Rules and Regulations of the State of Georgia

Department 546 REGISTRATION OF IMMIGRATION ASSISTANCE PROVIDERS

Current through Rules and Regulations filed through November 6, 2026

Table of Contents

ADMINISTRATIVE HISTORY
Chapter 546-1. APPLICATIONS.
Rule 546-1-.01. Initial Licensure.
Rule 546-1-.02. Amendment of license application to account for events or developments after license granted.
Rule 546-1-.03. Applications for Military Spouses and Transitioning Service Members.
Chapter 546-2. RENEWAL AND REINSTATEMENT.
Rule 546-2-.01. Renewal.
Rule 546-2-.02. Reinstatement.
Chapter 546-3. PERMISSIBLE SERVICES AND EXEMPTIONS.
Rule 546-3-.01. Permissible services; terms of contract for immigration services.
Rule 546-3-.02. Exemptions.
Chapter 546-4. PROFESSIONAL CONDUCT.
Rule 546-4-.01. Maintaining documents.
Rule 546-4-.02. Obligation to provide notice of pending disciplinary, administrative, civil, or criminal action.
Chapter 546-5. INITIAL FILINGS.
Rule 546-5-.01. Causes for disciplinary actions.

ADMINISTRATIVE HISTORY

The **Administrative History** following each Rule gives the date on which the Rule was originally filed and its effective date, as well as the date on which any amendment or repeal was filed and its effective date. Principal abbreviations used in the Administrative History are as follow:

f. - filed

eff. - effective

R. - Rule (Abbreviated only at the beginning of the control number)

Ch. - Chapter (Abbreviated only at the beginning of the control number)

ER. - Emergency Rule

Rev. - Revised

Note: Emergency Rules are listed in each Rule's Administrative History by Emergency Rule number, date filed and effective date. The Emergency Rule will be in effect for 120 days or until the effective date of a permanent Rule covering the same subject matter superseding this Emergency Rule is adopted, as specified by the Agency.

Chapters 546-1 entitled "Applications," 546-2 entitled "Renewal and Reinstatement," 546-3 entitled "Permissible Services and Exemptions," and 546-4 entitled "Professional Conduct" adopted. Filed Sep. 3, 2020; eff. Sep. 23, 2020.

Chapter 546-5 entitled "Causes for Disciplinary Action" adopted. Filed Sep. 30, 2020; eff. Oct. 20, 2020.

Rule 546-1-.03 amended. F. Apr. 21, 2021; eff. May 11, 2021.

Cite as Ga. Comp. R. & Regs. R. dept. 546, ADMINISTRATIVE HISTORY

Chapter 546-1. APPLICATIONS.

Rule 546-1-.01. Initial Licensure.

1) A person shall not provide immigration assistance in this state without holding a license issued pursuant to these rules as an immigration assistance provider.

2) No person shall be granted a license as an immigration assistance provider unless such person:

   a) Is 18 years of age or older;

   b) Is a United States citizen or holds a valid legal immigration status pursuant to federal law;

   c) Provides a criminal background report and, within the five-year period preceding the date of the application, has no criminal convictions, other than traffic violations; and

   d) Completes and submits an application;

3) Any person desiring to be licensed as an immigration assistance provider shall file an application for such license along with the fee provided for in the fee schedule. All original and subsequent applications must be submitted on the approved form and the applicant must also provide:

   a) The name and address of the applicant or the name under which he or she intends to conduct business and, if the applicant is a partnership or limited liability company, the name and residence address of each member thereof and the name under which the partnership or limited liability company business is to be conducted and, if the applicant is a corporation, the name and address of each of its principal officers;

   b) The place or places, including the city with the street and street number, if any, where the business is to be conducted;

   c) Authorization to perform a criminal background check;

   d) $5,000.00 Performance Bond (Form IP200);

   e) An affidavit of citizenship;

   f) A secure and verifiable document; and

   g) If an applicant intends to provide services that shall require him or her to control the legal funds of a client seeking immigration assistance, provides a financial statement for the current fiscal year.

