

She Paid A Lawyer Thousands Of Dollars To Apply For A Green Card. She Got A Deportation Order Instead.

Lam Thuy Vo

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Edith Duran fell victim to one of the most common and effective frauds that play off the hopes and fears of vulnerable undocumented immigrants: The “10-year law.”

Edith Duran had always wanted to come to the US. At 17, she got a tourist visa and traveled from her hometown, Zacapa, Guatemala, to New York City. She was excited to see the things she’d only known through movies, like the World Trade Center and snowflakes.

After arriving in the US in 2002, she decided to start a new life. She joined a church where she met her husband, and married him just shy of her 19th birthday. They found work — she cleaned homes and he did construction work — and their son, Alejandro, was born in 2009. They lived in a modest home on Long Island.

There was one last piece of the puzzle: She wanted legal immigration status.

A cousin recommended a lawyer. “As immigrants,” Duran, now 33, told BuzzFeed News, “we are always trying to find out whether a law has changed recently that could help us get legal immigration papers.”

She met Leonard Hecht around February of 2014. Court documents said he told her about “la ley de los 10 años” — “the 10-year law” — which he told her was a legal pathway to a green card. He asked her a few questions: Had she been in the US continuously for 10 years? Yes. Did she have a child who is a US citizen? Yes. Well, she could apply for lawful permanent residency.

She told her husband the news, crying with joy, and cobbled together a decade of bills and tax filings that very night. She saw a future where she could go back to school and become a doctor, even if it meant graduating well into her forties or fifties.

She and Hecht worked together for four years. He helped her get a temporary work permit, a fingerprinting appointment, an interview with a immigration officer at the United States Citizenship and Immigration Services office, and hearings in immigration court.

She went into her final court hearing in June 2018. Her eyes were set on getting a green card.

She was nervous with excitement. She said she felt like a mouse about to be devoured by a wolf.

The judge asked her a series of questions. She answered them honestly.

Soon, she thought, she could build a life for her son without fear that her immigration status could derail it all.

Finally, it was time for the judge's oral decision. He spoke up.

Duran, he said, should be deported.

Duran fell victim to a common and effective fraud that plays off the hopes and fears of vulnerable undocumented immigrants: the "10-year law," a false promise that by virtue of living in the US illegally for a decade, an immigrant has a right to apply for legal permanent residency.

Duran paid her lawyer \$7,500 in six installments, some of it savings she and her husband had put away for unexpected medical emergencies. It was a hefty sum for a family of three that lives on roughly \$2,000 every month.

But, according to a [new civil lawsuit](#) in federal court, really what her lawyer was doing was stringing her along, draining her funds, and effectively duping her into coming out from the shadows and declaring her presence in the US to the very government agents most undocumented immigrants spend lifetimes avoiding. The lawyers, Leonard Hecht and his father, Thomas T. Hecht, both work at a law firm that Thomas founded in 1971.

The key deception, according to the lawsuit, is that the Hechts presented their strategy as an actual 10-year law — a benefit that you can apply for — rather than a risky and defensive legal strategy that could only be applied once the courts were deciding whether to deport someone. The Hechts argued that President Donald Trump's immigration policies made this maneuver even harder to execute.

A lawyer who represents the two Hechts in the lawsuit, Catherine M. Foti, of Morvillo Abramowitz Grand Iason & Anello P.C., told BuzzFeed News the Hechts "successfully obtained permanent residency and work permits for over 500 undocumented clients between 2006 and the present." They have filed a motion to dismiss the lawsuit, which is pending a judge's decision.

For Duran, "my dreams were shattering," she said of the moment the judge reached his decision. "It was very difficult to sit there and hear this."



The US Citizenship and Immigration Services New York field office.

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The Justice Department has issued warnings about several different fraud and abuse schemes, like people who impersonate immigration officials over the phone, or pocket fee waivers without passing the savings onto the applicant, or charge people for access to free immigration forms. It's just one of the various complicated issues that undocumented immigrants — who have managed to work their way into society and want to secure some kind of legal status — have to navigate to stay in the US.

That undocumented immigrants are preyed upon by unscrupulous people isn't new. But today's climate makes things worse.

