

credit. It shall also transfer to the department an amount equal to employer and member contributions, plus interest. The city employee retirement system shall send the service credit report and transfer of contributions within ninety days of receiving the member's written declaration.

(3) A member who transfers service credit under this section is eligible to receive service credit for all periods of employment with the public health department. If credit was not given to a member under the member's city retirement system for a period of employment for which credit would have been granted under this chapter, the member may obtain credit for those periods if he or she makes the employer and member contributions for such service, plus interest as determined by the department, no later than December 31, 1990.

NEW SECTION. Sec. 4. Sections 1 through 3 of this act are each added to chapter 41.32 RCW.

NEW SECTION. Sec. 5. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately.

Passed the Senate March 3, 1989.

Passed the House April 6, 1989.

Approved by the Governor April 20, 1989.

Filed in Office of Secretary of State April 20, 1989.

## CHAPTER 117

[Senate Bill No. 5715]

### IMMIGRATION ASSISTANTS—PRACTICE AND CONDUCT RULES

AN ACT Relating to immigration assistants; amending RCW 2.48.180; adding a new chapter to Title 19 RCW; prescribing penalties; providing an effective date; and declaring an emergency.

Be it enacted by the Legislature of the State of Washington:

NEW SECTION. Sec. 1. The legislature finds and declares that assisting persons regarding immigration matters substantially affects the public interest. The practices of immigration assistants have a significant impact on the residents of the state of Washington. It is the intent of the legislature to establish rules of practice and conduct for immigration assistants to promote honesty and fair dealing with residents and to preserve public confidence.

NEW SECTION. Sec. 2. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Immigration assistant" means every person who, for compensation or the expectation of compensation, gives nonlegal assistance on an immigration matter. That assistance is limited to:

(a) Transcribing responses to a government agency form selected by the customer which is related to an immigration matter, but does not include advising a person as to his or her answers on those forms;

(b) Translating a person's answer to questions posed on those forms;

(c) Securing for a person supporting documents currently in existence, such as birth and marriage certificates, which may be needed to submit with those forms;

(d) Making referrals to attorneys who could undertake legal representation for a person in an immigration matter.

(2) "Immigration matter" means any proceeding, filing, or action affecting the nonimmigrant, immigrant, or citizenship status of any person which arises under immigration and naturalization law, executive order, or presidential proclamation, or which arises under action of the United States immigration and naturalization service, the United States department of labor, or the United States department of state.

(3) "Compensation" means money, property, or anything else of value.

NEW SECTION. Sec. 3. The following persons are exempt from all provisions of this chapter:

(1) An attorney licensed to practice law in this state where such attorney renders services in the course of his or her practice as an attorney and a legal intern, as described by court rule, or paralegal employed by and under the direct supervision of such an attorney;

(2) A nonprofit corporation or clinic affiliated with a law school in this state that provides immigration consulting services to clients without charge beyond a request for reimbursement of the corporation's or clinic's reasonable costs relating to providing immigration services to that client. "Reasonable costs" include, but are not limited to, the costs of photocopying, telephone calls, document requests, and the filing fees for immigration forms.

NEW SECTION. Sec. 4. Any person who wishes to engage in the business of an immigration assistant must register with the secretary of state's office and provide his or her name, business address, home address, and business and home telephone numbers.

NEW SECTION. Sec. 5. Immigration assistants who have registered must inform the secretary of state of any changes in their name, addresses, or telephone numbers within thirty days of the change.

NEW SECTION. Sec. 6. Immigration assistants shall offer or provide only nonlegal assistance in an immigration matter as defined in section 2 of this act.

NEW SECTION. Sec. 7. (1) Before providing any assistance, an immigration assistant who has agreed to provide immigration assistance to a customer shall provide the customer with a written contract that includes the following provisions:

- (a) An explanation of the services to be performed;
  - (b) Identification of all compensation and costs to be charged to the customer for the services to be performed;
  - (c) A statement that documents submitted in support of an application for nonimmigrant, immigrant, or naturalization status may not be retained by the assistant for any purpose, including payment of compensation or costs;
  - (d) A statement that the immigration assistant is not an attorney and may not perform legal services. This statement shall be on the face of the contract in ten-point bold type print; and
  - (e) A statement that the customer has seventy-two hours to rescind the contract. This statement shall be conspicuously set forth in the contract.
- (2) The written contract shall be stated in both English and in the language of the customer.
- (3) A copy of the written contract shall be provided to the customer by the immigration assistant upon execution of the contract.
- (4) A customer has the right to rescind a contract within seventy-two hours of the signing of the contract.
- (5) Any documents identified in subsection (1)(c) of this section shall be returned upon demand of the customer.

**NEW SECTION.** Sec. 8. In the course of dealing with customers or prospective customers, an immigration assistant shall not:

- (1) Make any statement that the immigration assistant can or will obtain special favors from or has special influence with the United States immigration and naturalization service;
- (2) Retain any compensation for services not performed;
- (3) Refuse to return documents supplied by, prepared by, or paid for by the customer upon the request of the customer. These documents must be returned upon request even if there is a fee dispute between the immigration assistant and the customer;
- (4) Represent or advertise, in connection with the provision of immigration assistance, other titles or credentials, including but not limited to "notary public" or "immigration consultant" that could cause a customer to believe that the immigration assistant possesses special professional skills;
- (5) Communicate in any manner, oral or written, that registration under this chapter is an indicator of special skill or expertise or that it allows the person to provide advice on an immigration matter;
- (6) Give any legal advice concerning an immigration matter.

**NEW SECTION.** Sec. 9. The legislature finds and declares that any violation of this chapter substantially affects the public interest and is an unfair and deceptive act or practice and unfair method of competition in the conduct of trade or commerce as set forth in RCW 19.86.020.

NEW SECTION. Sec. 10. A violation of this chapter shall be punished as a gross misdemeanor according to chapter 9A.20 RCW.

NEW SECTION. Sec. 11. This chapter shall be known and cited as the "immigration assistant practices act."

NEW SECTION. Sec. 12. Sections 1 through 11 of this act shall constitute a new chapter in Title 19 RCW.

Sec. 13. Section 14, chapter 94, Laws of 1933 and RCW 2.48.180 are each amended to read as follows:

Any person who, not being an active member of the state bar, or who after he has been disbarred or while suspended from membership in the state bar, as by this chapter provided, shall practice law, or hold himself out as entitled to practice law, shall, except as provided in section 10 of this 1989 act, be guilty of a misdemeanor: **PROVIDED, HOWEVER,** Nothing herein contained shall be held to in any way affect the power of the courts to grant injunctive relief or to punish as for contempt.

NEW SECTION. Sec. 14. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 15. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect July 1, 1989.

Passed the Senate April 10, 1989.

Passed the House April 4, 1989.

Approved by the Governor April 20, 1989.

Filed in Office of Secretary of State April 20, 1989.

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## CHAPTER 118

[Senate Bill No. 6057]

### HOMELESS CHILDREN—SCHOOL ENROLLMENTS—PROOF OF RESIDENCY NOT REQUIRED

AN ACT Relating to the education of homeless children; and adding a new section to chapter 28A.58 RCW.

Be it enacted by the Legislature of the State of Washington:

NEW SECTION. Sec. 1. A new section is added to chapter 28A.58 RCW to read as follows:

(1) A school district shall not require proof of residency or any other information regarding an address for any child who is eligible by reason of age for the services of the school district if the child does not have a legal residence.