

LFC Requester:

Felix Chavez

### AGENCY BILL ANALYSIS - 2025 REGULAR SESSION

#### SECTION I: GENERAL INFORMATION

{Indicate if analysis is on an original bill, amendment, substitute or a correction of a previous bill}

Date Prepared: February 21, 2025

Check all that apply:

Bill Number: HB 574

Original  Correction   
Amendment  Substitute

Sponsor: Rep. Yanira Gurrola, Rep. Sarah Silva, Rep. Raymundo Lara

Agency Name and Code Number: 305 – New Mexico Department of Justice

Person Writing

Short Title: Providing Immigration Help Without License

Analysis: AAG Nicolas Cordova

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#### SECTION II: FISCAL IMPACT

##### APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY25	FY26		

(Parenthesis ( ) indicate expenditure decreases)

##### REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY25	FY26	FY27		

(Parenthesis ( ) indicate revenue decreases)

##### ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY25	FY26	FY27	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
<b>Total</b>						

(Parenthesis ( ) Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to:  
 Duplicates/Relates to Appropriation in the General Appropriation Act

**SECTION III: NARRATIVE**

*This analysis is neither a formal Opinion nor an Advisory Letter issued by the New Mexico Department of Justice. This is a staff analysis in response to a committee or legislator’s request. The analysis does not represent any official policy or legal position of the NM Department of Justice.*

**BILL SUMMARY**

Synopsis: HB 574 amends the Unfair Practices Act (UPA) to define “unfair or deceptive trade practice” as including the provision of immigration consultation or services without being licensed to practice law or working under a licensed attorney’s supervision. The bill further clarifies that NMSA 1978, Section 14-14A-24(C)’s prohibition of non-attorneys performing notarial acts and identifying as a “notario” or “notario publico” is an unfair or deceptive trade practice.

**FISCAL IMPLICATIONS**

By clarifying that the UPA prohibits non-attorneys or persons not working under an attorney’s supervision from providing immigration consultation or services, the bill adds to the New Mexico Department of Justice (NMDOJ) enforcement obligations under the UPA. It is unclear whether the NMDOJ would require additional resources, including full-time employees, to fulfill the additional enforcement obligations outlined above.

**SIGNIFICANT ISSUES**

The existing Immigration & Nationality Law Practice Act (INLPA), NMSA 1978, §§ 36-3-1 to -10, already prohibits similar conduct. The INLPA is intended “to prevent the unauthorized practice of law by nonlawyers who hold themselves out as immigration consultants rendering services in immigration, nationality or citizenship matters and who are outside pertinent federal regulations regulating the practice of immigration law.” § 36-3-2. The INLPA currently prohibits rendering “for compensation any service constituting the unlawful practice of law,” which the INLPA defines as giving “legal advice of any kind or act[ing] on behalf of a client in any legal matter without authorization under the INLPA.” § 36-3-3(D), -5. The NMDOJ is authorized to enforce the INLPA, and “persons having an interest or right which is or may be adversely affected under the [INLPA] may initiate an action for private remedies [under the UPA].” § 36-3-6.

The term “immigration consultations or services” is undefined. It appears that that HB 574 is intended to prohibit nonlawyers from offering what are functionally legal services. If this is the case, the term could read instead “immigration law consultations or services” to provide greater clarity.

**PERFORMANCE IMPLICATIONS**

The NMDOJ may have to perform additional tasks, such as receiving, investigating, and litigating incidents of this prohibited practice.

**ADMINISTRATIVE IMPLICATIONS**

See Fiscal and Performance Implications above.

**CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP**

None.

**TECHNICAL ISSUES**

None.

**OTHER SUBSTANTIVE ISSUES**

None.

**ALTERNATIVES**

Enforcement under the INLPA.

**WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL**

Status quo.

**AMENDMENTS**

See Significant Issues above.