



Summary:

Michigan Immigration Clerical Assistant Act (MICA), Act 161 of 2004, 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 CFR 292.1 (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 does not permit an unauthorized person to give legal advice or perform legal services. Instead, it severely limits the permissible activities of unscrupulous persons and provides a means for those who injured by unauthorized immigration consultants to recover. Persons providing services relating to an immigration matter are still subject to the state law regarding unauthorized practice of law and the restrictions in Michigan's Notary Act.
- An immigration clerical assistant must apply to the state for inclusion on a list of immigration clerical assistants maintained and published online by the Department of Energy, Labor, and Economic Growth.
- An immigration clerical assistant may charge no more than \$20 per page to complete a government agency form. The person 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 the client. The contract shall contain details about the services to be rendered. A 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 that the immigration clerical assistant is not an attorney and is not allowed to perform legal services or offer legal advice.
- The immigration clerical assistant shall maintain a bond in an amount of at least \$50,000.

- 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 legal advice or legal services.
 - Falsely representing that the provision of services is necessary.
 - Representing that the life, safety, or welfare of the consumer and his or her family would be adversely affected if the services of the immigration clerical assistant are not provided.
 - 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 grossly excessive.
 - Engaging in any unfair or deceptive act or practice
 - 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

- 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, stationery, letterhead, business card, or other comparable written material.

- The immigration clerical assistant shall give a copy of each completed form to the client. The immigration clerical assistant shall also return all original documents and correspondence.

- A first violation of MICA is a misdemeanor. Subsequent violations could be felonies. However, a first violation of the requirement to register for the list of seek a bond subjects an immigration clerical assistant only to a notice of noncompliance from DELEG.

- 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.

For more information about MICA or other immigrant rights issues in Michigan, contact the Michigan Immigrant Rights Center at mirc@lsscm.org or www.michiganimmigrant.org. MIRC is a project of Legal Services of South Central Michigan sponsored by the Arcus Foundation and the Michigan State Bar Foundation.

