

WHY STATES SHOULD ENACT COMPREHENSIVE LAWS THAT PROTECT AGAINST THE UNAUTHORIZED PRACTICE OF IMMIGRATION LAW

Legislation Specifically Addressing UPIL	Laws that expressly regulate non-attorneys providing immigration services.	State should enact legislation targeting UPIL because broadly worded consumer protection and unauthorized practice of law statutes do not provide sufficient protection from fraud for vulnerable immigrants.
Express Prohibition of the Terms <i>Notario</i> or <i>Notario Público</i>	Laws barring the use of the terms <i>notario</i> or <i>notario público</i> by those offering non-legal services for a fee.	The risk of confusion and the potential for fraud are particularly great when notary public is translated into Spanish as <i>notario público</i> , which is a term used for attorneys in many Latin American countries.
Elimination of Immigration Consultant and Immigration Services Providers	Laws designating non-attorneys as immigration consultants or immigration service providers should be repealed.	Unlike attorneys and DOJ-accredited representatives, immigration consultants and other immigration services providers do not have adequate knowledge and training to evaluate eligibility for immigration benefits, nor properly advise immigrants on complex legal matters.
Signs and Advertisements	Signs and advertisements informing the public that the individual is not an attorney and cannot provide legal advice, and listing services they are permitted to provide in the clientele's language.	Information in signs and advertisements will give immigrants notice that a service provider is not an attorney, and list only the limited services they are permitted to provide.
Criminal Penalties	Penalties imposed on individuals for violating UPIL laws, such as imprisonment, fines and restitution.	Criminal sanctions will deter fraudulent immigration services providers and hold individual perpetrators accountable.
Civil Penalties	Financial penalties imposed on individuals for violating UPIL laws.	Civil remedies, enforceable by state officials and private individuals, will hold UPIL perpetrators accountable for their actions. A private right of action allows victims to recover economic losses in conjunction with official action or independently.
Reporting Mechanisms	Phone number or mobile app that victims of UPIL can use to anonymously report UPIL perpetrators. Where anonymous reporting is not allowed, strengthen privacy protections.	Victimized immigrants often do not report perpetrators of immigration services fraud because they fear bringing their immigration status to the attention of authorities. Anonymous or confidential hotlines allow victims to report fraudulent services without fear of immigration consequences.