

2C:21-31

LEGISLATIVE HISTORY CHECKLIST
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(Immigration)

NJSA: 2C:21-31

LAWS OF: 1997 CHAPTER: 1

BILL NO: S623

SPONSOR(S): Sinagra

DATE INTRODUCED: February 5, 1996

COMMITTEE: ASSEMBLY: Judiciary

SENATE: Judiciary

AMENDED DURING PASSAGE: Yes Amendments during passage denoted
First reprint enacted by superscript numbers

DATE OF PASSAGE: ASSEMBLY: December 12, 1996

SENATE: February 26, 1996

DATE OF APPROVAL: January 24, 1997

FOLLOWING STATEMENTS ARE ATTACHED IF AVAILABLE:

SPONSOR STATEMENT: Yes

COMMITTEE STATEMENT: ASSEMBLY: Yes

SENATE: Yes

FISCAL NOTE: No

VETO MESSAGE: No

MESSAGE ON SIGNING: No

FOLLOWING WERE PRINTED:
REPORTS: No

HEARINGS: No

KBP:pp

[First Reprint]
SENATE, No. 623

STATE OF NEW JERSEY

INTRODUCED FEBRUARY 5, 1996

By Senator SINAGRA

1 AN ACT concerning the unauthorized practice of immigration law and
2 supplementing ¹**[chapter 170 of Title 2A]** Title 2C¹ of the New
3 Jersey Statutes.

4
5 **BE IT ENACTED** by the Senate and General Assembly of the State
6 of New Jersey:

7
8 1. a. ¹**[**This act shall be known and may be cited as the
9 "Immigration and Nationality Law Practice Act."

10 b.]¹ As used in this ¹ **[act]**, section¹:

11 (1) "Immigration consultant" means any person ¹**[**or corporation
12 in the business of]¹ rendering services for a fee, including the
13 completion of forms and applications, to another person in furtherance
14 of that person's desire to determine or modify his status in an
15 immigration or naturalization matter under federal law.

16 (2) "Immigration or naturalization matter" means any matter which
17 involves any law, action, filing or proceeding related to a person's
18 immigration or citizenship status in the United States.

19 (3) "Immigration-related document" means any birth certificate or
20 marriage certificate; any document issued by the government of the
21 United States, any foreign country, any state, or any other public
22 entity relating to a person's immigration or naturalization status.

23 ¹**[c.] b.**¹ Any immigration consultant not licensed as an attorney
24 or counselor at law who:

25 (1) Engages in this State in the practice of law; or

26 (2) Holds himself out to the public, either alone or together with,
27 by or through another person, whether such other person is licensed
28 as an attorney or counselor at law or not, as engaging in or entitled to
29 engage in the practice of law, or as rendering legal service or advice,
30 or as furnishing attorneys or counsel, in any immigration or
31 naturalization matter; or

EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Senate SJU committee amendments adopted February 15, 1996.

1 (3) Assumes, uses or advertises the title of lawyer or attorney at
2 law, or equivalent terms, in the English language or any other
3 language, is guilty of a crime of the fourth degree.

4 ¹**[d.] c.** Any person who knowingly retains possession of another
5 person's immigration-related document for more than a reasonable
6 time after the person who owns the document has submitted a written
7 request for the document's return is guilty of a crime of the fourth
8 degree.

9 ¹**[e.] d.** Nothing in this section shall be construed to prohibit a
10 person accredited as a representative by federal law pursuant to 8
11 CFR 292.2 from providing immigration services.

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13 2. This act shall take effect on the ninetieth day following
14 enactment.

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19 Prohibits the unauthorized practice of law by "immigration
20 consultants."

1 degree.

2 e. Nothing in this section shall be construed to prohibit a person
3 accredited as a representative by federal law pursuant to 8 CFR 292.2
4 from providing immigration services.

5

6 2. This act shall take effect on the ninetieth day following
7 enactment.

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STATEMENT

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12 This bill provides that any person or corporation in the business of
13 rendering services including the completion of forms and applications,
14 for a fee to another person in furtherance of that person's desire to
15 determine or modify his status in an immigration or naturalization
16 matter who is not licensed as an attorney is guilty of a crime of the
17 fourth degree if he engages in the practice of law; holds himself out
18 to the public as engaging in or entitled to engage in the practice of law
19 or to render legal service or advice in any immigration or
20 naturalization matter; or uses or advertise the title of lawyer or
21 attorney at law. Nothing in this bill is intended to be construed to
22 prohibit persons accredited by federal law to act as immigration
23 representatives from providing immigration services.

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28 Prohibits the unauthorized practice of law by "immigration
29 consultants."

ASSEMBLY JUDICIARY COMMITTEE

STATEMENT TO

[First Reprint]

SENATE, No. 623

STATE OF NEW JERSEY

DATED: MAY 1, 1996

The Assembly Judiciary Committee reports favorably Senate Bill No. 623 (1R).

The bill provides that any person in the business of rendering services for a fee, including the completion of forms and applications, to another person in furtherance of that person's desire to determine or modify his status in an immigration or naturalization matter who is not licensed as an attorney is guilty of a crime of the fourth degree if he engages in this State in the practice of law; holds himself out to the public as engaging in or entitled to engage in the practice of law, or as rendering legal service or advice in any immigration or naturalization matter; or uses or advertises the title of lawyer or attorney at law.

In addition, the bill provides that any person who knowingly retains possession of another person's immigration-related document for more than a reasonable time after the person who owns the document has submitted a written request for the document's return is guilty of a crime of the fourth degree.

The bill provides that this legislation shall not be construed to prohibit persons accredited by federal law to act as immigration representatives from providing immigration services.

This bill is identical to Assembly Bill No. 340 (1R).

SENATE JUDICIARY COMMITTEE

STATEMENT TO

SENATE, No. 623

with committee amendments

STATE OF NEW JERSEY

DATED: FEBRUARY 15, 1996

The Senate Judiciary Committee reports favorably and with committee amendments Senate Bill No. 623.

This bill provides that any person or corporation in the business of rendering services including the completion of forms and applications, for a fee to another person in furtherance of that person's desire to determine or modify his status in an immigration or naturalization matter who is not licensed as an attorney is guilty of a crime of the fourth degree if he engages in the practice of law; holds himself out to the public as engaging in or entitled to engage in the practice of law or to render legal service or advice in any immigration or naturalization matter; or uses or advertise the title of lawyer or attorney at law. Nothing in the bill is intended to be construed to prohibit persons accredited by federal law to act as immigration representatives from providing immigration services.

The amendments adopted by the committee modify the bill so the bill would be a supplement to Title 2C, the criminal code, rather than Title 2A. The amendments also delete reference to corporations in the bill since Title 2C already defines "person" to include corporations.