Cite as Ga. Comp. R. & Regs. R. 546-1-.01
Authority: O.C.G.A. §§ 43-1-24, 43-1-25, 43-20A-3, 43-20A-4.

History. Original Rule entitled "Initial Licensure" adopted. F. Sep. 3, 2020; eff. Sept. 23, 2020.

Rule 546-1-.02. Amendment of license application to account for events or developments after license granted.

Should material events or developments occur after a person has been granted a license, such person shall amend the license application submitted by adding statements of fact that developed, or became known, after the effective date of such application and by deleting statements of fact that, because of such developments, may be misleading. Such additions and deletions shall be submitted not more than 30 days after their occurrence.

Cite as Ga. Comp. R. & Regs. R. 546-1-.02
Authority: O.C.G.A. §§ 43-1-24, 43-1-25, 43-20A-3, 43-20A-11.
History. Original Rule entitled "Amendment of license application to account for events or developments after license granted" adopted. F. Sep. 3, 2020; eff. Sept. 23, 2020.

Rule 546-1-.03. Applications for Military Spouses and Transitioning Service Members.

1) As used in this rule, the following terms shall mean:
   a) "Military" means the United States armed forces, including the National Guard.
   b) Military spouse" means a spouse of a service member or transitioning service member.
   c) "Service member" means an active or reserve member of the armed forces, including the National Guard.
   d) "Transitioning service member" means a member of the military on active duty status or on separation leave who is within 24 months of retirement or 12 months of separation.

2) Notwithstanding any other provisions of law, a professional licensing board or other board shall issue an expedited license by endorsement to any individual that:
   a) Is a spouse of a service member or transitioning service member stationed within this state;
   b) Holds a current license to practice such occupation or profession issued by another state for which the training, experience, and testing are substantially similar in qualifications and scope to the requirements under this state to obtain a license;
   c) Is in good standing in such other state; and

d) Passes any examination that may only be required to demonstrate knowledge of the laws and rules and regulations of this state specific to the practice of the profession, business, or trade for which such expedited license by endorsement is being sought.

Cite as Ga. Comp. R. & Regs. R. 546-1-.03
Authority: O.C.G.A. §§ 43-1-34, 43-1-34.1 .
History. Original Rule entitled "Applications for Military Spouses and Transitioning Service Members" adopted. F. Sep. 3, 2020; eff. Sept. 23, 2020.
Amended: F. Apr. 21, 2021; eff. May 11, 2021.

Chapter 546-2. RENEWAL AND REINSTATEMENT.

Rule 546-2-.01. Renewal.

1) Licenses issued shall expire annually and require renewal on dates established by the renewal schedule.

2) Licenses that are not renewed in accordance with the renewal schedule and department rules are automatically revoked by operation of law.

3) In order to renew, each licensee must submit all of the following:
   a) A completed renewal application on the approved form;
   b) A renewal fee dictated by the fee schedule;
   c) Proof of a current bond; and
   d) If the licensee is not a citizen, an updated citizenship affidavit and secure and verifiable document.

Cite as Ga. Comp. R. & Regs. R. 546-2-.01
Authority: O.C.G.A. §§ 43-1-24, 43-1-25, 43-20A-3, 43-20A-4.
History. Original Rule entitled "Renewal" adopted. F. Sep. 3, 2020; eff. Sept. 23, 2020.

Rule 546-2-.02. Reinstatement.

1) An applicant for reinstatement of a revoked or lapsed license must:
   a) Submit a completed application on the approved form
   b) Pay the reinstatement fee dictated by the fee schedule

c) Submit proof of a current surety bond; and

d) If the applicant is not a citizen, the applicant must submit an updated citizenship affidavit and secure and verifiable document.

Cite as Ga. Comp. R. & Regs. R. 546-2-.02
Authority: O.C.G.A. §§ 43-1-24, 43-1-25, 43-20A-3, 43-20A-4.
History. Original Rule entitled "Reinstatement" adopted. F. Sep. 3, 2020; eff. Sept. 23, 2020.

Chapter 546-3. PERMISSIBLE SERVICES AND EXEMPTIONS.

Rule 546-3-.01. Permissible services; terms of contract for immigration services.

