

Are you thinking of paying for assistance with an immigration matter?

## Immigration Assistants: What You Should Know



### WHAT IS AN IMMIGRATION ASSISTANT?

- ▶ An Immigration Assistant is a person who offers services like:
  - ◆ Writing responses on a government agency form;
  - ◆ Translating answers into English before writing them on the form;
  - ◆ Obtaining documents that already exist to supplement answers, like a birth or marriage certificate;
  - ◆ Referring someone to a lawyer for legal advice.
- ▶ An Immigration Assistant isn't an attorney and may not give legal advice<sup>1</sup>.



### IMMIGRATION ASSISTANT CUSTOMERS' RIGHTS

- ▶ YOU HAVE THE FOLLOWING RIGHTS:
  - ◆ to have the Assistant **return to you all documents** that you've provided and all original documents such as birth certificates, and every document that the Assistant has mailed to a government agency, when you ask for them;
  - ◆ to receive a written contract from the Assistant before any services are provided. You have the right to review, sign and receive a copy of the contract in both English and in your native language if English isn't your native language. The contract must at the very least state:



- ❖ that you have the right to revoke the contract within 72 hours after signing it;
- ❖ specifically what services the Assistant will provide;
- ❖ all costs and fees that you might have to pay;
- ❖ that the Assistant is not an attorney and cannot give legal advice or provide legal services;

<sup>1</sup> This brochure provides information about the Revised Code of Washington 19.154 ([R.C.W. 19.154](#)). Someone who doesn't charge for services or who is a licensed attorney is not a Legal Assistant under this statute. This brochure has no information about services offered by these persons.

- ❖ that the Assistant cannot keep any document that's been sent to USCIS in support of your application for any reason, including for unpaid charges or fees.

## REQUIREMENTS FOR IMMIGRATION ASSISTANTS

- ▶ The law requires Immigration Assistants to register with the Secretary of State of Washington and to advise the Secretary of State of any change in home or business address within 30 days of moving.
  - ◆ To find out if someone offering Immigration Assistant services has registered, call the Secretary of State at: (360) 753-7120.
  - ◆ Registration with the Secretary of State is not a license. It doesn't indicate anything about an Assistant's training or qualifications.

## PROHIBITED ACTIVITIES

- ▶ **Immigration Assistants are prohibited from:**
  - ◆ keeping payments for services not rendered;
  - ◆ guaranteeing results;
  - ◆ refusing to return documents that you prepared, provided, or paid for, even if you are disputing a charge;
  - ◆ using any title, such as "notary" that could cause a customer to think that the Assistant has professional qualifications, in any advertisement about Immigration Assistant services;
    - ⇒ although an Immigration Assistant may also be a notary, the law prohibits an Assistant from indicating that s/he is a notary in advertisements in connection with work as an Assistant in order to give the impression that being a notary qualifies one to be an Immigration Assistant;
    - ⇒ being a notary has nothing to do with being an Immigration Assistant, nor does it qualify anyone to give legal advice. Although in Mexico a Notary is a lawyer, IN THE UNITED STATES, BEING A NOTARY DOES NOT MEAN THAT A PERSON IS ALSO AN ATTORNEY.
  - ◆ indicating that s/he has a special relationship with Citizenship and Immigration Services (USCIS) or that s/he can obtain special favors;
  - ◆ implying in any manner that being registered with the Secretary of State as an Immigration Assistant signifies that the Assistant has any qualifications to be an Immigration Assistant.
  - ◆ giving legal advice to any person. The following are examples of legal advice an Assistant MAY NOT give:
    - ⇒ An Assistant may not help you select which form to use;
    - ⇒ An Assistant may not tell you what kind of application or petition you should make;
    - ⇒ An Assistant may not advise you regarding your chances of winning a petition;



⇒ An Assistant may not say whether an application or petition will harm you.

**LEGAL RECOURSE FOR PROBLEMS WITH IMMIGRATION ASSISTANTS**

An Immigration Assistant that does not comply with the requirements of the law may be ordered by a court to pay three times the amount of damages to the complainant up to \$25,000.00, or the amount of actual damages that the complainant suffered if the damages are more than \$25,000.00.



For more information, call the CLEAR service for free legal advice: **CLEAR at 1-888-201-1014**, between 9:15 a.m. and 12:20 p.m., Monday through Friday. The CLEAR service is heavily used. Please be prepared to wait on the line.

If you've had problems with an Immigration Assistant, you may also call any one of the following offices:

<p><b>Columbia Legal Services</b> 300 Okanogan Avenue, Suite 3-B Wenatchee, WA 98801 (509) 662-9681 1-800-572-9615</p>	<p><b>Columbia Legal Services</b> 600 Larson Building 6 S. 2<sup>nd</sup> St. Yakima, WA 98901 (509) 575-5593 1-800-572-1323</p>	<p><b>Columbia Legal Services</b> 418F N. Kellogg Kennewick, WA 99336 (509) 374-9855 1-888-201-9735</p>
<p><b>Northwest Justice Project</b> 510 Larson Building 6 S. 2nd St. Yakima, WA 98901 (509) 574-4234 1-888-201-1018</p>	<p><b>Northwest Justice Project</b> 300 Okanogan Ave, Ste 3A Wenatchee, WA 98801 (509) 664-5101 1-888-201-1021</p>	

To request assistance with immigration matters, contact the following non-profit legal services:

<p><b>Northwest Immigrants Rights Project</b> 121 Sunnyside Ave. P.O. Box 800 Granger, WA 98932 (509) 854-2100 1-888-756-3641</p>	<p>909 8th Avenue, Room 100 Seattle, WA 98104 (206) 587-4009 1-800-445-5771</p>
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