



General Assembly

January Session, 2013

***Raised Bill No. 6443***

LCO No. 3302



Referred to Committee on GENERAL LAW

Introduced by:  
(GL)

***AN ACT CONCERNING IMMIGRATION SERVICES FRAUD.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

- 1 Section 1. (NEW) (*Effective July 1, 2013*) (a) As used in this section:
- 2 (1) "Immigration services" means services provided for a fee or other  
3 compensation to a person who has come or plans to come to the  
4 United States from a foreign country, or such person's representative,  
5 in relation to any proceeding, filing or action affecting the  
6 nonimmigrant, immigrant or citizenship status of a person which  
7 arises under an immigration and nationality law, executive order or  
8 presidential proclamation, or which arises under actions or regulations  
9 of the United States Bureau of Citizenship and Immigration Services,  
10 the United States Department of Labor or the United States  
11 Department of State;
- 12 (2) "Provider" means any person, including, but not limited to, a  
13 corporation, partnership, limited liability company, sole proprietorship  
14 or natural person, that provides immigration services, but shall not  
15 include (A) any person duly admitted to practice law in this state and

16 any person working directly under the supervision of such person  
17 duly admitted to practice law; (B) any not-for-profit tax exempt  
18 organization that provides immigrant assistance without a fee or other  
19 payment from individuals or at nominal fees, as defined by the federal  
20 Board of Immigration Appeals, and the employees of such  
21 organization, when acting within the scope of such employment; or (C)  
22 any organization recognized by the federal Board of Immigration  
23 Appeals that provides services via representatives accredited by such  
24 board to appear before the United States Bureau of Citizenship and  
25 Immigration Services or Executive Office for Immigration Review, that  
26 does not charge a fee or charges nominal fees, as defined by the federal  
27 Board of Immigration Appeals;

28 (3) "Business day" means any day except a Sunday or a legal  
29 holiday;

30 (4) "Immigration services contract" means an agreement by which a  
31 buyer is entitled to immigration services; and

32 (5) "Buyer" means a person who enters into or receives the benefit of  
33 an immigration services contract.

34 (b) A copy of the immigration services contract shall be delivered to  
35 the buyer at the time the contract is signed. Each immigration services  
36 contract shall (1) be in writing, (2) be signed by the provider and the  
37 buyer, (3) designate the date on which the buyer actually signs the  
38 contract, (4) identify the address of the location at which the buyer  
39 entered the contract, (5) be in English and every other language in  
40 which the provider provides or offers to provide immigration services,  
41 (6) provide that such contract may be cancelled within three business  
42 days after the date of receipt by the buyer of a copy of the contract, and  
43 (7) include a statement of buyer's rights which complies with the  
44 provisions of this subsection. The statement shall (A) appear in the  
45 contract under the conspicuous caption: "BUYER'S RIGHT TO  
46 CANCEL", and (B) read as follows:

47 "If you wish to cancel this contract, you may cancel by mailing a  
48 written notice by certified or registered mail to the address specified  
49 below. The notice must say that you do not wish to be bound by this  
50 contract and must be delivered or mailed before midnight of the third  
51 business day after you sign this contract. After you cancel, the provider  
52 may request the return of all contracts and previously delivered  
53 documents. The notice shall be delivered or mailed to:

54 ....

55 ....

56 (Insert name and mailing address for cancellation notice.)"

57 The full text of this statement shall be in ten-point bold face type.

58 (c) (1) If a buyer cancels an immigration services contract pursuant  
59 to subsection (b) of this section, the provider shall send the buyer a  
60 written confirmation of cancellation within fifteen days after receipt by  
61 the provider of the buyer's cancellation notice. If the provider fails to  
62 send such written notice to the buyer within fifteen days, the provider  
63 shall be deemed to have accepted the cancellation.

64 (2) Cancellation shall be without liability on the part of the buyer  
65 and the buyer shall be entitled to a refund of the entire consideration  
66 paid for the contract within fifteen days. Such right of cancellation  
67 shall not be affected by the terms of the contract and may not be  
68 waived or otherwise surrendered.

69 (3) Any refund to the buyer as a result of cancellation of the contract  
70 shall be delivered by the provider to the buyer within fifteen business

71 days after receipt by the provider of the notice of cancellation.

72 (d) Each immigration services contract entered into by a provider  
73 shall include the following statement and read as follows:

74 "I AM NOT AN ATTORNEY LICENSED TO PRACTICE LAW AND  
75 MAY NOT GIVE LEGAL ADVICE OR ACCEPT FEES FOR LEGAL  
76 ADVICE. I AM NOT ACCREDITED TO REPRESENT YOU BEFORE  
77 THE UNITED STATES CITIZENSHIP AND IMMIGRATION  
78 SERVICES AND THE IMMIGRATION BOARD OF APPEALS."

79 The statement shall be in capital letters and not less than twelve-point  
80 bold face type.

81 (e) A buyer of an immigration services contract that is in material  
82 violation of this section shall have a right of action against the provider  
83 for recovery of triple the amount actually paid to the provider under  
84 the contract. In addition to any judgment awarded to the buyer, the  
85 court may allow reasonable attorney's fees.

86 (f) No provider shall (1) offer guaranteed results, (2) make  
87 representations of having influence over government officials, agencies  
88 or courts, or (3) make representations of access to programs or legal  
89 remedies not available to the general public.

90 (g) A buyer shall be able to terminate a contract for immigration  
91 services with a provider at will. Such right of termination shall not be  
92 affected by the terms of the contract and may not be waived or  
93 otherwise surrendered.

94 (h) A violation of any of the provisions of this section shall be  
95 deemed an unfair or deceptive trade practice under subsection (a) of  
96 section 42-110b of the general statutes.

<p>This act shall take effect as follows and shall amend the following sections:</p>
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Section 1	July 1, 2013	New section
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**Statement of Purpose:**

To require individuals holding themselves out as immigration services providers to enter into specified written contracts prior to providing services to clients.

*[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]*