1) An immigration assistance provider licensee may perform the following services as immigration assistance:
   a) Completing a government agency form on behalf of the client and appropriate to the client's needs;

   b) Transcribing responses to a government agency form which is related to an immigration matter; provided, however, that advice shall not be offered to a client as to his or her answers on such forms;

   c) Translating information on forms to a client and translating the client's answers to questions posed on such forms;

   d) Securing for the client supporting documents currently in existence, such as birth and marriage certificates, which may be needed to be submitted with government agency forms;

   e) Notarizing signatures on government agency forms, provided that the person performing the service is a notary public commissioned in the State of Georgia and is lawfully present in the United States;

   f) Preparing or arranging for the preparation of photographs and fingerprints;

   g) Arranging for the performance of medical testing (including X-rays and AIDS tests) and the obtaining of reports of such test results; and

h) Performing such other services that the Secretary of State determines by rule may be appropriately performed by such licensees in light of the purposes O.C.G.A. §43-20A.

2) A contract to provide any service in conjunction with immigration assistance shall clearly state the obligations of the immigration assistance provider and the client who is to receive such service.

Cite as Ga. Comp. R. & Regs. R. 546-3-.01
Authority: O.C.G.A. §§ 43-1-24, 43-1-25, 43-20A-3, 43-20A-5.
History. Original Rule entitled "Permissible services; terms of contract for immigration services" adopted. F. Sep. 3, 2020; eff. Sept. 23, 2020.

Rule 546-3-.02. Exemptions.

1) The following persons are exempt from these rules by O.C.G.A. § 43-20A-6:

a) An attorney licensed to practice law in Georgia or an attorney licensed to practice law in any other state or territory of the United States or in any foreign country when acting with the approval of a judge having lawful jurisdiction over the matter;

b) A legal intern, clerk, paralegal, or person in a similar position employed or independently contracted by and under the direct supervision of a licensed attorney meeting the requirements in paragraph (a) of this subsection and rendering immigration assistance in the course of employment;

c) A not for profit organization recognized by the Board of Immigration Appeals under 8 C.F.R. 292.2(a) and employees of such organizations accredited under 8 C.F.R. 292.2(d); and

d) Any person employing or desiring to employ an alien or nonimmigrant alien, where the organization, its employees, or its agents provide nonlegal advice in conjunction with immigration assistance in immigration matters to alien or nonimmigrant alien employees or potential employees without compensation from the individuals to whom such nonlegal advice in conjunction with immigration assistance is provided.

2) Any person who provides or offers immigration assistance and is not exempted pursuant to O.C.G.A. § 43-20A-6 shall post signs at his or her place of business setting forth information in English and in every other language in which the person provides or offers to provide immigration assistance. Each language shall be on a separate sign. Signs shall be posted in a location where the signs will be visible to clients. Each sign shall be at least 12 inches by 17 inches and shall contain the following statement:

"I AM NOT AN ATTORNEY LICENSED TO PRACTICE LAW AND MAY NOT GIVE LEGAL ADVICE OR ACCEPT FEES FOR LEGAL ADVICE."

3) Every person engaged in immigration assistance that is not an attorney and that advertises immigration assistance in a language other than English shall include conspicuously in such advertisement the following notice in English and the language in which the advertisement appears: "I AM NOT AN ATTORNEY LICENSED TO PRACTICE LAW AND MAY NOT GIVE LEGAL ADVICE OR ACCEPT FEES FOR LEGAL ADVICE." If such advertisement is by radio or television, the statement may be modified but shall include substantially the same message.

4) Any person who provides or offers immigration assistance that is not exempted pursuant to O.C.G.A. § 43-20A-6 shall not, in any document identifying such person as an immigration assistance provider, translate from English into another language terms or titles including, but not limited to, notary public, notary, licensed, attorney, lawyer, or any other term that implies the person is an attorney.

