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# The Immigrant Assistance Service Enforcement Act

*Helping to protect you from fraud*



*Providers Must Comply with State Business Law Requirements*

Immigrant Assistance Service Providers (Providers) play an important role in ensuring that immigrants have access to the assistance they need as they navigate our legal system. Unfortunately, some unscrupulous providers scam vulnerable customers and often charge large fees. By providing misinformation or engaging in the unauthorized practice of law, their conduct may result in their customers filing the wrong paperwork, missing important deadlines, or having their applications denied.

The Immigrant Assistance Service Enforcement Act protects immigrants from fraud and requires Providers to operate lawfully.

## Be Aware of the Limitations

Providers may be an attractive alternative to hiring an immigration attorney because they generally charge lower fees. However, keep in mind:

- They are not attorneys and may not provide legal advice or accept fees for legal advice.
- The U.S. Office of Legal Access Programs (OLAP) accredits not-for-profit and certain other organizations to provide services. Providers are not accredited by OLAP.
- Providers cannot represent you before any immigration authorities, including the United States Citizenship and Immigration Services (USCIS), the Department of Homeland Security, the Executive Office for Immigration Review, the Department of Labor, and the Department of State.

## What Can Providers Do?

Providers are prohibited from providing legal advice or representing you before immigration authorities; however, they can provide the following services:

- Notarize documents.
- Translate forms.
- Assist clients with typing or clerical services in preparing applications.
- Secure documents required for the submission of immigration applications.

# The Immigrant Assistance Service Enforcement Act

The Immigrant Assistance Service Enforcement Act (Act) contains the following requirements designed to protect the rights of customers.

## Mandatory Contracts

- The contract must be in a language understood by the consumer, and the Provider must also provide an English version of the contract.
- The contract must contain the Provider's name, address, and telephone number.
- The contract must include itemization of all services to be provided to the customer, as well as fees and costs to be charged for each service.
- The Provider must explain the contract's content and answer any questions about it the customer may have.
- The contract must state "You may cancel your contract at any time. You have three business days to cancel this contract without fee or penalty and get back any fees that you have already paid."
- Notice of cancellation may be made by completing a cancellation form, which is required to be included in all Immigrant Assistance Service Provider contracts, or by otherwise notifying the provider in writing.
- The contract must indicate the Provider has a financial surety in effect for the benefit of a customer if a refund is owed.
- The contract must state "The individual providing assistance to you under this contract is not an attorney licensed to practice law or accredited by the Office of Legal Access Programs to provide representation to you before the USCIS, the Department of Homeland Security, the Executive Office for Immigration Review, the Department of Labor, the Department of State, or any immigration authorities and may not give legal advice or accept fees for legal advice. For a free referral, call the Office for New Americans Hotline at (phone number), the New York State Attorney General's Office at (phone number), or your local District Attorney or Prosecutor."

- The contract must indicate that original documents provided by the customer may not be retained by the Provider for any reason, including a fee dispute.
- The contract must state “The individual providing assistance to you under this contract is prohibited from disclosing any information about you to, or filing any forms or documents on your behalf with immigration or other authorities without your knowledge and consent except as required by law.” A Provider must notify the customer in writing when they have disclosed information or filed any documents with the USCIS or other authorities.

## Maintaining A Surety (Bond, Contract of Indemnity or Irrevocable Letter of Credit)

- Providers must maintain a financial surety in the amount of \$50,000 to guarantee that if a customer is owed a refund, or is damaged by their actions, the Provider can cover the cost. If the Provider earns more than \$250,000 during any twelve-month period, then the surety must be in the amount of 20% of paid fees and compensation.

## Required Notices

Providers must post two notices in English and every other language in which they provide services in their offices and advertising:

- One indicating that the Provider is not an attorney or US Department of Justice (OLAP) accredited representative.
- One indicating the consumer can cancel their contract within three business days and receive their documents and money paid.

*Advertising: Any advertising must indicate that the person providing services is not an attorney or accredited by OLAP to provide representation.*

## Prohibited Acts

Under the Act, providers cannot:

- Provide legal advice.
- Use the title of *attorney*, *notary public* (unless they are licensed by the state), *accredited representative*, *notario publico*, *notario*, *immigration specialist*, or *immigration consultant*.
- Imply that he or she can obtain special favors with the USCIS, the United States Department of Homeland Security, the Executive Office for Immigration Review, or any other governmental entity.
- Threaten to report a customer to the USCIS or other authorities, or threaten to undermine their immigration status.
- Demand or retain fees for services not performed, or services to be performed in the future, or costs that have not been incurred.
- Advise, direct, or permit a customer to provide a false statement on a government document or in a discussion with a government official.
- Disclose information or file forms with the USCIS or other authorities without the knowledge and consent of the customer except where required by law.
- Fail to provide customers with copies of documents filed with a governmental entity or refuse to return original documents. Original documents must be returned even if there is a fee dispute.
- Make any misrepresentation or false statement, directly or indirectly.
- Make any guarantee or promise to a customer unless there is a basis in fact for the representation, and the guarantee is in writing.
- Represent that a fee may be charged for the distribution, provision, or submission of an official document, or for a referral for services which the provider cannot or will not provide.
- Give advice on the determination of a person's immigration status, including advising him or her as to answers on a government form regarding such determination.
- Charge a fee or other compensation to refer a customer to an attorney or any other individual or entity that can provide immigration assistance services.

- Promise to expedite immigration or other related governmental benefit processes through claims of having special relationships or access to governmental employees who will expedite or issue a favorable decision for any reason other than the merits of an application.
- Knowingly provide misleading or false information to a noncitizen about their individual or family's eligibility for immigration or other government benefits.

## Consumers who wish to confirm whether someone is a registered attorney can visit

[iapps.courts.state.ny.us/attorney/AttorneySearch](https://iapps.courts.state.ny.us/attorney/AttorneySearch)

## To confirm whether someone is an accredited representative, visit

[justice.gov/eoir/recognized-organizations-and-accredited-representatives-roster-state-and-city](https://justice.gov/eoir/recognized-organizations-and-accredited-representatives-roster-state-and-city)

## Contact Us

If you have questions about your rights under the Act or believe you have been the victim of Provider fraud, call the Attorney General's Immigration Fraud Hotline at **(866) 390-2992** or visit **ag.ny.gov**.

We will not inquire about your immigration status or share your information.