

BACKGROUND CHECK INSTRUCTION FORM

As of October 1, 2018, the Division of Consumer Protection utilizes the WIN Database rap back system for background checks. Please consult the Utah Consent to Background Check Waiver and Utah Code § 53-10-108 for further information.

**** Renewal Note: If your fingerprint card(s), Utah Consent to Background Check waiver(s), and \$20.00 fee were submitted after October 1, 2018, please do not submit them again.**

If an individual subject to a background check ceases to be associated with a registrant, the registrant is responsible for submitting a Request to Terminate Rap Back form to the Division of Consumer Protection. The individual subject to the background check may also submit a Request to Terminate Rap Back form.

The Utah Consent to Background Check waiver and the Request to Terminate Rap Back form may be found on the Division of Consumer Protection's website:

<https://dcp.utah.gov/registrations/index.html>

Please submit each completed fingerprint card with the \$20.00 (non-refundable) fee and a signed Utah Consent to Background Check waiver. Failure to submit all of these items for each individual subject to a background check may result in the denial of or a delay in processing an application.

Instructions for fingerprint cards:

1. Contact your local police department.
2. Request to be fingerprinted (the police department may charge a fee for fingerprinting services.)
3. Include the completed fingerprint card with this application, along with the fee and a signed Utah Consent to Background Check waiver.



State of Utah

DEPARTMENT OF COMMERCE
DIVISION OF CONSUMER PROTECTION

IMMIGRATION CONSULTANT REGISTRATION FORM

Initial Registration Fee: \$200.00
Background Check Fee: \$20.00
Total Fees: \$220.00

Renewal Registration Fee: \$200.00

**ALL FEES ARE
NON-REFUNDABLE**

Immigration Consultant's Legal
Name

Corporation or Partnership Name
(if any)

OFFICE USE ONLY	
Date Issued:	_____
Registration Number:	_____
Approved:	_____
Expiration:	_____
Receipt No.:	_____
Denied:	_____

Please indicate whether this is an initial registration or renewal registration:

Initial Registration

Renewal Registration

Important notice regarding business confidentiality claims pursuant to the Government Records Access and Management Act: If you wish to make a claim of business confidentiality with respect to any information in this application or with respect to records you provide to the Division, please be aware of the following law: "Any person who provides to a governmental entity a record that the person believes should be protected under 63G-2-305(1) [trade secrets] or (2) [commercial information or nonindividual financial information] or both Subsections 63G-2-305(1) and (2) shall provide with the record: (A) a written claim of business confidentiality; and (B) a concise statement of reasons supporting the claim of business confidentiality."

If you have any questions, please contact the Division at (801) 530-6601. Please make payment of the registration fee and background check fee via check or money order payable to the **Utah Division of Consumer Protection**. Please return the completed registration form and payment to:

Utah Division of Consumer Protection
160 East 300 South
PO Box 146704
Salt Lake City, UT 84114-6704

INSTRUCTIONS

The completed form can be mailed to the Utah Division of Consumer Protection, 160 E. 300 S., PO Box 146704, Salt Lake City, UT 84114-6704. If you do not complete this form online, please type or legibly print in black or blue ink. Illegible forms will be rejected.

Before engaging in business as or acting in the capacity of an immigration consultant, a person must register with the Utah Division of Consumer Protection. Utah Code § 13-49-101 et seq. An immigration consultant must notify the Division in writing within 30 days of any change in the information required by law, rule, or the application, including any change of name, address, telephone number, email address, registered agent, or change or renewal of the surety bond. Failure to renew the immigration consultant's surety bond and to notify the Division of the renewal will result in revocation of the immigration consultant's registration.

Definitions: Immigration Consultants Registration Act Rule, Utah Admin. Code R152-49-3: (1) "Driver license or identification card number" means:

- (a) the number assigned to a driver license or identification card issued in accordance with Title 53, Chapter 3, Uniform Driver License Act; or
- (b) the number assigned to a driver license or identification issued by a state other than Utah if, as part of issuing the driver license or identification card, the state verifies an individual's lawful presence in the United States.

Submit the following to the Division:

- A complete registration form (see pages 5 and 6). All information must be legible.
- A check for \$220.00 for an initial registration, or \$200 for a renewal registration, payable to the **Utah Division of Consumer Protection**.
- A cash bond or surety bond for \$50,000 (including power of attorney).
- A completed fingerprint card for the background check (INITIAL REGISTRATION ONLY).

