



The Commonwealth of Massachusetts Office of the Attorney General

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ATTORNEY GENERAL'S ADVISORY REGARDING THE UNAUTHORIZED PRACTICE OF IMMIGRATION LAW

BOSTON – On November 20, 2014, President Obama announced a number of immigration reforms, including expansion of the Deferred Action for Childhood Arrivals (DACA) program and a new Deferred Action to Parents of Americans and Lawful Permanent Residents (DAPA) program.

Unfortunately, dishonest individuals will try to profit from these new programs by falsely holding themselves out as attorneys and charging hundreds or thousands of dollars for preparing forms or providing advice and services they are not qualified or authorized to perform. Attorney General Martha Coakley urges all Massachusetts residents to take the following precautionary steps before hiring someone to provide legal advice or representation in connection with immigration matters:

STEP 1. Verify the individual is a licensed attorney in good standing

Before you hire a lawyer to represent you, confirm that he or she is actually an attorney and that he or she is in good standing. All attorneys who are licensed to practice law in Massachusetts must be registered with the Board of Bar Overseers. To find out if an individual is licensed to practice law in Massachusetts and is in good standing, you can call the Board of Bar Overseers at 617-728-8800 or visit its website at <http://massbbo.org/bbolookup.php>.

STEP 2. OR, verify that the individual is an “Accredited Representative”

A small number of non-lawyers that are registered Accredited Representatives are permitted to represent clients in connection with immigration matters. To find out if an individual or organization is an Accredited Representative, review the Department of Justice's Accredited Representatives Roster at http://www.justice.gov/eoir/ra/raroster_reps.htm.

STEP 3. Understand the different roles of Attorneys, Accredited Representatives, and “Preparers & Interpreters”

LICENSED ATTORNEYS. Generally speaking, only licensed attorneys may represent parties in court and give legal advice. In fact, under certain circumstances, practicing law without a license is crime. It is important to understand that the fact that someone is a Notary or Notary Public does not mean that he or she is an attorney. In some other countries, the word “notario” means that the individual is an attorney or can perform legal tasks, but that is not true in the United States.

Only licensed attorneys can:

- Advise clients as to whether or not they qualify for legal programs.
- Advise clients as to whether they should apply for benefits or protections.
- Advise clients as to their legal risks or potential liabilities.
- Explain legal options.
- Advise clients on legal claims against another person or entity.
- Represent clients in court or before administrative judges.
- Negotiate settlements or compromises involving legal claims.

ACCREDITED REPRESENTATIVES. The U.S. Department of Justice and U.S. Department of Homeland Security do allow a limited number of non-lawyers to assist individuals in immigration proceedings. These non-lawyers must have special knowledge and experience in immigration law and are called “Accredited Representatives.”

In order to qualify as an Accredited Representative, a non-lawyer (1) must be affiliated with a non-profit organization that has been specially recognized and accredited by the Board of Immigration Appeals, and (2) must himself or herself be specially recognized and accredited by the Board of Immigration Appeals. In addition, Accredited Representatives are only allowed to charge a “nominal” fee for their services.

PREPARERS & INTERPRETERS. Many people seek help when answering questions on immigration forms or translating documents from or into English. Anyone can provide this kind of limited help. However, people who offer help with form preparation and translation should only charge you a small fee and should not claim to have special knowledge of immigration law and procedure. Anyone who does claim to have such special knowledge, or who does more than simply translate documents or write your answers (in your words) on immigration forms, must be a licensed attorney or Accredited Representative.

If you believe that you have been misled by someone pretending to be an attorney or Accredited Representative, or if you need additional information, please call the Office of the Attorney General at 617-963-2917.

You may also contact the Massachusetts Bar Association at (617) 654-0400, if you would like a referral to an attorney.

Finally, U.S. Citizenship and Immigration Services provides more information on legal services on its website: <http://www.uscis.gov/avoid-scams/find-legal-services>.