

FINAL BILL REPORT

SSB 5023

C 244 L 11
Synopsis as Enacted

Brief Description: Addressing nonlegal immigration-related services.

Sponsors: Senate Committee on Judiciary (originally sponsored by Senators Prentice, McAuliffe, Litzow, Shin, Kline, Pflug, Fraser, Chase and Rockefeller; by request of Attorney General).

Senate Committee on Judiciary
House Committee on Judiciary

Background: The Immigration Assistant Practices Act (IAPA) requires that those who charge money to assist individuals with immigration matters must register as immigration assistants with the Secretary of State unless that person is a licensed attorney. Immigration assistants may complete forms on behalf of another, but are prohibited from selecting the forms or selecting responses on the individual's behalf. Further, immigration assistants are not required to have specific training.

In many Spanish speaking countries the term notario publico means attorney, but translates into English as notary public. The same translation problem occurs with other languages too. Persons seeking immigration help often seek assistance from persons advertised as notario publicos because they believe these people are attorneys when in reality they are not. Often these notario publicos are improperly providing legal advice that delays or ruins the individual's chances of obtaining legal status.

Summary: The term immigration assistant is removed. A definition for the practice of law is provided which does not include translation services.

It is clarified that persons, other than those licensed to practice law in this state or otherwise permitted to practice law or represent others under federal law in an immigration matter, are prohibited from engaging in the practice of law in an immigration matter for compensation. They are also prohibited from engaging in the following acts or practices for compensation: (1) advising or assisting another person in determining the person's legal or illegal status for the purpose of an immigration matter; (2) selecting, assisting another in selecting, or advising another how to answer questions on a government agency form related to immigration matters; (3) selecting, assisting another in selecting, or advising another in selecting a benefit, visa, or program to apply for in immigration matters; (4) soliciting to prepare documents for another in a judicial or administrative proceeding in an immigration matter; (5) explaining,

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advising, or otherwise interpreting the meaning or intent of a question on a government form in an immigration matter; (6) charging a fee for referring someone to a licensed attorney; and (7) selecting, drafting, or completing documents to support or establish a benefit for another in an immigration matter.

Persons, other than those licensed to practice law in this state or otherwise permitted to practice law or represent others under federal law in an immigration matter, are also prohibited from engaging in the following acts regardless of whether compensation is sought: (1) representing that he or she is a lawyer, notario publico, notario, immigration assistant, immigration consultant, immigration specialist, or using any other designation or title that implies that the person is a professional with legal skills in the area of immigration law; and (2) representing, in any language, in any manner, that he or she can provide services in an immigration matter, if such services would constitute the practice of law.

Persons who are not attorneys or otherwise permitted under federal law to represent immigrants may, for compensation (1) translate words on government forms that the immigrant presents to the person providing translation; (2) secure existing documents, such as birth and marriage certificates; and (3) offer other immigration related services that are not prohibited by the act or other law or that do not constitute the practice of law.

Notary publics licensed in Washington who are not licensed attorneys may not use the term notario publico, notario, immigration assistant, immigration consultant, immigration specialist, or other designation conveying or implying that he or she possesses professional legal skills in the areas of immigration law, when advertising notary public services.

The state Supreme Court's Practice of Law Board (Board) is requested to evaluate (1) the specific services non-attorneys may provide to immigrants that do not rise to the level of the practice of law; (2) the level of access to those services and quality of those services; and (3) the level of need for non-legal services compared to legal services in immigration matters. A report of the Board's findings and recommendations must be submitted to the Legislature by December 1, 2011.

A person (other than an attorney or person recognized by the federal government to represent persons in immigration matters) is prohibited from advising or assisting another for compensation in determining the person's legal or illegal status for the purposes of an immigration matter.

A violation of any of these prohibitions is considered unprofessional conduct.

Persons injured by a violation of the IAPA may bring a civil action to recover either \$1,000 or actual damages caused by a violation, whichever is greater.

The act is renamed the Immigration Services Fraud Prevention Act.

The act takes effect 180 days after final adjournment of the legislative session in which it is enacted.

Votes on Final Passage:

Senate	44	5	
House	92	0	(House amended)
Senate	42	4	(Senate concurred)

Effective: October 20, 2011.