Though most frauds still thrive on word-of-mouth, the internet has made their spread easier and increased the number of potential victims.

Then there's our government's own policies. During President Barack Obama's administration, undocumented immigrants dealt with waves of deportations that prioritized people with criminal records. Then came Trump. His administration has waged a full anti-immigrant campaign, painting them as subhuman and implementing hardline tactics, such as the travel ban from Muslim-majority nations, separations of immigrant children from their families at the southern border,

caps on the number of refugees fleeing their home countries for their lives, and penalizing green card applicants for using benefits such as food stamps.

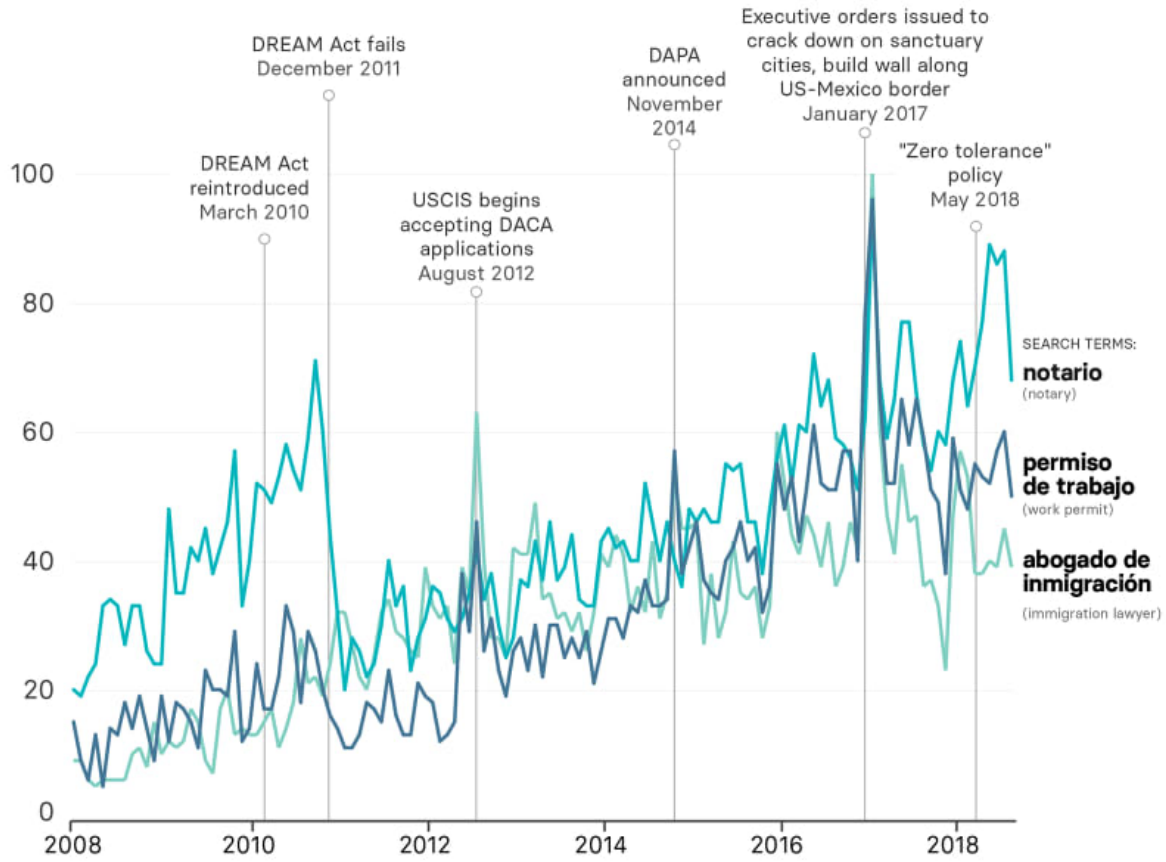
And experts say that Trump's immigration crackdown makes victims even more terrified to come forward and report predators to authorities. "[Their fear] has got to be a pretty big incentive for scam artists," said Juan Pedroza, a sociology professor at UC Santa Cruz, who has been examining frauds that target immigrants for several years.

