

Effective 5/12/2015

13-49-301 Requirements for written contract -- Prohibited statements.

- (1)
 - (a) Before an immigration consultant may provide services to a client, the immigration consultant shall provide the client with a written contract. The contents of the written contract shall comply with this section and rules made by the division in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
 - (b) A client may cancel a written contract on or before midnight of the third business day after execution of the written contract, excluding weekends and state and federal holidays.
- (2) A written contract under this section shall be stated in both English and in the client's native language.
- (3) A written contract under this section shall:
 - (a) state the purpose for which the immigration consultant has been hired;
 - (b) state the one or more services to be performed;
 - (c) state the price for a service to be performed;
 - (d) include a statement printed in 10-point boldface type that the immigration consultant is not an attorney and may not perform the legal services that an attorney performs;
 - (e) with regard to a document to be prepared by the immigration consultant:
 - (i) list the document to be prepared;
 - (ii) explain the purpose of the document;
 - (iii) explain the process to be followed in preparing of the document;
 - (iv) explain the action to be taken by the immigration consultant;
 - (v) state the agency or office where each document will be filed; and
 - (vi) state the approximate processing times according to current published agency guidelines;
 - (f) include a provision stating that the person may report complaints relating to an immigration consultant to the:
 - (i) division, including a toll-free telephone number and Internet web site; and
 - (ii) Office of Immigrant Assistance of the United States Department of Justice, including a toll-free telephone number and Internet website;
 - (g) include a provision stating that complaints concerning the unauthorized practice of law may be reported to the Utah State Bar, including a toll-free telephone number and Internet website; and
 - (h) in accordance with Subsection (1)(b), include a provision stating in bold on the first page of the written contract in both English and in the client's native language in accordance with Subsection (2): "You may cancel this contract on or before midnight of the third business day after execution of the written contract."
- (4) A written contract may not contain a provision relating to the following:
 - (a) a guarantee or promise, unless the immigration consultant has some basis in fact for making the guarantee or promise; or
 - (b) a statement that the immigration consultant can or will obtain a special favor from or has special influence with the United States Citizenship and Immigration Services, or any other governmental agency, employee, or official, that may have a bearing on a client's immigration matter.
- (5) An immigration consultant may not make a statement described in Subsection (4) orally to a client.
- (6) A written contract is void if not written in accordance with this section.

Amended by Chapter 236, 2015 General Session