5) A person engaged in providing immigration assistance that is not exempted pursuant to O.C.G.A. § 43-20A-6 as a licensed attorney shall not:

   a) Refuse to return documents supplied by, prepared on behalf of, or paid for by the client upon the request of the client. Such documents shall be returned upon request even if there is a fee dispute between such person and the client;

   b) Represent or advertise, in conjunction with immigration assistance, other titles or credentials, including but not limited to "notary public" or "immigration consultant," that could cause a client to believe that the person possesses special professional skills or is authorized to provide advice on an immigration matter; provided, however, that a certified notary public may use the term "notary public" if the use is accompanied by the statement that the person is not an attorney and the term "notary public" is not translated to another language; or

   c) Provide materially false or misleading information in an application for licensure or renewal of a license.

Cite as Ga. Comp. R. & Regs. R. 546-3-.02
Authority: O.C.G.A. §§ 43-1-24, 43-1-25, 43-20A-3, 43-20A-16.
History. Original Rule entitled "Exemptions" adopted. F. Sep. 3, 2020; eff. Sept. 23, 2020.

Chapter 546-4. PROFESSIONAL CONDUCT.

Rule 546-4-.01. Maintaining documents.

All immigration assistance providers who are licensed or required to be licensed with the Secretary of State shall preserve records documenting compliance pursuant to O.C.G.A. 43-20A and these rules for at least three years from the date such records were produced. Immigration assistance providers shall preserve client records that contain certain necessary information. Such records shall be subject to reasonable periodic or special inspections by the Secretary of State. An inspection may be made at any time and without prior notice. The Secretary of State may copy and remove any record the Secretary of State reasonably considers necessary or appropriate to conduct the inspection.

Cite as Ga. Comp. R. & Regs. R. 546-4-.01
Authority: O.C.G.A. §§ 43-1-24, 43-1-25, 43-20A-3, 43-20A-8.
History. Original Rule entitled "Maintaining documents" adopted. F. Sep. 3, 2020; eff. Sept. 23, 2020.

Rule 546-4-.02. Obligation to provide notice of pending disciplinary, administrative, civil, or criminal action.

1) Any immigration assistance provider shall report in writing immediately to the Secretary of State, Professional Licensing Division if:
   a) He or she has been made or is the subject of any disciplinary, administrative, civil, or criminal action; and
   b) He or she has been served in any civil complaint or arbitration filed alleging fraud or any violation of any local, state, or federal law.
2) The immigration assistance provider shall provide to the Secretary of State a copy of any notice, order, pleading, indictment, accusation, or similar legal document relating to an action subject to this rule that he or she has in his or her possession.
3) Any licensee who is convicted under the laws of this state, the United States, or any other state, territory, or country of a felony shall be required to notify the Secretary of State, Professional Licensing Division of the conviction within ten days of the conviction.

Cite as Ga. Comp. R. & Regs. R. 546-4-.02
Authority: O.C.G.A. §§ 43-1-24, 43-1-25, 43-20A-3, 43-20A-9, 43-20A-20.
History. Original Rule entitled "Obligation to provide notice of pending disciplinary, administrative, civil, or criminal action" adopted. F. Sep. 3, 2020; eff. Sept. 23, 2020.

Chapter 546-5. INITIAL FILINGS.

Rule 546-5-.01. Causes for disciplinary actions.

1) The Professional Licensing Division of the Secretary of State shall order the discipline, denial, suspension, or revocation of license issued pursuant to these rules, if it finds that the order is in the public interest and that such person:

   a) Has filed an application for licensure which, as of its effective date or any date after filing in the case of an order denying effectiveness, contained a statement that was, in light of the circumstances under which it was made, false with respect to a material fact in the application;

   b) Has violated or failed to comply with any provisions of these rules or O.C.G.A. §43-20A;

   c) Is the subject of an adjudication or determination, after notice and opportunity for hearing, within the last five years by any government agency or administrator of another state or a court of competent jurisdiction that the person has willfully violated the law of another state, but only if the acts constituting the violation of that state's law would constitute a violation of O.C.G.A. §43-20A had the acts occurred in this state;

   d) Has been convicted of any felony in the courts of this state or any other state, territory, or country or in the courts of the United States; as used in this paragraph and paragraph (e) of this subsection, the term "felony" shall include any offense which, if committed in this state, would be deemed a felony, without regard to its designation elsewhere; and, as used in this paragraph, the term "conviction" shall include a finding or verdict of guilty or a plea of guilty, regardless of whether an appeal of the conviction has been sought;