Because people are fearful of reporting frauds, it's difficult to pinpoint their pervasiveness. But there are some data points.

Trump's policies help perpetuate a cycle: As immigration policies become more restrictive and punitive, a lot of undocumented immigrants feel more pressure to seek out lawyers. "Whenever there is increased fear there's also increased interest in trying to regulate one's immigration status," said Anne Schaufele, a former attorney with Ayuda, which provides legal advice and other services to vulnerable immigrant groups.

To measure the need for legal services among immigrants, Pedroza points to Google search terms.

Below is a chart that shows just how much more or less people are googling immigration-related terms like "work permit," "immigration lawyer," and "notary" over time. (In English, a notary is a person who is licensed to officially witness events. In Spanish, "notario público" denotes a legally trained professional. This confusion has led to a different type of fraud, too.) You can see how there are spikes in searches for these terms right around major policy changes:



Note: The number reflects a score out of 100 that can help people understand the relative popularity of any given search term. This score is determined by Google based on searches, their geography, and their time frame. Comparisons of search terms in relation to one another are scored by Google.
 Source: [Google Trends](#)

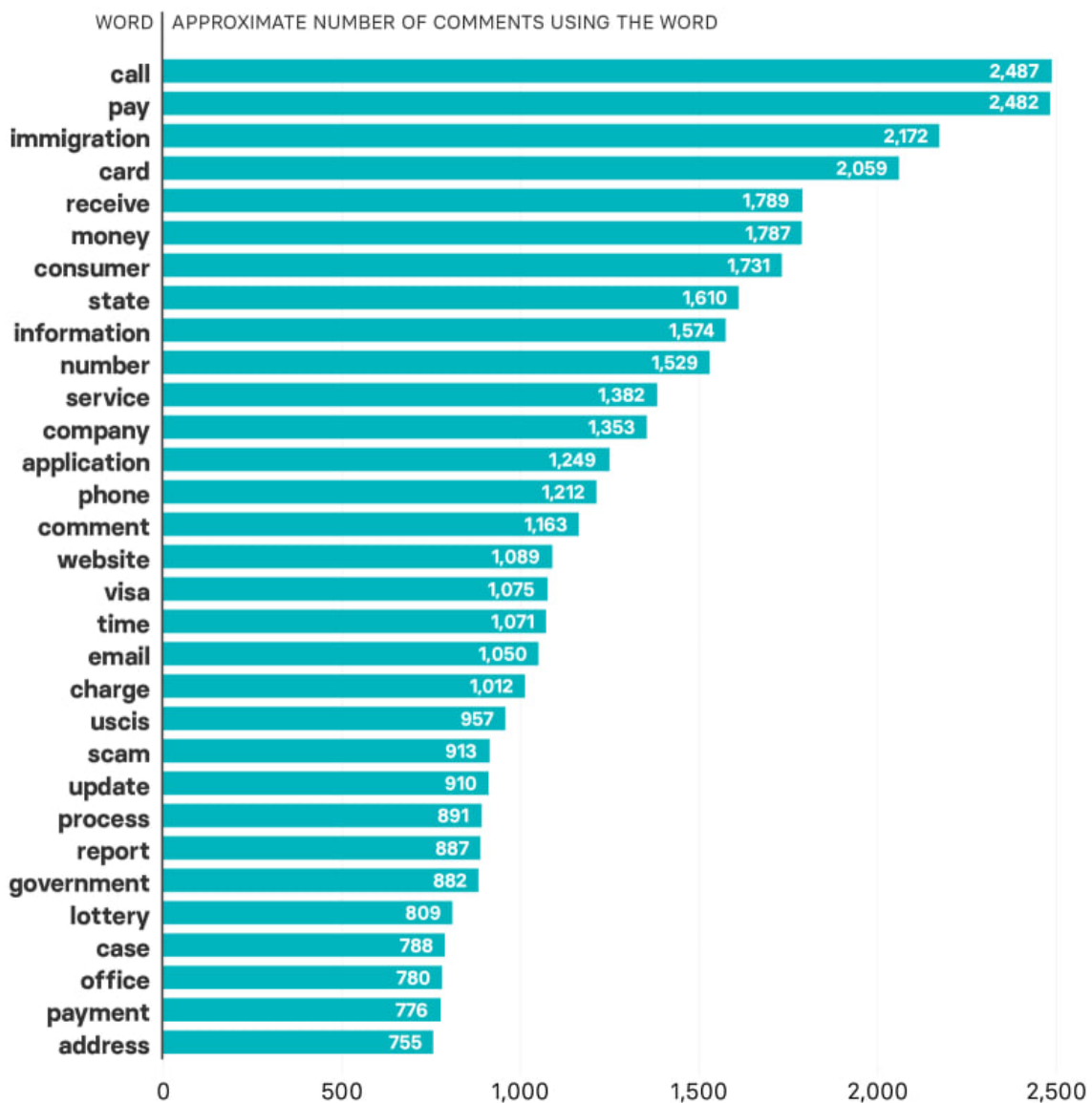
Lam Thuy Vo/BuzzFeed News

The types of frauds that target immigrants have diversified over the past few years as they evolve with every new immigration rule, Schaufele said, adding that calls to Ayuda from people seeking legal advice have quadrupled between January and May of 2018.

Frauds are tailored with keywords immigrants seek. Between January 2012 to May 2018, the Federal Trade Commission (FTC) received 6,330 complaints from consumers about immigration service frauds, averaging roughly 1,000 for every calendar year. But the data is self-reported, so it likely represents only a small fraction of frauds.

BuzzFeed News examined comments of every “immigration services” complaint to the FTC between 2006 and 2018 and calculated the number of times a word

occurred. Below are selected words that were used in at least 750 distinct comments across all complaints:



