

UNAUTHORIZED PRACTICE OF LAW

AND HOW IT CAN IMPACT YOUR IMMIGRATION CASE



What is the Unauthorized Practice of Law, and How Can It Impact your Immigration Law Case?

Immigration is a highly specialized area of law. If you are trying to apply for an immigration benefit, or if you are currently in removal proceedings with the immigration court, it is very important to get the right help. The immigration system is very complicated, and making a mistake can cost you your whole future in the United States. However, many people believe that hiring a lawyer costs too much money, so they look for other options to get legal services.

When a person who is not a licensed lawyer or accredited representative provides legal advice and prepares documents for another person, that is the unauthorized practice of law, and it is illegal. Only licensed lawyers or accredited representatives can provide legal advice, prepare legal documents for others, and assist you in a court or benefits hearing. If you rely on the advice of someone who is not a lawyer or accredited representative to help you with your immigration case, you could be risking your eligibility to remain in the United States.

This booklet covers some of the issues that can come up in the immigration law setting, as well as the risks of using the services of someone who is not a lawyer or accredited

representative. It also includes resources where you can find free or low-cost services and immigration forms.

Getting the wrong help for your immigration case is not worth the risk.

It is against the law for someone who is not a licensed lawyer or accredited representative to represent you in court or to give you legal advice. There are many non-lawyers who advertise as legal “consultants” or “notarios” who are not authorized or qualified to help with immigration matters. By promising too much — and knowing too little — unauthorized consultants and notaries often shatter immigrants’ dreams. Many are little better than scam artists, taking their client’s trust and money and never having to answer for the results. They often charge as much or more than a licensed attorney would charge for the same services.

It is against the law for “public notaries” or even foreign lawyers who are not licensed in the United States to provide immigration advice, even if they are “just” filling out forms. Filling out an immigration form incorrectly,

or filing a form you are not eligible to use, could destroy your immigration chances. For example, if someone files an application for you without giving you the opportunity to review it in a language you understand, and the application form contains false information, you could end up facing a deportation order. Also, the rules regarding immigration change often, and it is important that you speak with someone who knows the law and is up to date on any changes.

If you have an immigration issue, consider talking to a licensed lawyer or accredited representative who specializes in immigration matters before making any decisions regarding your situation. This can help you decide how best to move forward in your case. An initial consultation with a lawyer is usually affordable, and some lawyers will even provide a free consultation. There may also be non-profit immigration services in your area which may be able to assist you in your immigration matter.

There is no substitute for getting help from a licensed attorney or accredited representative. The resources in this booklet can help you understand your options, as well as your rights — and how to protect them.

What should I do if I was scammed by someone who helped me with my immigration case?

If someone who was not an attorney or accredited representative provided you with legal assistance for your immigration case, you can report them to the State Bar of Michigan for the unauthorized practice of law. You can reach the State Bar of Michigan at 1-800-968-1442, or at michbar.org.

You can also report them to the Federal Trade Commission at www.ftc.gov/complaint.

If you paid money to someone who was not an attorney or accredited representative, you may be able to get your money back through a lawsuit, and you may also be able to seek criminal charges against them. To do this, contact a lawyer, your local bar association, or local prosecutor for advice.

If an attorney makes a serious error or otherwise harms your case, you can contact the Attorney Grievance Commission at (313) 961-6585 to make a complaint.

If an attorney or accredited representative makes a serious error or otherwise harms your case, you can also file a complaint with the Department of Homeland Security or the Immigration Court. For details, see www.justice.gov/eoir/submit-complaint.

Free or Low-Cost Resources for Immigration Law and Related Matters

MichiganLegalHelp.org

MichiganLegalHelp.org is a website that helps people handle simple legal problems, including some immigration issues, without a lawyer. The website features articles and toolkits in English and Spanish that can help you prepare to represent yourself in applying for an immigration benefit or relief from removal. Michigan Legal Help does not provide legal advice and is not a substitute for a lawyer. Visit michiganlegalhelp.org for more information.

