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Senate Democrats pass bill to crack down on fraudulent ‘notarios’

HB 4128 protects vulnerable populations who need immigration assistance

SALEM – The Oregon Senate Democrats today passed a bill to clamp down on fraudulent “notarios” – or immigration consultants – who prey on vulnerable populations.

House Bill 4128 – a product of the Notario Fraud Task Force co-chaired by Sen. Sara Gelser (D-Corvallis) and Rep. Jessica Vega Pederson (D-Portland) – passed the Senate today by a 29-0 vote.

“Individuals pursuing legal immigration status in the United States are incredibly vulnerable. Unfortunately, individuals with fraudulent intent have exploited the fears and hopes of these people for wrongful personal gain,” Gelser said. “Fraudulent ‘notarios’ solicit the trust of potential clients, only to turn around and extort funds from them, often through threat of violence or deportation. HB 4128 makes that a crime we can prosecute in Oregon.”

Under current law, only lawyers and federally authorized representatives can provide legal advice on immigration matters. However, some individuals with notary or other non-attorney credentials advertise their services as a “notario” or “notario publico.” This can be misleading and deceptive to consumers, because in many Latin American and European countries, “notario” refers to someone who has the same training and authority as an attorney. This can lead victims to be deceived into thinking that they are receiving legitimate services and legal advice from an attorney.

These deceptive activities have resulted in serious harm, including monetary loss, loss of irreplaceable documents, loss of immigration benefit eligibility and false or frivolous immigration applications being filed.

In 2013, the Legislature enacted measures to prohibit the use of the term “notario publico” by notaries, and prohibited the offering of immigration consulting services by anyone but licensed attorneys. In 2015, the Legislature passed a bill to create the Task Force on Immigration Consultant Fraud to further examine these issues.

House Bill 4128 comes as the result of this continued work. The bill addresses fraudulent practices by strengthening penalties for immigration consultant and notario fraud, tightening qualifications and standards for becoming a notary public and providing law enforcement and other agencies with more effective tools to protect consumers and hold fraudulent practitioners accountable.

House Bill 4128 now goes to Gov. Kate Brown for signature.

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