Note: The list does not include common English “stop words” like “the,” “you,” and “and.” The FTC redacted the comments for the complaints data from July 2015 through December 2017. Analysis is thus based on comments from 2006 through July 2015 and from January through May of 2018. The word column represents the “lemmatized” version of a word, meaning that different versions of the same word are included in the overall count of its occurrence. For instance, “call,” “called,” “calling,” and “calls” are counted as and represented through the word “call.” The data for this graphic can be found [here](#).

Source: Federal Trade Commission

Lam Thuy Vo/BuzzFeed News

BuzzFeed News also identified 63 lawsuits between 2003 and 2018 involving businesses, lawyers, religious figures, and other individuals who allegedly defrauded their clients and used the promise of legal status for profiteering. As with the self-reported complaints, this data is incomplete and only represents a fraction of the actual frauds.

Legal service providers would wrongfully fill out immigration forms, offer to marry multiple clients, or string along clients in yearslong legal proceedings without clients knowing what they were doing. Monetary losses detailed in these lawsuits ranged from a few hundred dollars to more than \$33,000.

Below is a graphic with some of the summaries and court filings examined by BuzzFeed News:

Summaries of lawsuits brought against immigration legal service providers.

When Duran decided to hire an immigration lawyer, she turned to Hecht.

The Hechts are now being sued by 33 former clients, including Duran, who say they were sold the false dream of a green card and are now in danger of being deported.

The complaint, filed in US District Court in Manhattan in May with advocacy group Make the Road New York, said the 33 plaintiffs only represent a fraction of all of those who have reported falling victim to the Hechts' approach. Altogether, the plaintiffs lost \$99,350 in fees paid to the Hechts and in fees paid to new lawyers who are now representing them.

The approach laid out in the lawsuit followed this pattern: The Hechts told their clients that there was a legal way for undocumented immigrants who had lived in the US for 10 years and have children who are US citizens to get a work authorization or green card. They would sometimes refer to this immigration benefit as the "10-year law" — a law that does not exist.

"If someone comes along and sells you the dream, and if you're the kind of person who wants good news, you're going to be susceptible to that dream," Pedroza said.

The Hechts would then typically submit applications for *asylum* — a whole other process with its own criteria — for their clients, the lawsuit states.

