mexico with her children. But after months went by without any letter of acknowledgment from the government, she contacted the group [Central American Legal Assistance](#) and learned Davila wasn't a lawyer (as she presumed) and that he never filed her asylum paperwork. The agency has since filed her application and she received acknowledgment from the government.

"He doesn't help anybody," she said of Davila.

Asked about these allegations, Davila denied taking advantage of anyone. "A lot of times people... they get desperate," he explained. "Because they don't get an answer, like, when they want it."

He said anyone who was dissatisfied could have visited him in person to refund their money. But the people who complained to WNYC and Telemundo 47 said they tried, and were afraid he could retaliate by reporting them to ICE.

Last month, one of the upstate men complained to Catholic Charities about Davila. The charity's hotline passed along that complaint to the Bronx District Attorney and the State Attorney General. Neither the DA nor the AG's offices would confirm if they are investigating Davila.

Davila is now trying to create another nonprofit. He has a new organization called the International College and University, an online school based in a New Jersey office building. Last week, the state's Department of Higher Education sent him a cease and desist letter for falsely implying he had educational accreditation.

Complaints about immigration service providers can be made at [the New York State Office for New Americans Hotline](#), which is run by Catholic Charities. 1-800-566-7636.

[The American Immigration Lawyers Association](#) also has resources for people who believe they were defrauded by notarios and other immigration service providers.

This story was co-reported with [Telemundo 47 Investigative Reporter Pablo Gutiérrez](#) with assistance from Camilo Montoya-Galvez.

Additional assistance with this report came from WNYC's Sean Carlson, Layla Quran, Delia Bussalleu, Richard Yeh, Jenny Ye and Diane Jeanty.

<http://www.wnyc.org/story/felon-has-federal-approval-represent-immigrants-and-now-hes-selling-this-id/>