

ARIZONA REVISED STATUTES

**TITLE 12. COURTS AND CIVIL PROCEEDINGS
CHAPTER 18. IMMIGRATION AND NATIONALITY LAW PRACTICE ACT
ARTICLE 1. GENERAL PROVISIONS**

12-2701. Definitions

In this chapter, unless the context otherwise requires:

1. “Immigration or naturalization matter” includes all matters implicating any law, action, filing or proceeding related to a person’s immigration or citizenship status in the United States.
2. “Original document” means any document of the United States government or any department or agency of the United States government, any foreign government, any state government or any political subdivision of any state, any United Nations document or any other document, including signed affidavits, that would demonstrate physical presence by a person in the United States.
3. “Unauthorized practice of immigration and nationality law” means:
 - (a) The act of any person appearing in any case, either in person or through preparation or filing of any brief or other document, paper, application or petition on behalf of another person or client before or with the immigration and naturalization service, or any officer of the immigration and naturalization service, the executive office for immigration review or the board of immigration appeals, without authorization under this chapter.
 - (b) The study of the facts of a case and the applicable laws, coupled with giving advice and auxiliary activities, including the incidental preparation of papers, without authorization under this chapter, but does not include the lawful functions of a notary public, nonprofit organization or service consisting solely of assistance in the completion of blank spaces on printed immigration and naturalization service forms by a person whose remuneration, if any, is nominal and who does not hold himself out as qualified in legal matters or in immigration and naturalization procedure.

12-2702. Representation; definition

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

1. Attorneys in the United States.
2. A law student who is enrolled in an accredited law school or a law school graduate who is not yet admitted to the bar, if both of the following apply:
 - (a) The student or graduate is appearing on an individual case basis at the request of the person entitled to representation.
 - (b) The student or graduate is permitted to appear by the official before whom the student or graduate wishes to appear including an immigration judge, an immigration district director, an immigration officer-in-charge, a regional immigration commission, the United States commissioner of immigration and naturalization or the immigration board. If in the official’s opinion special circumstances warrant it, the official may require that a law student be accompanied by a supervising faculty member or attorney.
3. Any reputable person of good moral character, if all of the following apply:
 - (a) The person is appearing on an individual case basis, at the request of the person entitled to representation.

(b) The person is appearing without direct or indirect remuneration and the person files a written declaration to that effect.

(c) The person has a preexisting relationship or connection with the person entitled to representation including a relative, neighbor, clergyman, business associate or personal friend, except that this requirement may be waived, as a matter of administrative discretion, in cases in which adequate representation would not otherwise be available.

(d) If the person is appearing on behalf of a client, the person's appearance is permitted by the official before whom the person wishes to appear including an immigration judge, an immigration district director, an immigration officer-in-charge, a regional immigration commissioner, the United States commissioner of immigration and naturalization or the immigration board, except that this permission shall not be granted with respect to any person who regularly engages in immigration and nationality practice or preparation or holds himself out to the public as qualified to do so.

4. A person who is representing an organization accredited by the board of immigration appeals and who has been accredited by the immigration board.

5. An accredited official in the United States of the government to which an alien owes allegiance, if the official appears solely in an official capacity and with the alien's consent.

B. Except as otherwise provided in this section, no other person or persons may represent others in any case, prepare applications or forms or give any legal advice relating to any immigration or naturalization matter.

C. Any person who misrepresents the services the person may provide in immigration or nationality matters is in violation of this chapter.

D. A person or organization may not retain an original document belonging to a client unless authorized by the client.

E. An attorney who practices immigration and nationality law in this state and who is not a member of the state bar of Arizona shall not provide advice on issues of this state's law. An attorney who practices immigration and nationality law in this state and who is not licensed by the state bar of Arizona shall disclose to all persons to whom service is provided that the attorney is not licensed by the state bar of Arizona and shall disclose the state in which the attorney is licensed to practice law. This disclosure must be done in writing at the time the attorney's services are retained.

F. For the purposes of this section, "attorney" means any person who is a member in good standing of the bar of the highest court of any state, possession, territory, commonwealth or district of the United States and who is not under any order of any court suspending, enjoining, restraining, disbaring or otherwise restricting the person in the practice of law.

12-2703. Scope of remedies; violation; classification

A. It is unlawful for any person to render for compensation any service constituting the unauthorized practice of immigration and nationality law or to otherwise violate this chapter.

B. A person having an interest or right that is or may be adversely affected under this chapter may initiate an action for civil remedies. The provisions of this article are in addition to all other causes of action, remedies and penalties that are available in this state.

C. The attorney general shall initiate appropriate proceedings to prevent or to stop violations of this chapter.

D. A person who violates this chapter is guilty of a class 6 felony.

E. The provisions of section 13-702.02 shall not apply to enhance the sentence of a person convicted of two or more offenses under this section.

12-2704. Unlawful practices; investigation

An act or practice in violation of this chapter constitutes an unlawful practice under section 44-1522. The attorney general may investigate and take appropriate action pursuant to title 44, chapter 10, article 7.