

SENATE, No. 623

STATE OF NEW JERSEY

INTRODUCED FEBRUARY 5, 1996

By Senator SINAGRA

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  
36 time after the person who owns the document has submitted a written  
37 request for the document's return is guilty of a crime of the fourth

1 degree.

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

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6 2. This act shall take effect on the ninetieth day following  
7 enactment.

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10 STATEMENT

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12 This bill provides that any person or corporation in the business of  
13 rendering services including the completion of forms and applications,  
14 for a fee to another person in furtherance of that person's desire to  
15 determine or modify his status in an immigration or naturalization  
16 matter who is not licensed as an attorney is guilty of a crime of the  
17 fourth degree if he engages in the practice of law; holds himself out  
18 to the public as engaging in or entitled to engage in the practice of law  
19 or to render legal service or advice in any immigration or  
20 naturalization matter; or uses or advertise the title of lawyer or  
21 attorney at law. Nothing in this bill is intended to be construed to  
22 prohibit persons accredited by federal law to act as immigration  
23 representatives from providing immigration services.

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28 Prohibits the unauthorized practice of law by "immigration  
29 consultants."