

Above The Law...Not

It never fails to amaze me when I read about yet another unscrupulous individual who has preyed upon those less sophisticated. I have previously written a number of articles cautioning persons who have recently arrived in the United States from contracting for legal services with individuals known as notarios, immigrant consultants, or visa consultants. Notario scams and unprofessional immigrant work persist. My guess is that it will continue to grow, primarily because of the poor economic conditions.

This troublesome situation is compounded further when the person committing the scam and immigration fraud is an attorney, let alone an attorney for the United States Department of Homeland Security. Yes, you read it right – the government and the very agency that represent the brave men and women that are sworn to uphold and enforce our nation's immigration law!

Case in point: the United States Attorney's Office for Central District of California recently issued a press release about a government attorney who was sentenced to nearly 18 years in prison for having collected thousands of dollars in bribes from immigrants wanting to legalize their status in the United States. Constantine Peter Kallas, a senior attorney working for the U.S. Immigration and Customs Enforcement (ICE)—essentially a prosecutor—was punished for having taken money from immigrants in exchange of promising immigration benefits. Some of the schemes perpetrated by Mr. Kallas included filing bogus labor conditions applications with the Department of Labor predicated on fictional job offers at companies created by him and his wife.

The attorney also conveniently disposed of problematic files, by making them “disappear.” In other cases, Mr. Kallas improperly exercised prosecutorial discretion in his capacity as an attorney for the government by dismissing matters in removal proceedings when he had no permission to do so. He also engaged in misuse of identities, workers compensation fraud, document fraud, and tax evasion. During the five-year period preceding his arrest, the attorney collected bribes from various aliens totaling nearly one-half million dollars.

Following a three-week trial, the attorney was convicted in April 2010 of numerous felony counts ranging from conspiracy, bribery, obstruction of justice, fraud, misuse of documents to aggravated identity theft, tax evasion, and making false statements to various governmental agencies. On March 22, 2011, he was sentenced to 212 months in federal prison (which roughly equals 17 2/3 years) and ordered to pay restitution of nearly \$300,000.00. Said United States Attorney Birotte Jr: “Mr. Kallas has received one of the longest sentences ever seen in a public corruption case... Mr. Kallas took in hundreds of thousands of dollars in bribes-money he obtained by exploiting his knowledge of the immigration system. The lengthy sentence reflects the seriousness of the crimes, which were a wholesome violation of the public trust.”

The story of Mr. Kallas may seem egregious and almost unreal, but it did happen. He abused the trust placed in him to uphold the immigration law, especially as an employee of the government and an attorney. Instead, he exploited immigrants and facilitated in their breaking the law. Unfortunately, there are people who take financial advantage of those who don't know the immigration law and the immigration process. I do not presume to know whether the immigrants who gave money to Mr. Kallas were willing participants in his fraudulent schemes. Perhaps some knew or should have known. Many, however, became innocent victims of his manipulations.

Let this story be a cautionary tale. If a path to immigration seems to involve bribes or simply is too easy and too good to be true, it probably is. As a consumer, you should beware of empty promises and assurances coming from notarios or bad attorneys. An ethical and trustworthy attorney should not give you any guarantees. However, she or he should thoroughly explain to you how and what can be done in your case, and work hard to achieve it.

The press release on Mr. Kallas is silent as to whether the government decided to go after the immigrants who had obtained their benefits fraudulently through his schemes. I would not be surprised if some immigrants were stripped of their immigration privileges to which they were not entitled in the first place. Please know that consequences of having filed frivolous applications or having been found guilty of immigration fraud can be severe. That's why it is so important that you retain services of reputable attorneys who do not scheme or engage in immigration fraud. We commend the government in its prosecution of Constantine Kallas and its attempt to combat immigration fraud be it perpetrated by purported lawyers or persons who the immigrants who attempt to benefit thereby.