

WORKING WITH A LAWYER OR IMMIGRATION CONSULTANT: A CHECKLIST

- ❑ Is the person offering legal services a lawyer licensed by the State Bar of California? The person must give you his or her State Bar number. Check with the State Bar. Ask if the lawyer has ever been disciplined.
- ❑ Immigration consultants must have a \$50,000 bond and provide you evidence of the bond. Keep the bond number for your records.
- ❑ Check references. Talk to other people who have used the services of the immigration consultant or lawyer; check with reputable community groups. Don't be fooled by fancy titles or documents hanging on the wall.
- ❑ Get a written contract signed and dated by the immigration consultant or lawyer, but do not sign the contract unless you understand it.
- ❑ Consult a person you trust before signing anything or paying any money. Be suspicious of anyone who wants you to act immediately.
- ❑ Make sure the contract lists the services you were promised and how much you must pay.
- ❑ The immigration consultant contract must be written in both English and your language.
- ❑ You can cancel a contract with an immigration consultant and get a refund at any time. You have the right to a full refund within 72 hours of signing the contract. You must cancel the contract in writing.
- ❑ Get a dated receipt showing what you paid for and how much you paid. Make sure the consultant or lawyer signs the receipt.
- ❑ Keep a copy of the contract, receipt and forms being filed on your behalf. Take detailed notes and keep for your records.
- ❑ Give only copies of original documents to the immigration consultant or lawyer. Keep your originals in a safe place.
- ❑ Never sign any immigration document you do not understand. You could be committing a crime if you sign INS or other official documents that contain false statements. Ask someone to translate documents for you if you cannot read English.
- ❑ An immigration consultant or lawyer should not file any documents with the INS if they are too complicated for you to understand or if you do not

understand why you are filing the documents.

IMMIGRATION SERVICES



Protecting Your Consumer Rights



Office of Immigrant Assistance

**BILL LOCKYER
Attorney General
State of California**

2001

If you need help with your immigration status, be careful who you see. Only lawyers licensed to practice in state or federal courts can give legal advice and represent you in immigration court.

Accredited representatives can represent you in immigration court. In California, notaries public, paralegals, accredited representatives and immigration consultants are not necessarily lawyers.

It is against the law for an immigration consultant to give legal advice. An immigration consultant can only give you non-legal help, like translating your answers to the questions on INS forms, getting copies of supporting documents, and, if you ask them to, submitting the forms to the INS. Only an attorney can give you legal advice, such as advising you about what forms to file with the INS.

Beware of scam artists who can cause you to lose thousands of dollars and harm your immigration status. Decide what help you need and compare the prices and services of lawyers and immigration consultants. If you need a

lawyer, check with the State Bar of California or local bar associations. An immigration consultant may cost as much as an attorney in the end.

Some common scams:

- Making false promises and implying he or she has special influence with the INS. Nobody can guarantee you a work permit or any other immigration benefit.
- Posing as an immigration consultant or lawyer when he or she is not qualified to do so.
- Taking a consumer's money and not delivering any services.
- Persuading a consumer to lie on an application or to an INS agent.
- Keeping a consumer's original documents and charging money to get the documents back.
- Filing a frivolous application. For example, filing an application for political asylum on behalf of a consumer who does not qualify for asylum.

- Charging the consumer a total price for all services up front, then demanding more and more money to continue doing work for the consumer.

For Questions and to Report Complaints:

- California Department of Justice Office of Immigrant Assistance (888) 587-0557 <http://www.caag.state.ca.us>
- State Bar of California (800) 843-9053 <http://www.calbar.org>
- Your Local District Attorney

To Verify An Immigration Consultant Has a \$50,000 Bond:

- California Secretary of State (916) 653-4984 http://www.ss.ca.gov/cgi-bin/bond_search.cgi

For A List of Accredited Representatives:

- U.S. Department of Justice <http://www.usdoj.gov/eoir/statspub/raroster.htm>