

Immigration consultants must register with state beginning July 1

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Published: Tuesday, June 12 2012 11:43 a.m. MDT

SALT LAKE CITY — Starting July 1, people offering the services of non-attorney immigration consultants will be required to register with the state Division of Consumer Protection.

Those who operate such businesses must apply for permits and obtain bonds, as required under SB144. The legislation, the only immigration-related bill passed by the Utah Legislature during its 2012 session, establishes penalties for immigration consultants who violate the law and defraud clients through intentional conduct. Violators could face misdemeanor charges or subject to fines.

“This landmark law will now protect individuals from fraudsters looking to prey on the vulnerable and misrepresent themselves as an ‘attorney’ or ‘notary public’ through common language translation as well as legitimize the practice of the ones who truly help these communities in our state,” said Sen. Luz Robles, D-Salt Lake, the bill's sponsor.

Immigration consultants will be required to submit a fingerprint card, undergo a criminal background check and post a \$50,000 bond with state regulators. The annual registration fee is \$240.

People who fail to register with the state and are determined to be performing immigration consulting services will be sent letters informing them of the requirement to register with the state. Those who do not register and continue to offer the services could be subject to cease-and-desist orders, said Traci Gundersen, division director, following a press conference at the state Senate Building Tuesday to announce the new registration requirement.

Robles said the goal of the legislation is to protect legitimate businesses, provide victims an avenue of redress and to help curb predatory practices and identity theft. The latter is of great concern considering these businesses have access to birth certificates, passports and other immigration documents, Robles said. Consultants will also be required to provide contracts to clients that are written in their native language outlining the services they will provide.

Earlier this year Robles said she had received an average of three phone calls a week from people who had been taken advantage of by immigration consultants they had hired to help them fill out immigration forms or answer other questions.

Immigration attorney Aaron Tarin said Tuesday that the law was needed to regulate the practices of businesses owners who range from people with good intentions to others who take advantage of a highly vulnerable population.

"Some are outright crooks who want to take advantage of unsuspecting immigrants," Tarin said.

"What I do know is, what we're doing now is not working. Too many people are not justly represented and they end up in deportation proceedings. Families are being ripped apart and there's more strain on the legitimate system."

Some people who provide these services are notary publics, which can be confusing for people from Latin American countries, where a *notario publico* is a highly sophisticated attorney. In Utah, a notary public can only witness the signing of legal documents.

"We're trying to prevent any confusion over people's roles," Robles said.

SB144, which overwhelmingly passed in both houses of the Utah Legislature, also creates a complaint process for people who believe they have been defrauded.

For more information, call the Division of Consumer Protection at 801-530-6601 or log on to the division's website at www.consumerprotection.utah.gov. The division has a Spanish-speaking investigator on staff to assist consumers.

<http://www.deseretnews.com/article/print/865557318/Immigration-consultants-must-register-with-state-by-July-1.html>