Private Attorney Referrals

A private attorney will charge you a fee for legal services. If you are able to afford an attorney for your immigration case, you should highly consider at least having an initial consultation with an immigration attorney.

The State Bar of Michigan has an attorney search service where you can search for attorneys by specialty and location. You can search for an attorney through their online system at lrs.michbar.org/find-a-lawyer.

You can also call the State Bar of Michigan's Lawyer Referral Service, through which you will get a 25-minute consultation and a referral to an appropriate lawyer to handle your legal matter. This service costs \$25, which must be paid by a Visa, MasterCard, or prepaid card. You can reach this service by calling (800) 968-0738.

You can also find a private immigration lawyer by searching on the American Immigration Lawyers Association's website at ailalawyer.com.

Many local bar associations also have lawyer referral services that will provide you with the names and contact information of licensed lawyers.

Nonprofit Immigration Services

Nonprofit immigration programs provide free or low-cost legal help to noncitizens seeking immigration law help in the state of Michigan. To qualify for free or low-cost services, you may need to meet certain financial criteria.

Statewide Services

Michigan Immigrant Rights Center
(734) 239-6863
michiganimmigrant.org

St. Vincent Catholic Charities — Lansing
(517) 323-4734 ext. 1800
stvcc.org

Southeast Michigan

Catholic Charities of Southeast Michigan
(248) 338-4250 ext. 3700
ccsem.org

Justice for Our Neighbors Southeast Michigan
(734) 629-6271
jfonmi.org

International Institute of Metro Detroit
(313) 871-8600 ext. 234
iimd.org

Southwest Detroit Immigrant & Refugee Center
(313) 228-9904
Defimmigrantcenter.com

Western Michigan

Diocese of Grand Rapids
(616) 551-4746
grdiocese.org

Justice for Our Neighbors West MI
(616) 301-7461 (Grand Rapids office)
(269) 743-2501 (Kalamazoo Office)
jfonmi.org

Immigrant Connection
(616) 855-0563
Immigrantconnectiongr.org

Lighthouse Immigration Advocates
(616) 298-8984
lia-michigan.org

Northern Michigan & Upper Peninsula

Justice for Our Neighbors Traverse City
(231) 620-1100
jfonmi.org

Frequently Asked Questions

What is the unauthorized practice of immigration law?

When a person or company says or does something for another person that includes making decisions about another's legal issues, that is the practice of law. Only a licensed lawyer or "accredited representative" may practice immigration law in Michigan. If a person or company makes a legal decision for you, including selecting which immigration forms should be used for your case, drafting legal papers for you, or appearing in court or before a government agency for you on immigration issues, and they are not a licensed lawyer or accredited representative, that is the unauthorized practice of immigration law.

Under Michigan law, an individual who is not a lawyer or accredited representative is only allowed to help you fill out forms by writing down or translating information that you give them. They may also help you with photocopying, translating additional documents, or helping you with mailing or telephone calls. They cannot give you advice on what to say on the form, pick which forms to fill out for you, or tell you what additional

documents to include with your application. Additionally, they should only be charging a small fee for these services. Under Michigan law, an immigration clerical assistant may only charge \$20 per page for translating supporting documents, and \$10 a page for completing a government form.

Who is a licensed lawyer?

A licensed lawyer is a person who has completed all of the requirements to receive a license to practice law by a state government. This means that the lawyer is an active member of a state bar association and still is in good standing. Unlike consultants and notarios, licensed lawyers have completed extensive education and training before being licensed to represent clients. For lawyers licensed in Michigan, you can verify their license through the State Bar's online directory at www.sbm.reliaguide.com/home, or by calling the State Bar of Michigan at (800) 968-1442. However, because immigration law is federal law, a lawyer licensed in another state may practice immigration law in Michigan. You can usually verify that a lawyer is in good standing in another state by contacting their state bar association.

Who is an accredited representative?

