

JAN 23 2008

A BILL FOR AN ACT

RELATING TO IMMIGRATION CONSULTANTS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The Hawaii Revised Statutes is amended by
2 adding a new chapter under title 25 to be appropriately
3 designated and to read as follows:

4 "CHAPTER

5 IMMIGRATION CONSULTANTS

6 § -1 Declaration of policy. It is the policy of the
7 State to prohibit persons who have no training or experience in
8 immigration law from rendering advice on an immigration issue or
9 preparing immigration documents in exchange for consideration.
10 These acts have resulted in serious and oftentimes irreversible
11 prejudice to thousand of residents who seek to apply for or
12 depend on immigration benefits.

13 § -2 Prohibited acts. It shall be unlawful for any
14 person, in exchange for, or in consideration of money, services,
15 or other valuable consideration to:

16 (1) Give or render any opinion or advice on any
17 immigration problem or issue; or



1 (2) Prepare, draft, write, make, or fill-in any
2 immigration related form, document, or paper.

3 § -3 **Persons not covered.** This chapter shall not apply
4 to any of the following persons:

5 (1) Any person who is duly licensed to practice law in any
6 state of the United States or the District of Columbia
7 and who is in good standing;

8 (2) Any officer or employee of the United States
9 Citizenship and Immigration Services; and

10 (3) Any paralegal or other employee of any attorney who is
11 duly licensed to practice law in any state or the
12 District of Columbia, who prepares, drafts, writes,
13 makes, or fills-in any immigration related form,
14 document, or paper; provided that:

15 (A) The paralegal or other employee works under the
16 direct supervision of the attorney; and

17 (B) The attorney makes a certification duly signed at
18 the end of the immigration form, document, or
19 paper, or attachment thereto, as follows:

20 "I certify that the within or attached
21 document has been prepared under my direct



1 supervision and that I have read and
2 reviewed the same."

3 § -4 Penalty. (a) Any person who commits any
4 prohibited act under this chapter shall be guilty of a
5 misdemeanor and subject to a fine of not less than \$50 or more
6 than \$1,000 for each violation.

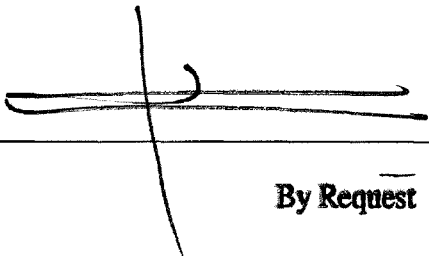
7 (b) The department of commerce and consumer affairs may
8 seek all legal and equitable remedies available to it for the
9 enforcement of the provisions of this chapter, including seeking
10 injunctive relief."

11 SECTION 2. If any provision of this Act, or the
12 application thereof to any person or circumstance is held
13 invalid, the invalidity does not affect other provisions or
14 applications of the Act, which can be given effect without the
15 invalid provision or application, and to this end the provisions
16 of this Act are severable.

17 SECTION 3. This Act shall take effect upon its approval.

18

INTRODUCED BY:


By Request



Report Title:

Immigration Consultants; Regulation

Description:

Regulates the business of immigration consulting by prohibiting non-attorneys from rendering opinions or aiding in completion of immigration documents in exchange for consideration.

