



SUMMARY

Michigan Immigration Clerical Assistant Act (MICA), Act 174 of 2014, MCL 338.3451 et seq.

- Applies to persons providing or offering to provide services relating to any immigration matter for compensation. Does not apply to persons permitted to assist other people under federal regulations at 8 C.F.R. §§ 292.1 and 1292.1 (i.e., attorneys, certain law students, organizations and persons recognized and accredited by the Board of Immigration Appeals). *See* MCL 338.3455 for the full list of exemptions.
- The act prohibits unauthorized persons from giving legal advice or performing most legal services. It also severely limits the permissible activities of unscrupulous persons and provides a means for those who are injured by unauthorized immigration practitioners to recover.
- An immigration clerical assistant may charge no more than \$10 per page to complete a government agency form and no more than \$20 per page for translation of supporting documentation. The clerical assistant may charge a reasonable fee for other services, including photocopying, mailing, and telephone calls.
- An immigration clerical assistant shall obtain a signed, written contract with his/her client before any services are rendered. The client shall have 72 hours to rescind the contract. The contract shall be in English and in the language primarily spoken by the client. The contract shall state, “NOTICE: An immigration clerical assistant is NOT an attorney and is not authorized to provide legal services or offer legal advice of any kind.”
- Prohibited activities:
 - Offering or giving legal advice, including selecting the type of form, recommending a procedure to be followed in seeking an immigration benefit, and altering or deleting language on a form.
 - Engaging in the unauthorized practice of law
 - Representing that the offering or provision of services is necessary
 - Representing that the offering or provision of services is legal advice or legal services
 - Falsely representing that the provision of services is necessary
 - Representing that the life, safety, or welfare of the client and his or her family would be adversely affected if the services of the immigration clerical assistant are not provided

- Failing to reveal a material fact regarding an immigration matter or service that could not be reasonably known to the client
 - Taking advantage of a client's inability to protect his or her interests (due to client's disability, illiteracy, or inability to understand the language of any document)
 - Charging a price for services that is unreasonable under the circumstances
 - Making a false or fraudulent representation of a fact or statement material to the services provided
 - Failing to reveal material facts about the services provided
 - Engaging in any unfair or deceptive act or practice
 - Acting as an intermediary between the client and the federal government in an immigration matter
 - Making any representation that he or she guarantees or promises a specific immigration benefit or result
 - Stating or implying that the immigration clerical assistant can obtain special favors from, or has special influence with, the federal government in an immigration matter
 - Using a term implying that he or she is approved, certified, or licensed by the state of Michigan or the federal government
 - The immigration clerical assistant shall not literally translate from English into another language terms or titles including Notary Public, Notary, Licensed, Attorney, or Lawyer. This applies to any document, advertisement, stationary, letterhead, business card, or other comparable written material.
- A person injured by the actions of an immigration clerical assistant or any person who, upon information and belief, claims a violation of the Act has been committed may bring an action in court and recover treble (3x) damages, along with attorney fees.
 - This Act also imposes criminal penalties:
 - The first violation is a misdemeanor.
 - Subsequent violations could be felonies.

Please note that under Michigan's Notary Public Act, MCL 55.261 et seq, a notary who is not a licensed attorney and advertises his/her services as a notary, shall be required to include the following text: "I am not an attorney and have no authority to give advice on immigration or other legal matters" prominently. Further, that person may not advertise as a "notario publico" or other non-English equivalent in advertising. Violations will result in civil and criminal penalties.

For more information about MICA or other immigrant rights issues in Michigan, contact the Michigan Immigrant Rights Center (MIRC) at www.michiganimmigrant.org. MIRC is a statewide resource center serving Michigan's immigrants and immigration advocates.