To complete the fingerprint card for the criminal background check, please go to your local police department or the Bureau of Criminal Investigation (BCI) located at 3888 West 5400 South, Taylorsville, UT 84118, and request to be fingerprinted. You are responsible to pay any fees associated with obtaining the fingerprint card. You must submit the completed fingerprint card with your registration.

Complete the Immigration Consultant Registration Form as follows:

Items 1-5: Type or legibly print the requested information.

Item 6: Check the box that accurately answers each question.

Item 7: Check the box that accurately describes your presence in the United States.

Item 8: Select the box that corresponds to the type of identification you have (only a driver license or identification card, as defined in R152-49-3(1)(a)-(b), are acceptable). Type or legibly print the state that issued your identification, and the driver license or identification card number.

Read the declaration, type or legibly print the applicant's name, then sign and date the form.

DOCUMENTS TO SUBMIT WITH THE REGISTRATION FORM:

Submit a copy of the notice to be displayed in the immigration consultant's office, the disclosure statement provided to the immigration consultant's clients, and the contract that the immigration consultant will use with clients. Before submitting your registration, highlight the required information and number the item on the Exhibit submitted to the Division. **Submitting exhibits without the required information highlighted and numbered may result in delayed processing or denial of the application.**

Exhibit A – Notice to be Displayed in Immigration Consultant's Office:

An immigration consultant shall conspicuously display in the immigration consultant's office a notice that shall be at least 12 by 20 inches with boldface type or print with each character at least one inch in height and width in English and in the native language of the immigration consultant's clientele that contains the following information:

1. The immigration consultant's full name and address.
2. The immigration consultant's bond information and bond number.
3. A statement that the immigration consultant is not an attorney.
4. The name of each immigration consultant employed at each location.

Exhibit B – Written Disclosure Provided to the Immigration Consultant's Clients:

Before providing any services, an immigration consultant shall provide a client with a written disclosure in English and the native language of the client that includes the following:

1. The immigration consultant's name, address, and telephone number.
2. The immigration consultant's agent for service of process.
3. Bond information and bond number.
4. A list of the services the immigration consultant provides, and the current and total fee for each service.
5. A statement that the immigration consultant shall obtain the client's signature verifying that the client received the written disclosure in their native language before a service is provided.

Exhibit C – Contract:

1. State the purpose for which the immigration consultant has been hired.
2. State the one or more services to be performed.
3. State the price for each service to be performed.
4. Include a statement printed in no less than 10-point boldface type that the immigration consultant is not an attorney and may not perform the legal services that an attorney performs.
5. With regard to a document to be prepared by the immigration consultant:
 - A. List the type of document to be prepared.
 - B. Explain the document's purpose.
 - C. Explain the process to be followed in preparing the document.
 - D. Explain the action that will be taken by the immigration consultant.
 - E. State the agency or office where each document will be filed.
 - F. State the approximate processing times according to current published agency guidelines.
6. Include a provision stating that the person may report complaints related to an immigration consultant to the Division of consumer protection, including the toll-free number 1 (800) 721-7233 and website: <https://dcp.utah.gov>.
7. Include a provision stating that complaints concerning the unauthorized practice of law may be reported to the Utah State Bar, including telephone number (801) 531-9077 and website: www.utahbar.org.

CONTINUED ON NEXT PAGE

8. Include a provision stating in bold on the first page of the contract in both English and the client's native language, "You may cancel this contract on or before midnight of the third business day after execution of the written contract." This excludes weekends, state holidays, and federal holidays.

REGISTRATION FORM

Incomplete or illegible applications may be denied.

1. Registrant's Full Name: _____

2. Alias (if any): _____

3. Street Address _____

Street

City State Zip Code

4. Mailing Address _____

Street

City State Zip Code

4. Business Address: _____
(Physical Location) Street

City State Zip Code

5. Contact Information: _____

Phone Number

Business Phone Number

Email Address

Website Address (if any)

6. Convictions: Have you ever been convicted of a felony? NO YES

Within the last 10 years, have you been convicted of a misdemeanor involving theft, fraud, or dishonesty? NO YES

7. Please Select One: I am a United States citizen OR a non-citizen of the United States who is lawfully present.

I am a "qualified alien" as defined by 8 U.S.C. § 1641(b).

None of the above. Please explain: _____

8. Identification: Type: Driver License Identification Card

Issuing State

License or Identification Number

I declare under criminal penalty under the law of Utah that the foregoing is true and correct.

Signature

Date

Printed Name

County and State

EXHIBIT A

(Notice to be Displayed in Immigration Consultant's Office)

EXHIBIT B

(Disclosure Provided to Immigration Consultant's Clients)

EXHIBIT C

(Contract)