**UNSCRUPULOUS IMMIGRATION CONSULTANTS:**

**TRIGGER QUESTIONS**

**Answers by the Dominican Republic**

**1. Do unscrupulous immigration consultants exist in your country?**

If we frame the question in the context of labour migration, we would have to say that unscrupulous immigration consultants do Not exist in a regulated manner, since regulations on this topic are not in place in our country and in addition, an agreement on labour migration with other countries does not exist. In 2000, an agreement was in place with Spain that was channelled through the Ministry of Labour. However, the agreement expired many years ago due to the economic problems in Spain. Furthermore, an agreement with Haiti existed concerning the hiring of guest agricultural workers for the sugar industry but it expired a long time ago.

In regard to labour migration, our country established the Labour Migration Unit in the Ministry of Labour in 2012. The roles of the Unit include participating in the development and promotion of migration policy and coordinating aspects concerning labour migration with the General Directorate of Migration (DGM, Spanish acronym) in regard to the regularization of foreign workers integrating into the labour market, in accordance with the protocols of Act 285-04 concerning migration and Bylaws 631-11. Therefore, we understand that the Ministry of Labour will develop policies concerning the process of hiring persons to work abroad, working with the protocol in order to specify the terms for applying for accreditation and the procedures for exercising the role of immigration consultant: general rules, competent regulating organizations, violations, penalties.

Talk about the report from FIIAP/Ministry of Labour.

However, if we consider the question outside the labour context, not in regard to unscrupulous labour immigration consultants but in the context of migration – DGM, in terms of regularization of foreign nationals, and the Ministry of Foreign Affairs (MIREX, Spanish acronym) for the documents required to carry out immigration procedures – our answer would be that we do have unscrupulous immigration consultants and that we address this situation through the attorneys that manage the processes.

Within DGM, the culture of the attorneys managing relevant processes was a culture of extortion and unscrupulous management – false documents, defrauding foreign nationals, charging excessive fees, providing erroneous information and bribing employees to carry out irregular processes. To combat this culture, DGM developed policies on the management of the processes. Article 125 of Bylaws 631-11 establishes that immigration procedures may only be conducted by the foreign nationals themselves or by an attorney that has been legally accredited by the foreign national, thus avoiding that processes are conducted by third persons; that is, parents, children, friends or relatives.

In the same manner, and in accordance with these rules, DGM issued Administrative Resolution No. DGM 2-2012 governing the requirements for the management of immigration procedures and accreditation of assistants.

Moreover, an electronic immigration system is being implemented which enables foreign nationals to conduct their procedures online, thus reducing the need to seek assistance from an attorney. That is, the institution has designed the processes to enable the foreign nationals themselves to conduct their procedures in a safe, expedited and efficient manner; and with the implementation of the electronic immigration system, the status of the procedures can be verified online. The intervention of the attorney would be limited to obtaining some documents that are also required for the processes.

Despite the existence of the tools and the fact that there is no need for an attorney to implement the complete regularization process, many foreign nationals prefer to hire an attorney – perhaps due to their lack of knowledge of the processes.

Another policy to be implemented is to educate attorneys on the topic of migration and how to manage the procedures through the website. This policy will be implemented by the immigration school of the institution next year.

Furthermore, we are training relevant staff on identifying with the institution, immigration assistants, and criminal liability for their actions, among other topics.

In regard to fraud, what types of approaches exist to investigate and penalize these practices.

The identification of fraudulent processes can be verified by reviewing a file and identifying the existence of a fraudulent document or, in many cases, through a report filed by the defrauded foreign national, and not through verification of the procedures carried out by our staff.

In all cases, the procedure to follow is to refer the foreign national to the Department of Investigation, if a report is filed, or to submit a report from the Department of Immigration to the Department of Investigation and, if an official is involved, to the Department of Internal Affairs of the institution, where the relevant investigations are conducted.

However, in the majority of cases these investigations do not prosper, since the foreign national is afraid of filing a report against his or her attorneys and therefore, the process is suspended. For cases where we are able to typify the crime, the case is submitted to the Attorney General’s Office (PGR, Spanish acronym) to continue the process. PGR takes on the process within the legal framework of relevant legislation, penalizing the offence as fraud, etc., since specific regulations are not in place for penalties relating to immigration procedures. In this regard, the Ministry of Foreign Affairs also implements the same procedure, thus significantly reducing the number of cases of fraud.

The following cases can be highlighted:

1. Fraud by an attorney in complicity with employees.

Resolution, suspension of the employee, banning attorneys from addressing immigration matters at DGM.

2. The case of the Cuban players.

3. The case of a specific nationality that is being regularized by an attorney – a total number of 100 foreign nationals – and where false documents and processes have been identified. This case is currently being processed by the Attorney General’s Office.