



Can an immigration consultant provide legal representation for my immigration matter?

No. Only licensed lawyers can provide legal advice. Also, only a licensed lawyer or a person approved by the Bureau of Immigration Appeals' (BIA) Recognition and Accreditation Program can represent a person on immigration matters.

Can an immigration consultant recommend which form to use or suggest how I should answer a question on a form?

No. State law prohibits an immigration consultant from recommending which form to use. Suggesting how to answer a question is also considered prohibited legal advice.

Are there requirements for immigration consultant services contracts?

Yes. A contract for immigration consultant services must be written in both English and the client's language. Oral contracts are not permitted. The California Department of Consumer Affairs has issued regulations outlining requirements for immigration consultant contracts. (See Cal. Code Regs., Tit. 16, Div. 38, Ch. 3, § 3840). Contracts must include the following:

- A statement that the immigration consultant is not an attorney and cannot perform legal services performed by attorneys.
- A description of the services and purpose of the services to be performed as well as itemized costs for each service.
- A list of the documents to be prepared, an explanation of the purpose and process for each document, and a list of the costs for preparing each document.
- A description of what the immigration consultant will do with respect to each document, and listing the agency and the office where each document will be filed and the approximate processing times according to the current published agency guidelines.
- Information about how to report complaints related to immigration consultant services, including the toll-free numbers and website addresses for the Executive Office for Immigration Review of the United States Department of Justice and California State Bar.
- A provision that you the client can cancel the contract within 72 hours.

Remember, an immigration consultant must provide a signed receipt on his/her letterhead to you the client for each payment made by you.

What can't be included in an immigration consultant services contract?

A contract for immigration consultant services must not:

- Make any guarantees or promises, unless the guarantee or promise is in writing and the immigration consultant has some basis in fact for making the guarantee or promise.
- Claim that the immigration consultant can or will obtain special favors from or have special influence with the USCIS or any other governmental agency, employee, or official relating to the client's immigration matter.

What type of services can an immigration consultant provide?

An immigration consultant can provide only nonlegal services on immigration matters, such as:

- Translating a client's answers to questions on state or federal forms;
- Translating the information on state or federal forms for a client;
- Obtaining copies of supporting documents needed for those forms;
- Submitting completed forms to the United States Citizenship and Immigration Services (USCIS) office, if requested by the client;
- Referring a client to appropriate legal representation.

For more information, visit:
<http://www.sos.ca.gov/business-programs/special-filings/>



What other information does an immigration consultant have to share with me?

Before providing services:

An immigration consultant must provide you the client with a written disclosure of the following information in your native language:

- The immigration consultant's name, address, and telephone number.
- The immigration consultant's agent for service of process.
- The legal name of the employee who consulted with you, if different from the immigration consultant.
- Evidence of compliance with the applicable bonding requirement, including the bond number.

After providing services:

- An immigration consultant must provide you a copy of each document completed on your behalf and must include the name and address of the immigration consultant.
- Note that documents must be retained by the immigration consultant for at least three years after the date of the last service and can be provided to law enforcement agencies without a warrant or subpoena.
- An immigration consultant must promptly return all original documents provided to the immigration consultant in support of your application.

What notices must be displayed by immigration consultants?

Several notices must be posted in English and the language of the immigration consultant's clientele, including:

- A statement that the immigration consultant is not an attorney. Immigration consultants cannot mislead clients into believing that they are an attorney.
- The full name, address, and information regarding compliance with the applicable bonding requirement including the bond number.
- The names of each immigration consultant employed at each location.
- A notice of the fees for each service.

Penalties:

Please note that violations of state law may subject an immigration consultant to significant civil and criminal penalties, including fines and imprisonment, and attorneys' fees.

Conduct to be Concerned About:

- Immigration consultants should not indicate that they have special influence with USCIS or another government agency.
- Immigration consultants should not take your money without delivering any services.
- You should not be charged money for a referral to an attorney, unless the immigration consultant is certified by the California State Bar as a referral service.
- You should not be charged to get your original documents back.
- You should not be charged "back taxes" or other fees not required by the government or your contract.
- You should not be charged for having a frivolous application prepared for you. If you do not qualify for a program such as political asylum, you should not be charged.

Additional Resources:

Please visit the California Secretary of State's website for additional information and resources.

<http://www.sos.ca.gov/business-programs/special-filings/>



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