

# Press Release



STATE BAR OF WISCONSIN

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## FOR IMMEDIATE RELEASE

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## State Bar receives reports of notario fraud in immigration law

### Key Points:

- **Increase in Unauthorized Immigration Legal Services:** The State Bar of Wisconsin indicates that unlicensed individuals, including "paralegals" and other "paraprofessionals" are illegally offering immigration legal services in Wisconsin.
- **Risks to Families:** Unauthorized practitioners can harm clients by filing false documents or missing deadlines, endangering immigration status.
- **Consumer Guidance:** Only Wisconsin-licensed attorneys or paralegals supervised by licensed attorneys can provide immigration legal services. Seek help from licensed professionals or nonprofits.
- **Misuse of "Notario" Title:** In the U.S., "notarios" lack law practice authority unless licensed as attorneys. This often misleads individuals familiar with the term's legal meaning in Latin American countries.
- **Enforcement:** Violations of Wisconsin's broad legal practice definition should be reported to local prosecutors authorized to enforce the law.

**Madison, WI** – Individuals who are not licensed to practice law in Wisconsin are offering and providing immigration legal advice or immigration legal services they are not authorized to provide, according to recent reports the State Bar of Wisconsin has received from bar members.

Reports of "paralegals" or other "paraprofessionals" selling immigration legal services and providing legal advice on immigration law have increased in the last few months.

The unauthorized practice of law (UPL) is a crime in Wisconsin. Paralegals cannot offer or provide legal services, including immigration legal services, unless provided under the supervision of an attorney.

Note that paralegals certified through the State Bar's [Certified Paralegal Program](#) must attest each year that they will not engage in the unauthorized practice of law and are working under the supervision of an attorney.

The unauthorized practice of immigration law can have serious implications for unsuspecting individuals and families, including the consequences of filing false or incorrect documentation or missing deadlines that can affect legal immigration status.

People seeking immigration legal services should seek counsel from a Wisconsin-licensed immigration attorney. A [number of nonprofit organizations provide immigration legal services](#) throughout Wisconsin. In addition, the State Bar's [Lawyer Referral Service](#) employs Spanish-speaking legal assistants to connect potential clients with licensed attorneys, including Spanish-speaking attorneys who practice immigration law.

### **“Notario” has a Different Meaning in Latin American Countries**

Scammers often advertise immigration legal services as “notarios.” In Latin American countries, a “notario publico” (notary public) may have the legal credentials to draft legal documents or provide legal advice. But they have no such credentials in the U.S.

A notary in the U.S. cannot provide legal services unless also licensed as an attorney. In Colorado, for example, a notary cannot advertise as a “notario” or “notario publico,” and cannot claim to provide legal services unless the notary is also a licensed attorney.

A notary public in Colorado who advertises services in a non-English language must note in the advertisement that they are not licensed to practice law and may not give legal advice or accept fees for legal advice. They must also note they are not immigration experts or consultants.

Violating this provision would be considered a deceptive trade practice, in addition to jail time or fines they may face for practicing law without a license. Colorado's Office of Attorney Regulation investigates and prosecutes complaints involving UPL.

Wisconsin prohibits the unauthorized practice of law, as a crime. Only police and local prosecutors have the authority to enforce Wisconsin's UPL law. If you suspect UPL is occurring in your community, contact your local prosecutor's office.

### **What is Considered the Practice of Law in Wisconsin?**

The practice of law, under Wisconsin Supreme Court Rule 23.01, “is the application of legal principles and judgment with regard to the circumstances or objectives of another entity or person(s) where there is a client relationship of trust or reliance and which require the knowledge, judgment, and skill of a person trained as a lawyer.

The practice of law includes but is not limited to:

- 1) Giving advice or counsel to others as to their legal rights or the legal rights or responsibilities of others for fees or other consideration.
- 2) Selection, drafting, or completion for another entity or person of legal documents or agreements which affect the legal rights of the other entity or person(s).
- 3) Representation of another entity or person(s) in a court, or in a formal administrative adjudicative proceeding or other formal dispute resolution process or in an administrative adjudicative proceeding in which legal pleadings are filed or a record is established as the basis for judicial review.
- 4) Negotiation of legal rights or responsibilities on behalf of another entity or person(s).

5) Any other activity determined to be the practice of law by the Wisconsin Supreme Court.

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*The State Bar of Wisconsin is the integrated professional association, created by the Wisconsin Supreme Court, for attorneys who hold a Wisconsin law license. With more than 25,000 members, the State Bar aids the courts in improving the administration of justice, provides continuing legal education for its members to help them maintain their expertise, and assists Wisconsin lawyers in carrying out community service initiatives to educate the public about the legal system and the value of lawyers. For more information, visit [www.wisbar.org](http://www.wisbar.org).*