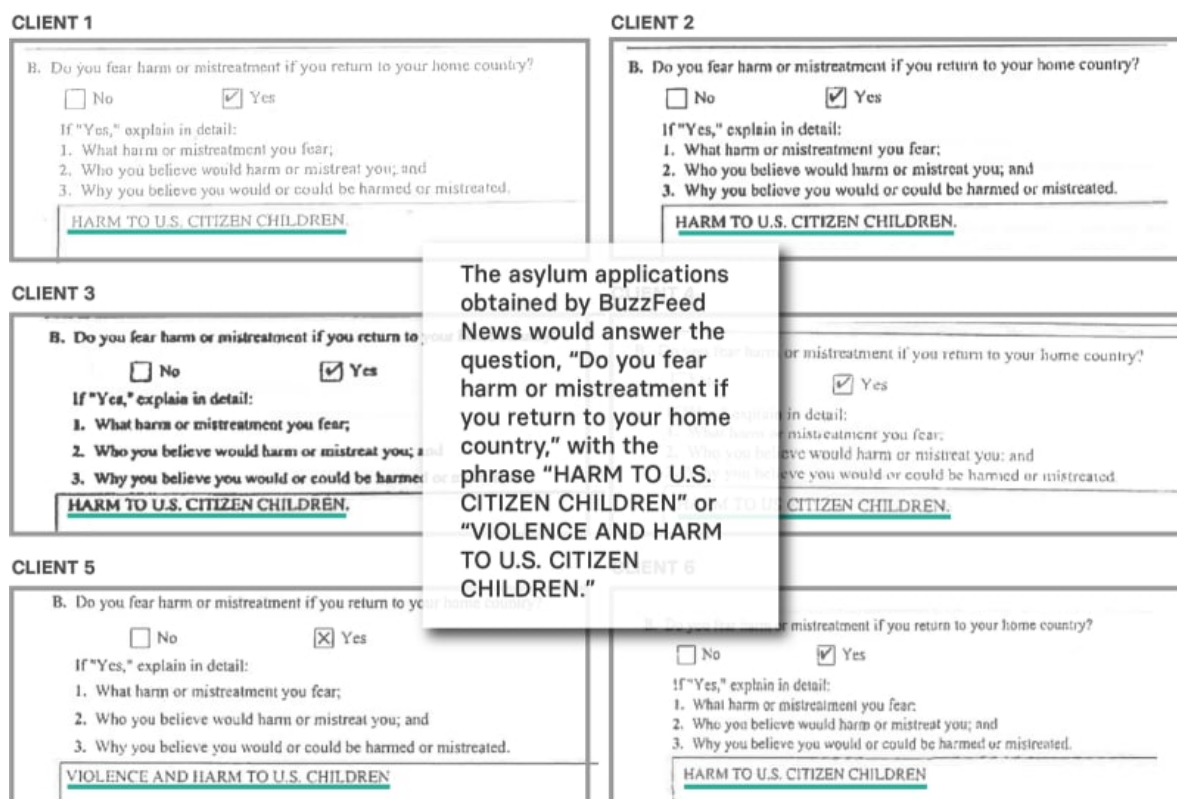
Matthew Blaisdell, chair of the committee on consumer protection and unauthorized practice of law at the American Immigration Lawyers Association (AILA), told BuzzFeed News that filing an earnest asylum application requires a meticulous and

specific recounting of an individual’s experience of persecution based on being part of a social, political, or ethnic group in their home country. To prepare a credible asylum case takes considerable time and often involves having to translate several legal matters to the client — both to bridge linguistic differences and to ensure a clear-cut understanding of the law at hand. Filling out a frivolous asylum claim is a bad idea, he said.

“Every question has consequences,” Schaufele warned.

The Hechts prepared the asylum applications “without regard to the truth or falsity of the information,” the lawsuit said. They did not ask their clients questions that could help the Hechts determine whether they were eligible for asylum. Instead, they would fill out each application with boilerplate language. BuzzFeed News received redacted copies of I-589 asylum applications from six former clients of Hecht. The Hechts argued in court documents that they “would screen to determine if the individual had a plausible asylum claim.”

The below excerpts show that the Hechts would fill out applications with essentially the same language, underlined in turquoise below:



Provided

These asylum applications would be made without the person’s knowledge, according to the lawsuit — 31 of the 33 plaintiffs said this was the case for them.

