

§ 9-634. Immigration Assistance Services

Provider Checklist

To ensure you are in compliance as an Immigration Services Provider, all boxes must be checked. If you are unsure if you meet a requirement, please visit phila.gov/311/immigrationservices or call Philly 311.

Ask yourself, “Do I...?”

- Have a Commercial Activity License in Philadelphia** §19-2602
***If you do not have a Commercial Activity License you must obtain one in order to conduct business in Philadelphia.*
- Have a business that provides any form of assistance on immigration matters §9-634 (1)

Then ask yourself, “Did I...?”

- Register all of my businesses with the Department of Licenses and Inspections §9-634 (3)(a)
 - Review the Ordinance in Section 9-634 to make sure I understand what I am permitted to do and what I am prohibited from doing
 - Sign and send the Acknowledgement Form to the Department of Licenses and Inspections §9-634 (3)(a)(.1)
- Obtain and show proof of a \$50,000 surety bond to the Department of Licenses and Inspections §9-634 (3)(a)(.2)

Also ask yourself, “Do I have...?”

- The Disclaimer Sign posted in all languages in which I do business AND does it meet all requirements as listed in §9-634 (3)(b)
- Fee Signs showing services with corresponding costs §9-634 (3)(b)(.4)
- Brochures for customers in English and in all languages in which business is done §9-634 (3)(c)
- A place where I retain all documents prepared for a period of (3) years after the date of the written contract §9-634 (3)(d)
- Advertisements displaying the required disclaimer statement as listed in section §9-634 (3)(e)

“Do my written agreements...?”

- Have all of the necessary information and statements as outlined in section 9-634(5)(a)
- Provide all the information outlined in Sections 9-634(5)(a)(.1)(a) through (f)
- Provide a statement with the specific language stating that I am not an attorney as outlined in section 9-634(5)(a)(.1)(.g)
- Provide a statement with specific language that the customer can cancel contract as outlined in section 9-634 (5)(a)(.1)(.h)
- Provide a statement with specific language that documents will be retained as outlined in section 9-634(5)(a)(1)(.j)
- Provide a statement with specific language that the a surety bond exists as outlined in section 9-634(5)(a)(1)(.k)

“Do I provide the following information to my customers...?”

- A copy of the contract in both English AND in the language the customer speaks §9-634 (5)(a)(.2) and (.3)
- Receipts for all services rendered that includes the date, amount and service §9-634 (5)(a)(.4)
- Attestation of an interpreter if one was used §9-634 (5)(a)(.7)
- A copy of all documents prepared §9-634 (5)(b)
- Right to cancel the contract at any time §9-634 (5)(a)(.5) and (.6)

“I am ONLY permitted under law to provide...”

- Transcription Services-- *I can write the responses on an immigration form but CANNOT advise or offer answers* §9-634 (4)(a)
- Translation and interpretation Services §9-634 (4)(b) and (d)
- Documentation collection—*I can assist in the gathering of documentation like birth certificates, foreign passports, tax forms, police clearances and educational credentials.* §9-634 (4)(c)

- Notarization Services because I am a notary public licensed in PA §9-634 (4)(e)
- Arrangement of medical testing and obtaining test results §9-634 (4)(f)

“I understand that I am prohibited from doing the following....”

- Giving legal advice, including, but not limited to, selecting immigration forms, advising how to answer questions on immigration forms, or telling someone what benefits or relief they should apply for §9-634 (6)(a)(.5)
- Engaging in the practice of law
- Making guarantees or promises as to a particular result in an immigration matter §9-634 (6)(a)(.2)
- Making statements that imply special connections with government agencies, like the United States Department of Homeland Security and the Department of Justice §9-634 (6)(a)(.1)
- Filing anything without the customer’s permission §9-634 (6)(g)
- Charging money for immigration forms or for referring to an attorney §9-634 (6)(d)
- Demanding or retaining money for services you did not perform or costs you did not actually incur §9-634 (6)(a)(.3)
- Failing to provide a customer with copies of documents filed or failing to promptly return a customer’s documents §9-634 (6)(a)(.4)
- Representing or advertising the title of lawyer or attorney at law, or equivalent terms in the English language, or any other language, including, but not limited to, "notary public," "accredited representatives of the Board of Immigration Appeals" or "immigration consultant," as outlined in §9-634 (6)(b)
- Representing that fingerprinting services will be accepted by DHS to process applications §9 634 (6)(c)
- Disclosing any information to, or file any forms or documents with, immigration or other authorities without the knowledge or consent of the customer §9-634 (6)(g)
- Performing or offering to perform any act that requires a commercial activity license and registration under this section without a valid commercial activity license §9-634 (6)(i)

I understand that if I violate any part of this Code, I could:

- Be fined up to \$2,000 per violation §9-634 (7)(a)
- Be subject to imprisonment not to exceed 90 days §9-634 (7)(a)
- Have my commercial business license suspended or revoked §9-634 (7)(b)(.1)
- Have a Cease Operation Order issued against my business §9-634 (7)(b)(.2)
- Be subject to a private right of action, which allows for any person aggrieved by any violation of this Section to seek costs against me, compensatory damages, and punitive damages §9-634 (8)