

ASSEMBLY, No. 340

STATE OF NEW JERSEY

Introduced Pending Technical Review by Legislative Counsel

PRE-FILED FOR INTRODUCTION IN THE 1996 SESSION

By Assemblymen PASCRELL and DiGAETANO

1 AN ACT concerning the unauthorized practice of immigration law and
2 supplementing chapter 170 of Title 2A of the New Jersey Statutes.

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4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

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7 1. a. This act shall be known and may be cited as the "Immigration
8 and Nationality Law Practice Act."

9 b. As used in this act:

10 (1) "Immigration consultant" means any person or corporation in
11 the business of rendering services for a fee, including the completion
12 of forms and applications, to another person in furtherance of that
13 person's desire to determine or modify his status in an immigration or
14 naturalization matter under federal law.

15 (2) "Immigration or naturalization matter" means any matter which
16 involves any law, action, filing or proceeding related to a person's
17 immigration or citizenship status in the United States.

18 (3) "Immigration-related document" means any birth certificate or
19 marriage certificate; any document issued by the government of the
20 United States, any foreign country, any state, or any other public
21 entity relating to a person's immigration or naturalization status.

22 c. Any immigration consultant not licensed as an attorney or
23 counselor at law who:

24 (1) Engages in this State in the practice of law; or

25 (2) Holds himself out to the public, either alone or together with,
26 by or through another person, whether such other person is licensed
27 as an attorney or counselor at law or not, as engaging in or entitled to
28 engage in the practice of law, or as rendering legal service or advice,
29 or as furnishing attorneys or counsel, in any immigration or
30 naturalization matter; or

31 (3) Assumes, uses or advertises the title of lawyer or attorney at
32 law, or equivalent terms, in the English language or any other
33 language, is guilty of a crime of the fourth degree.

34 d. Any person who knowingly retains possession of another
35 person's immigration-related document for more than a reasonable

1 time after the person who owns the document has submitted a written
2 request for the document's return is guilty of a crime of the fourth
3 degree.

4 e. Nothing in this section shall be construed to prohibit a person
5 accredited as a representative by federal law pursuant to 8 CFR 292.2
6 from providing immigration services.

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8 2. This act shall take effect on the ninetieth day following
9 enactment.

10 STATEMENT

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14 According to recent reports, some immigrants and resident aliens
15 seeking American citizenship or other changes of residency status in
16 this country have been defrauded by persons who misrepresent
17 themselves as attorneys. These individuals, who may call themselves
18 "immigration consultants" or similar titles, may promise special favors
19 in exchange for large sums of money, and may enforce payment by
20 refusing to return important documents to the immigrants. These
21 individuals have been successful in passing themselves off as attorneys
22 not only to uninformed foreigners who speak little English, but also,
23 on occasion, in appearances before U.S. immigration officials as well.

24 This bill is designed to prevent such abuses. The bill provides that
25 any person or corporation in the business of rendering services for a
26 fee, including the completion of forms and applications, to another
27 person in furtherance of that person's desire to determine or modify his
28 status in an immigration or naturalization matter who is not licensed
29 as an attorney is guilty of a crime of the fourth degree if he engages in
30 this State in the practice of law; holds himself out the public as
31 engaging in or entitled to engage in the practice of law, or as rendering
32 legal service or advice in any immigration or naturalization matter; or
33 uses or advertises the title of law or attorney at law.

34 In addition, the bill provides that any person who knowingly retains
35 possession of another person's immigration-related document for more
36 than a reasonable time after the person who owns the document has
37 submitted a written request for the document's return is guilty of a
38 crime of the fourth degree.

39 The bill provides that it shall not be construed to prohibit persons
40 accredited by federal law to act as immigration representatives from
41 providing immigration services.

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44
45 Prohibits the unauthorized practice of law by "immigration
46 consultants."