



USING RICO AS A TOOL FOR THE  
DEFENSE OF IMMIGRANTS:

ENSURING LAWYER ETHICS THROUGH  
CIVIL RICO



**START HERE** - Please type or print in black ink. See the Instructions for information about eligibility and how to complete and file this application. There is **NO** filing fee for this application.

NOTE: Please check this box if you also want to apply for withholding of removal under the Convention Against Torture.

**Part A. I. Information about you.**

1. Alien Registration Number(s) (Alien ID card)		2. U.S. Social Security Number (If any)	
3. Complete Last Name	4. First Name	5. Middle Name	
6. What other names have you used? (Do not include name and aliases.)			
7. Residence in the U.S. (Where you physically reside.)		Telephone Number ( ) ( ) ( ) ( ) ( ) ( )	
Street Number and Name		Apt. Number	
City	State	Zip Code	

which I have knowledge, or which was provided to me by the applicant, and that the completed application was read to the applicant in his or her native language or a language he or she understands for verification before he or she signed the application in my presence. I am aware that the

Street Number and Name		Apt. Number	
City	State	Zip Code	
9. Gender: <input type="checkbox"/> Male <input type="checkbox"/> Female	10. Marital Status: <input type="checkbox"/> Single <input type="checkbox"/> Married <input type="checkbox"/> Divorced <input type="checkbox"/> Widowed		
11. Date of Birth (mm/dd/yyyy)	12. City and Country of Birth		
13. Present Nationality (Citizenship)	14. Nationality at Birth	15. Race, Ethnic or Tribal Group	16. Religion

17. Check the box, a through c, that applies: a.  I have never been in Immigration Court proceedings.  
 b.  I am now in Immigration Court proceedings. c.  I am not now in Immigration Court proceedings, but I have been in the past.  
 18. Complete B a through c:  
 a. When did you last leave your country? (mm/dd/yyyy) \_\_\_\_\_ b. What is your current I-94 Number, if any? \_\_\_\_\_  
 c. Please list each entry into the U.S. beginning with your most recent entry.  
 List date (mm/dd/yyyy), place, and your status for each entry. (Attach additional sheets as needed.)

Date _____ Place _____ Status _____	Date _____ Status _____	<b>23. What is your native language (include dialect, if applicable)?</b>	<b>24. Are you fluent in English?</b>	<b>25. What other languages do you speak fluently?</b>
Date _____ Place _____ Status _____	Date _____ Status _____			
Date _____ Place _____ Status _____	Date _____ Status _____			

19. What country issued your last passport or travel document?	20. Passport #	<input type="checkbox"/> Yes <input type="checkbox"/> No
Travel Document #		

22. What is your native language? (Include dialect, if applicable)	23. Are you fluent in English? <input type="checkbox"/> Yes <input type="checkbox"/> No	24. What other languages do you speak fluently?
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<b>For EOIR use only.</b>	<b>For USCIS use only.</b>
Action:	Decision:
Interview Date: _____	Approval Date: _____
Asylum Officer ID#: _____	Denial Date: _____
	Referral Date: _____

“La ley de 10 años”.....

“The ten-year law”

....MYTH LAW

# Guzman et al. vs. Hecht et al.



Applying for **residency** on the basis of **Asylum**, without any factual evidence to provide support to the claim, guarantees an order of **deportation**.



# Most Affected Group

Between January 2012 to May 2018, the Federal Trade Commission (FTC) received 6,330 complaints from consumers about immigration service frauds

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# The Origins of RICO: from Mafia to Civil Suits

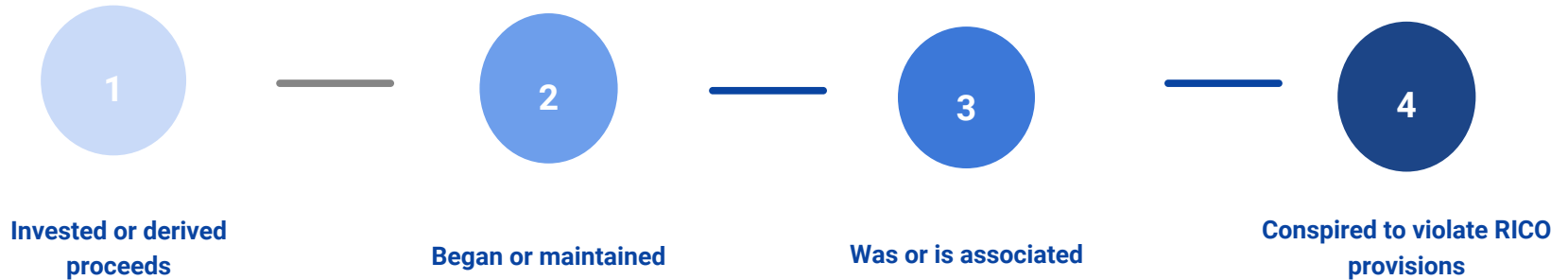


The statute states, "...unlawful for any person employed by or associated with any enterprise . . . to conduct or participate, directly or indirectly, in the conduct of such enterprise's affairs through a pattern of racketeering activity.

# Racketeer Influenced Corrupt Organizations Act (RICO)

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The defendants:



# (1) The “conduct”

- Enacting the scheme of the enterprise
- Who holds liability?
  - *Reves v. Ernst & Young* (1993)

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## (2) The “enterprise”

- Defined as “any individual, partnership, corporation, association, or other legal entity, and any union or group of **individuals associated in fact** although not a legal entity”
- United States v. Turkette (1981)
- Boyle v. United States (2009)



### (3) A “Pattern” of

- Two acts of racketeering within a 10 year span
- “Continuity” under *Boyle v. United States*

### (4) racketeering activity

- common criminal statutes include fraud, obstruction of law enforcement, forgery, and trafficking statutes
- Extends to include crimes such as kidnapping, robbery, and gambling

# Mail Fraud

- Prohibits the use of the mails from performing “any scheme or artifice to defraud” or for “obtaining money or property by means of false or fraudulent pretenses, representations, or promises”
  1. There must be a scheme to defraud
  2. Involving the use of mail
  3. With the intent to defraud another
  4. Of money, property or honest services

# Visa Fraud

- The misuse of visas permit and other documents
  - Includes individuals who “**knowingly** forge, counterfeit, alter, or **falsely** make any immigrant or nonimmigrant visa, permit...”
  - “**knowingly** subscribes as true, any **false statement** with respect to a **material fact** in any application”



