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House Bill 4528 (as passed by the House)  
Sponsor: Representative Klint Kesto  
House Committee: Regulatory Reform  
Senate Committee: Regulatory Reform

Date Completed: 5-7-14

### **CONTENT**

**The bill would repeal sections of the Michigan Immigration Clerical Assistant Act that provide for an immigration clerical assistant list, require the payment of certain fees, and require an immigration clerical assistant to file and maintain a corporate surety or cash bond. The bill also would amend the Act to do the following:**

- Delete references to the list and required bond.**
- Require a court, in an action for damages, to award a prevailing plaintiff the amount of actual damages or, for a willful violation, three times the damages.**

The Act defines "immigration clerical assistant" as any individual providing or offering to provide services for compensation, relating to any immigration matter.

### **Repealed Sections**

Section 4 of the Act prohibits an individual from providing services or offering to provide services, or acting as an immigration clerical assistant unless he or she is on a list established under the Act or is exempt from placement on the list.

Section 7 requires an immigration clerical assistant to apply to the Department of Licensing and Regulatory Affairs (LARA) for placement on the list and pay the appropriate fee.

Section 9 created the immigration clerical assistant list and requires LARA to impose certain application and renewal fees for placement on the list.

Section 15 requires an immigration clerical assistant to file and maintain in force a corporate surety or cash bond conditioned upon the faithful and competent provision of services. The bond must be in the amount of at least \$50,000.

The bill would repeal Sections 4, 7, 9, and 15.

The Act requires an immigration clerical assistant to enter into a written contract with a consumer before any service is rendered and before accepting any compensation. The contract must include the name and address of the bonding company or other surety that has issued the bond required under Section 15. The bill would delete that requirement.

The Act also prohibits an immigration clerical assistant from doing certain things, including making a false statement or representation as part of the application process for initial or

renewal placement on the immigration clerical assistant list. The bill would delete that prohibition.

#### Court Award

The Act allows a person injured by an immigration clerical assistant to bring an action for equitable relief or damages, or both. The bill specifies that, in an action for damages, the court would have to award a prevailing plaintiff the amount of actual damages or, if the court found that the violation was willful, three times the plaintiff's actual damages.

MCL 338.3453 et al.

Legislative Analyst: Patrick Affholter

#### **FISCAL IMPACT**

The bill would have no fiscal impact on the Department of Licensing and Regulatory Affairs and no fiscal impact on local units of government. As of fiscal year 2011-12, there were seven individuals listed as immigration clerical assistants. Listings are renewed triennially, and do not represent a significant source of revenue or expenditures for LARA.

Fiscal Analyst: Josh Sefton

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.