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**THE STATE SENATE**  
**Thursday, February 23, 2006**

**Committee Substitute for**  
**Senate Bill No. 1871**

COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 1871 - By: CRUTCHFIELD of the Senate and HILLIARD of the House.

[ attorneys - Immigration and Nationality Law Practice Act - codification - effective date ]

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 3.1 of Title 5, unless there is created a duplication in numbering, reads as follows:

This act shall be known and may be cited as the "Immigration and Nationality Law Practice Act".

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 3.2 of Title 5, unless there is created a duplication in numbering, reads as follows:

The purpose of the Immigration and Nationality Law Practice Act is to prevent the unauthorized practice of law by nonlawyers who hold themselves out as immigration consultants rendering services in immigration nationality or citizenship matters and who are outside federal regulations regulating the practice of immigration law.

1 SECTION 3. NEW LAW A new section of law to be codified  
2 in the Oklahoma Statutes as Section 3.3 of Title 5, unless there is  
3 created a duplication in numbering, reads as follows:

4 As used in the Immigration and Nationality Law Practice Act:

5 1. "Immigration consultant" means any person who renders  
6 services, including the completion of forms and applications, to a  
7 client where the services are related to the client's desire to  
8 determine his or her legal status in an immigration or  
9 naturalization matter and who is beyond the scope of federal  
10 regulations regulating appearances and practice;

11 2. "Immigration or naturalization matter" includes all matters  
12 implicating any law, action, filing or proceeding related to a  
13 person's immigration or citizenship status in the United States;

14 3. "Original document" means any document of the United States  
15 government or any department or agency thereof, any foreign  
16 government, any state government or political subdivision thereof or  
17 any other document, including signed affidavits, that would  
18 demonstrate physical presence by a person in the United States; and

19 4. "Unauthorized practice of law" occurs where any person gives  
20 legal advice of any kind or acts on behalf of a client in any legal  
21 matter without authorization under this act.

1           SECTION 4.           NEW LAW           A new section of law to be codified  
2 in the Oklahoma Statutes as Section 3.4 of Title 5, unless there is  
3 created a duplication in numbering, reads as follows:

4           A. A person desiring immigration and nationality services may  
5 be represented by any of the following:

6           1. Attorneys in the United States, as used in this subsection,  
7 "attorney" means any person who is a member in good standing of the  
8 board of the highest court of any state, possession, territory,  
9 commonwealth or the District of Columbia and is not under any order  
10 of any court, suspending, enjoining, restraining, disbaring or  
11 otherwise restricting him or her in the practice of law;

12           2. A law student who is enrolled in the final year of an  
13 accredited law school or a law school graduate who is not yet  
14 admitted to the bar, provided that:

15           a. he or she is appearing on an individual case basis at  
16 the request of the person entitled to representation,  
17 or

18           b. his or her appearance is permitted by the official  
19 before whom he or she wishes to appear including an  
20 immigration judge, district immigration director,  
21 immigration officer-in-charge, regional immigration  
22 commissioner, the commissioner of immigration and  
23 naturalization or the immigration board, which

1 official, if in his or her opinion special  
2 circumstances warrant it, may require that a law  
3 student be accompanied by the supervising faculty  
4 member or attorney;

5 3. Any reputable individual of good moral character, provided  
6 that:

7 a. he or she is appearing on an individual case basis, at  
8 the request of the person entitled to representation,

9 b. he or she is appearing without direct or indirect  
10 renumeration and files a written declaration to that  
11 effect,

12 c. he or she has a preexisting relationship or connection  
13 with the person entitled to representation including a  
14 relative, neighbor, clergyman, business associate or  
15 personal friend, provided that such requirement may be  
16 waived, as a matter of administrative discretion, in  
17 cases where adequate representation would not  
18 otherwise be available, and

19 d. if appearing on behalf of a client, his or her  
20 appearance is permitted by the official before whom he  
21 or she wished to appear including an immigration  
22 judge, district immigration director, immigration  
23 officer-in-charge, regional immigration commissioner,

1           the commissioner of immigration and naturalization or  
2           the immigration board, provided that such permission  
3           shall not be granted with respect to any individual  
4           who regularly engages in immigration and nationality  
5           practice or preparation or holds himself or herself  
6           out to the public as qualified to do so;

7           4. A person representing an organization accredited by the  
8 board of immigration appeals and who has been accredited by the  
9 immigration board; or

10          5. An accredited official in the United States of the  
11 government to which an alien owes allegiance, if the official  
12 appears solely in his or her official capacity and with the alien's  
13 consent.

14          B. Except as provided in this section, no other person or  
15 persons shall represent others in any case, nor prepare applications  
16 or forms or give any legal advice.

17          SECTION 5.        NEW LAW        A new section of law to be codified  
18 in the Oklahoma Statutes as Section 3.5 of Title 5, unless there is  
19 created a duplication in numbering, reads as follows:

20          A. On or after the effective date of this act it shall be  
21 unlawful for any person to render for compensation any service  
22 constituting the unlawful practice of law or to otherwise violate  
23 any provision of this act. Any person who misrepresents the

1 services he or she may provide in immigration or nationality matters  
2 is in violation of this act. No person shall retain original  
3 documents of a client in his or her possession unless authorized by  
4 the client. Violation of any provision of this act shall be a  
5 misdemeanor.

6 B. Whenever the public interest so requires, the attorney  
7 general shall initiate appropriate proceedings to prevent violations  
8 of this act. A person having an interest or right which is or may  
9 be adversely affected under this act may also initiate an action for  
10 private remedies in accordance with the provisions of Title 12 of  
11 the Oklahoma Statutes. Any information required to be filed by this  
12 act shall be a matter of public record and shall be disclosed by the  
13 Attorney General upon written request.

14 SECTION 6. This act shall become effective November 1, 2006.

15 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY, dated 2-21-06 - DO  
16 PASS, As Amended and Coauthored.