

Department of Legislative Services  
Maryland General Assembly  
2005 Session

FISCAL AND POLICY NOTE  
Revised

House Bill 691

(Delegate Dumais, *et al.*)

Economic Matters

Finance

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Consumer Protection - Immigration Consulting Services

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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.

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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.

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Analysis

**Bill Summary:** An immigration consultant may not: (1) provide legal advice or legal services concerning an immigration matter; (2) make a misrepresentation or false statement to influence, persuade, or encourage a client to use the consultant's services; (3) state that the consultant can or will obtain special favors from or has special influence with any of the specified federal agencies; (4) collect compensation for services not yet performed; (5) refuse to return documents supplied, prepared, or paid for by a client, at 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 advice or legal services.

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, advice, or services.

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

An immigration consultant that violates the bill is guilty of a misdemeanor and on conviction is subject to a fine of up to \$1,000 and/or up to one year's imprisonment.

The bill does not apply to: (1) an attorney licensed to practice in Maryland; (2) an individual authorized to represent individuals in immigration matters under federal regulations; (3) a nonprofit organization recognized under federal regulations; (4) a representative of a recognized nonprofit organization under specified circumstances; 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.

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### **Additional Information**

**Prior Introductions:** None.

**Cross File:** None.

**Information Source(s):** Judiciary (Administrative Office of the Courts), Office of the Attorney General, Department of Legislative Services

**Fiscal Note History:** First Reader - March 7, 2005  
mll/jr Revised - House Third Reader - April 9, 2005  
Revised - Enrolled Bill - May 3, 2005

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