An accredited representative is a non-lawyer who has been authorized by the US government to provide immigration legal services and can even represent you in immigration court. Even though accredited representatives are not lawyers, they must work at organizations that have been officially recognized by the US government as having the ability to train non-lawyers to provide immigration legal services.

If someone tells you they are an accredited representative, ask to see proof, or look them up on the list of accredited representatives maintained by the US government. You can find this list at www.justice.gov/eoir/recognition-accreditation-roster-reports

Can I represent myself?

Yes. There is no requirement that you must have a lawyer in an immigration case. You can represent yourself, but it can be very difficult for people who are not lawyers to understand the court system and how to protect their rights. Even experienced lawyers who do not regularly practice immigration law may not

know important areas of immigration law, understand how the immigration law court or administrative system works, or understand the issues and risks involved. If you represent yourself, you will be required to follow all the court procedures, laws, and rules that licensed lawyers must follow. If you make a mistake while representing yourself, you may not be able to correct it and your case could be dismissed. Because it can be very hard to represent yourself, and immigration law is extremely complicated, you should talk to an immigration lawyer about your case before making the decision to represent yourself.

Is there any place I can get free legal help?

Yes, there are organizations that offer free or low-cost legal services if you meet certain requirements, such as financial requirements.

See page 5 for a list of organizations which may be able to provide help. These organizations have limited resources and may not be able to provide help to everyone who requests it. You can also find information about immigration at www.michiganlegalhelp.org.

Should I pay for immigration forms?

No! You should never have to pay for blank immigration forms. You can print immigration forms for free from www.uscis.gov/forms. This website also has information about the forms and where to file them. There most likely will be a filing fee that you will have to pay when you actually submit the form to the government, but blank copies of immigration forms are free. If you are in immigration court proceedings, you can access the forms you need at www.justice.gov/eoir/list-downloadable-eoir-forms, or by contacting your immigration court.

Should I pay a non-lawyer to help me complete immigration forms?

You should be extremely cautious about paying a non-lawyer to help you complete immigration forms. Although it is okay for a non-lawyer to type the information you provide into a form, or to translate a form for you, any non-lawyer or accredited representative who drafts legal papers or gives legal advice may be guilty of the unauthorized practice of law. An individual who is not a lawyer or accredited representative cannot tell you which immigration forms to submit for your case, tell you if you have prepared the form

correctly, or even confirm whether you have provided the correct information.

Please consider talking with a lawyer or accredited representative before paying any money to a non-lawyer to help you fill out forms. You may actually save money and avoid paying for forms you do not need or that do not comply with court rules.

What can I do to protect myself from lies and scams?

1. Use common sense. If someone promises you results that sounds too good to be true, or guarantees an outcome, be extremely cautious.
2. If someone is offering you immigration help, ask them if they are a lawyer or accredited representative. Look up their name in the State Bar directory or the list of accredited representatives. If they are not a lawyer or accredited representative, walk away.
3. Don't believe it if someone tells you about a secret law or claims to have connections or special influence with any agency.
4. Never sign an application that contains false information. Providing false information to the government could destroy your immigration case. Don't sign blank forms.

If you must sign a blank form, make sure you get a copy of the completed form and review it for accuracy before it is filed. If you do not speak English, make sure you review the form with an interpreter. Even if a notario or consultant provides false information on your forms without your knowledge or consent, it may permanently damage your immigration status. For this reason, it is best to avoid notaries and consultants completely.

5. Always get proof of filing when anything is submitted in your case. You should get a full copy of anything that was submitted to the government on your behalf. Additionally, once your application is filed, the government issues a receipt notice that serves as proof that you filed. You should always get a copy of this receipt notice.
6. Insist on a written contract that details all the fees and expenses you are being charged, what service is being provided, and make sure you receive a receipt whenever you pay, especially if you pay cash. If terms change, get a written explanation.

Don't let anyone "find" you a sponsor or spouse to get you a green card — it is illegal and can destroy your immigration prospects.



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