   e) Within the last ten years has been convicted of a felony or misdemeanor involving moral turpitude in the courts of this state or any other state, territory, or country or in the courts of the United States, the record of conviction being conclusive evidence of conviction, which the Secretary of State finds:

      i) Involves the taking of a false oath, the making of a false report, bribery, perjury, burglary, or conspiracy to commit any of the foregoing offenses;

      ii) Arises out of the conduct of immigration assistance; or

      iii) Involves the theft, robbery, extortion, forgery, counterfeiting, fraudulent concealment, embezzlement, fraudulent conversion, or misappropriation of funds;

   f) Is the subject of an order of the Secretary of State that denies, suspends, or revokes a license from such person other than a license issued pursuant to these rules or O.C.G.A. §43-20A;

g) Is the subject of any of the following orders which are effective at the time of the Secretary of State's order and were issued within five years before the Secretary of State's order:

i) An order by an agency or administrator of another state, a foreign country, or the federal government, entered after notice and opportunity for hearing, that denies, suspends, or revokes a license from such person other than a license issued pursuant to O.C.G.A. §43-20A;

ii) A United States Postal Service fraud order; or

iii) A cease and desist order entered after notice and opportunity for hearing by the Secretary of State or other state or federal authority;

h) Is determined by the Secretary of State not to be qualified pursuant to these rules or O.C.G.A. §43-20A;

i) Violated or conspired to violate these rules or O.C.G.A. §43-20A;

j) Engaged in conduct that significantly adversely reflects on the applicant's credibility, honesty, or integrity;

k) Has failed to cure any application deficiency within 30 days after being notified by the Secretary of State of a deficiency, but such an order shall be vacated when the deficiency is corrected, unless the applicant has abandoned the application; or

l) Has failed to comply with an order for child support as defined by O.C.G.A § 19-11-9.3. Notwithstanding the provisions of Chapter 13 of Title 50, the hearings and appeals procedures provided in Code Section 19-6-28.1 or 19-11-9.3, where applicable, shall be the only such procedures required under this subsection.

2) The Secretary of State shall not order the discipline, denial, suspension, or revocation of a license because a person has been found by the Georgia Higher Education Assistance Corporation to be a borrower in default who is not in satisfactory repayment status as defined in O.C.G.A. §20-3-295.

3) Prior to issuing an order pursuant to paragraph (1), the Secretary of State shall consider:

a) How recently the conduct occurred;

b) The nature of the conduct and the context in which it occurred;

c) The degree of harm imposed upon others; and

d) Any other relevant conduct of the applicant.

4) If the Secretary of State determines that a licensee is no longer in existence or acting as an immigration assistance provider, the subject of an adjudication of incapacity, subject to the control of a trustee, conservator, or guardian, or cannot reasonably be located, the Secretary of State may issue an order that cancels or terminates the license. The Secretary of State may reinstate a canceled or terminated license, with or without hearing, and may make the license retroactive.

(d) An order issued pursuant to paragraph (1) shall constitute a final order, shall be deemed to be in the public interest, and shall not be deemed to constitute findings of fact or conclusions of law related to other persons. The entry of such an order shall not be deemed to be a waiver or estoppel on the part of the Secretary of State from proceeding in individual actions against any persons who may have violated these rules or O.C.G.A. §43-20A, nor shall such an order prevent the Secretary of State from bringing individual actions against any persons who have violated these rules or O.C.G.A. §43-20A, if such violation was not known to the Secretary of State at the time the order was issued.

(e) An order is not a proceeding or enforcement action pursuant to Chapter 13 of Title 50.

Cite as Ga. Comp. R. & Regs. R. 546-5-.01
Authority: O.C.G.A. §§ 43-1-24, 43-1-25, 43-20A-3, 43-20A-16.
History. Original Rule entitled "Causes for disciplinary actions" adopted. F. Sep. 30, 2020; eff. Oct. 20, 2020.