The Hechts' lawyer argued in court documents that any client who submits an asylum application "receives multiple forms of notice identifying the application as one for 'asylum.'" And Leonard Hecht told the New York Times that he told his clients that he was submitting asylum applications for them and that they knew the risk.

But the Hechts' undocumented clients said in the complaint this isn't true. They often noted the words "diez anos" (ten years) or "por tiempo" (for time) on the sign-in office sheet of the law firm when they visited and believed they were signing up for a specific 10-year-law benefit.

The actual legal strategy, the complaint said, was to get clients into proceedings that could see them removed from the country. Once there, a lawyer can potentially argue for "cancellation of removal" — a form of relief from deportation — and then you can get a green card.

Getting a "cancellation of removal" is very, very difficult — which Duran's judge told her that day in court. About 4,000 of these reliefs are granted each year, Blaisdell said, and demand for it is incredibly high.

None of the plaintiffs in the lawsuit would have hired Hecht had they known this was his strategy, according to the lawsuit.

Ethics guidelines from AILA that Blaisdell cowrote clearly state that a lawyer would need to make a client like Duran fully aware of the risk they were taking. "The client is who is supposed to make the decision. The lawyer is supposed to just execute those decisions," Blaisdell said.

When asked to respond to specific allegations against them, Foti, one of Thomas and Leonard Hecht's lawyers, responded with the following emailed statement:

"Unlike the plaintiffs, the Hechts will not be litigating this case in the press. Instead, the Hechts will continue to vigorously dispute these meritless allegations in the appropriate forum: a courtroom. The drastically narrowed Amended Complaint was filed in response to the Hechts' original motion to dismiss which laid out the fallaciousness of the plaintiffs' allegations. In response to the Hechts' motion, the plaintiffs were forced to jettison entire swaths of their original complaint. The Hechts look forward to the dismissal of the entire Amended Complaint based on a renewed motion to dismiss which will be filed in the coming weeks." The plaintiffs filed an original complaint, then replaced it with one that was scaled back.

In their motion to dismiss, the Hechts say the lawsuit's "allegations boil down to a dispute over whether the Hechts' use of a heretofore successful legal process, available under the guidance issued by prior federal Administrations, to seek (and in hundreds of cases, successfully obtain) permanent resident status and work authorizations for non-citizen clients was a wise strategy. Although these plaintiffs may take issue with the fact that such relief no longer is as readily available, their

complaint should not be with the Hechts but with the Trump Administration's recent changes in immigration law, which have upended years of policies that encouraged undocumented individuals to come out of hiding. The fact that new policies may increase the chances that the plaintiffs, who entered or remained in this country illegally, will not receive beneficial relief does not retroactively turn the Hechts' well-meaning actions into a fraud."

The United States Citizenship and Immigration Services said it "strives to combat instances of fraud and other activities threatening the integrity of our nation's immigration laws" that are "protecting Americans, our homeland, and our values." It added, "we will continue to shine a light on acts of fraud undermining this system as well as law-abiding applicants."

Make the Road New York said in its complaint that it now has to "devote resources to a continuous and increasing flow of people" who have suffered from the Hechts' actions.

The Hechts found many of their clients, the lawsuit said, by telling a tax accountant that people without permanent legal status could apply for work authorization and a green card if they had lived in the US for 10 years and filed their tax returns for those years.

So the accountant referred roughly 100 more people to the Hechts, the lawsuit said, and only stopped after he attended an immigration law workshop and discovered there was no such thing as a 10-year law.

And once people are in immigration court, it can feel very administrative and confusing to anyone unfamiliar with the law.

Duran's first immigration court hearing, in 2017, was at one of more than a dozen small courtrooms at the New York field offices for USCIS. Amid several windowless waiting rooms, there's a reception area where Duran received a number for her case. Then she waited several hours with dozens of other people — families, individuals, lawyers.

When it was her turn, the judge called up her number, and she listened attentively for a few minutes. (These hearings can pass in flash. On a recent Thursday, for instance, an immigration judge went through 15 cases within 30 minutes, spending as little as a minute and a half on one of the shorter hearings.) Then, during that same hearing, he scheduled Duran's next hearing for a little more than a year later.

