

Department of Legislative Services
Maryland General Assembly
2005 Session

FISCAL AND POLICY NOTE
Revised

Senate Bill 590
Finance

(Senator Colburn, *et al.*)

Economic Matters

Consumer Protection - Immigration Consulting Services

This bill regulates the activities of immigration consulting services, grants a private right of action to individuals injured by violations of the bill, and makes a violation of the bill a misdemeanor.

Fiscal Summary

State Effect: The Consumer Protection Division could handle the bill's requirements with existing resources. The criminal penalty provisions of this bill are not expected to significantly affect State finances or operations.

Local Effect: The criminal penalty provisions of this bill are not expected to significantly affect local finances or operations.

Small Business Effect: Minimal.

Analysis

Bill Summary: An immigration consultant may not: (1) give legal advice or provide legal services concerning immigration matters; (2) make a misrepresentation or false statement to influence, persuade, or encourage a client's business; (3) make a statement that the consultant can or will obtain special favors from or has special influence with any of the specified federal agencies; (4) compensation for services not yet performed; (5) refuse to return documents supplied, prepared, or paid for by a client, on the client's request; or (6) represent, advertise, or communicate in any manner that the consultant possess titles or credentials that would qualify the consultant to provide legal assistance. If an immigration consultant provides any services other than secretarial services for a client, there is a rebuttable presumption that legal services are being provided.

Before providing any assistance, a consultant must execute a written contract with the client that includes specified information. The contract must be both in English and the client's native language.

An immigration consultant must post a sign, in English and each language in which services are provided, stating that the consultant is not a licensed attorney and may not provide legal forms, give legal advice, or provide legal services.

An individual who is injured by a violation of the bill is entitled to any fees or other compensation paid to the immigration consultant and reasonable attorney's fees as specified under the bill. A court may award up to three times the amount of compensation paid as damages.

An immigration consultant who violates the bill is guilty of a misdemeanor.

The bill does not apply to: (1) an attorney licensed to practice in Maryland; (2) an individual authorized to represent clients in immigration matters under federal regulations; (3) a nonprofit organization accredited under federal regulations; (4) a representative of an accredited nonprofit organization who meets specified criteria; or (5) a clinic affiliated with a Maryland law school.

Current Law: Immigration consulting services are not specifically regulated. The number of immigration consulting services in Maryland is unknown.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Office of the Attorney General (Consumer Protection Division),
Department of Legislative Services

Fiscal Note History: First Reader - March 7, 2005
ncs/jr Revised - Senate Third Reader - April 5, 2005

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