The hearings feel like an "administrative process as opposed to understanding that they could be removed," said Vanessa Stine, a staff attorney at Friends of Farmworkers, where she represents clients who have become victims of immigration

services fraud. Immigration court is “kind of chaotic, it’s fast, it’s hard to hear. There’s babies crying. There’s lawyers looking for their clients. There’s a lot happening. It’s kind of like the DMV.”

Oftentimes, clients don’t understand that they can be deported because their lawyers assured them that things were going fine, Stine said, “and they trust them.”

Adding to the confusion and the sense that things are going well, an asylum-seeker whose case has been pending for at least 180 days qualifies for a temporary work permit and can receive a Social Security number while they are waiting for a decision on their case.

Duran said this is what happened to her. After meeting with Hecht, she answered his questions, signed documents that he told her to sign, and paid him. Whenever Duran asked Hecht or his staff about why she was signing a document or why she received certain notices, she said they would tell her that they were part of the legal process.

Once, she came to the Hecht offices to sign documents for what she believed was an application based on the “10-year law.” When she asked Hecht about what she was signing, he refused to answer her questions and said that he did this kind of application all the time, according to court documents.

The Hechts would generally get “angry or curt, often yelling [...] or using profanities” when their clients asked questions, according to court documents.

Duran said that she did not know that Leonard Hecht had applied for asylum for her. When she was denied, Hecht instructed her to come back to the office with a money order to “stop the deportation” — which she paid, according to the lawsuit.

Cases like Duran’s could have been put on hold indefinitely through a process called administrative closure. But Trump’s Justice Department has recently taken away this option from immigration judges and, additionally, is bringing thousands of frozen cases back to the courts.

Immigration judges have also been instructed to speed up their processes, which advocates say could lead to more deportations and has immigration judges worried that they will not have the time to be neutral arbiters and will instead become enforcers of Trump’s strict immigration policies.

Duran said that, ultimately, she was naive.

“I feel very embarrassed and I’m so afraid,” said Duran. “But I don’t want more families in the same situation.”



Nely, who asked to be referred to by her first name only, and her husband, who wanted to remain anonymous, are former clients of the Hechts who are now facing deportation.

Lam Thuy Vo/ BuzzFeed News

Many of the 33 people suing the Hechts are scheduled to appear in immigration court or are waiting to be placed in deportation processes. Two have received deportation orders.

With several changes to the immigration court system, it's uncertain how quickly they will know whether they can stay in the US or whether they have to leave. All they know is that they went from being off the grid to being very much on the government's radar.

The effect is chilling. Nely, who asked to be referred to by her first name only, and her husband, who wanted to remain anonymous, are two of the Hechts' law firm's former clients who came to the US more than 15 years ago in search of a better life for their family, and also unwittingly filed an asylum application. The complaint states that Nely and her husband did not know that the Hechts were submitting asylum applications on their behalf and that they did not understand the asylum notice they received in the mail because it was in English.

Soon after, they learned through a news report in Spanish about the “the 10-year law” — the benefit for which they thought they were eligible, according to court documents. The word “fraude” (fraud) was written across the screen.

Nely contacted a community organization and went to a legal workshop about the “10-year law” in Harlem, where she explained her situation to the leader.

Nely said that the leader responded, “Mami, you just signed your own deportation orders.”

They scrambled to successfully withdraw their application — but now they are in the system.

Their new lawyer, who works for Make the Road and is working for Nely pro bono, expects them to face immigration court soon.

Nely’s husband and their three children, a 16-year-old son, a 14-year-old daughter, and a 12-year-old son, asked to remain anonymous. She said her family is now dealing with the stress of being deceived in such a catastrophic way.

Nely said that all her children are suffering from extreme mental stress. Her oldest son is struggling with depression and saw his grades slip from A’s and B’s to D’s and F’s. Her daughter is fighting anxiety, and had a panic attack recently when her father was stuck on the subway and she couldn’t reach him. Her youngest son now regularly wakes up from nightmares.

Once news came out about Nely’s and her husband’s immigration status, friends of the couple started to distance themselves. Some are afraid of being in danger of deportation by affiliation.

Some of their former friends even taunted them: “When are you going back to Mexico?”

Otillia Steadman contributed reporting.