



Citizenship and
Immigration Canada

Citoyenneté et
Immigration Canada

IP 9

Use of Representatives Paid or Unpaid

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1. What this chapter is about

This chapter provides policy and procedural guidelines for implementing the Regulations on the use of representatives by persons who are the subject of proceedings or applications pertaining to immigration and refugee matters. These Regulations came into force on April 13, 2004.

These guidelines should be used by officers of Citizenship and Immigration Canada (CIC) and the Canada Border Service Agency (CBSA). As an independent organization, the Immigration and Refugee Board (IRB) has implemented its own policies and procedures regarding the new Regulations (see, for example, the [IRB Practice Notice dated March 24, 2004](http://www.irb-cisr.gc.ca/en/about/practices/cnsl_e.htm) at http://www.irb-cisr.gc.ca/en/about/practices/cnsl_e.htm, and the [IRB Practice Notice Update](http://www.irb-cisr.gc.ca/en/about/publications/irbnews/2004/services_e.htm) at http://www.irb-cisr.gc.ca/en/about/publications/irbnews/2004/services_e.htm). Therefore, for the purpose of this chapter, the term “office” refers to a CBSA or CIC office.

2. Program objectives

Representatives can play a constructive role in assisting applicants in immigration and refugee matters. These representatives fall into two groups: individuals who charge fees for their services and individuals who provide such services at no cost (family members, friends, non-governmental and religious organizations, etc.). Only those representatives who charge a fee need to be registered with one of the regulatory bodies. These bodies are Canadian provincial/territorial law societies, the Canadian Society of Immigration Consultants (CSIC) or the *Chambre des notaires du Québec*.

The program objectives of the Regulations governing the use of representatives are to ensure that all applicants are represented in a professional, competent and lawful manner, to preserve the integrity of Canada’s immigration program, and to provide consumer protection.

The Regulations prescribe which immigration representatives may or may not represent, advise or consult for a fee with a person who is the subject of an immigration or refugee proceeding or an application before the Minister, a CIC officer, the IRB or the CBSA. The amendments restrict CIC, the CBSA and the IRB (including its three tribunals—the Immigration Appeal Division, Immigration Division and Refugee Protection Division) to dealing only with members in good standing with one of the regulatory bodies.

It is important to understand that CIC, the IRB and the CBSA are interpreting the Regulations to mean that R13.1(1) does not apply to any representations that are made to a client before an application is submitted to CIC. In other words, an applicant is obliged to disclose the name of their representative (authorized or unpaid) on the Use of a Representative (IMM 5476) form only if the individual will represent them once the application is submitted to CIC (i.e., either at the time of submission or post-submission).

3. The Act and Regulations

Consistent with the need for the immigration consulting industry to self-regulate, R2, R10(2) and R13 were amended. These amendments came into force on April 13, 2004. The objectives for the amendments are twofold: to help protect vulnerable applicants from unscrupulous representatives and preserve the integrity of Canada’s immigration system.

A91 provides the authority for the Government to enact regulations concerning who may represent a person who is the subject of a proceeding before the Minister, an officer or the IRB.

These amendments affect only those applications or proceedings that are subject to the *Immigration and Refugee Protection Act* (IRPA). Some examples include the Provincial Nominee Program and sponsorship and residency appeals. The CBSA is affected by the IRPA amendments at different

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points of intervention, for example, at the time of detention, referral to an admissibility hearing, detention review, removal order appeal and danger opinion. These amendments, however, do not affect citizenship applications, educational agents (see section 5.4 below) or Human Resources and Skills Development Canada applications for labour market options.

Pertinent amendments to the *Immigration and Refugee Protection Regulations* regarding immigration representatives may be found at:

<http://canadagazette.gc.ca/partII/2004/20040414-x/html/sor59-e.html>

Table 1

For information about	Refer to
The grounds on which an application can be refused	R10
The grounds on which misrepresentation can be applied	A40
Criminal activity under IRPA	ENF2/OP18

3.1. Required forms

All the information on the IMM 5476 is mandatory unless the question clearly states "if applicable" or "if known." If any of the mandatory items are missing, CIC has the authority to return the application (see section 7.2 below) with a letter explaining why (see Appendix D).

The applicant can appoint only one representative per application. If more than one representative has been identified on the IMM 5476, CIC has the authority to consider the application incomplete and to return the application as described in section 7.2 below.

If an applicant has multiple immigration applications and is using a representative for each, the applicant must complete a separate IMM 5476 for each application. Immigration representatives are authorized to represent an applicant only on matters related to the specific application for which they have been authorized.

The forms required are shown in the following table.

Table 2

Form Title/Purpose	Form number
<u>Use of a Representative</u> This form is used to appoint or cancel the appointment of a representative and to give CIC and the CBSA consent to disclose the applicant's personal information to that representative.	<u>IMM 5476</u>
<u>Instructions – Use of a Representative</u> This form is the cover instruction page for the IMM 5476 form. IMM 5561 provides an applicant with a brief explanation about representatives, types of representatives, and instructions on how and where to submit IMM 5476. The IMM 5561 is available on the CIC Web site and through the CIC call centre. In an application kit, the instructions are found under "How to complete the forms – Use of a Representative (IMM 5476)".	<u>IMM 5561</u>
<u>Authority to release personal information to a designated individual</u> This form, from CIC's Public Rights Administration Directorate, permits the designated individual to inquire about the status of an application and/or change the applicant's address. For example, if an applicant would like to allow a friend or family member to inquire as to the status of the case file, the applicant would need to complete an IMM 5475 authorizing the designated individual to make those status inquiries to CIC and the CBSA. This form is available only on the Internet. If the applicant does not have Internet access, they may send CIC or the CBSA a signed, dated letter indicating the name of the designated individual. Please note that a completed IMM 5475 does not authorize CIC or the CBSA to send correspondence to the designated individual.	<u>IMM 5475</u>

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If the applicant would like someone other than the individual identified on the application mailing address or the IMM 5476 to receive case file information (i.e., a copy of a letter, a status inquiry, passport release), the applicant must send the office a signed, dated request identifying what information they would like, the name of the person who can receive the information and the address to whom the requested information should be sent.

4. Instruments and delegations

Nil

5. Departmental policy

5.1. What the Regulations accomplish

- They define "authorized representative" as an individual who is a member in good standing with a Canadian provincial/territorial law society, the Canadian Society of Immigration Consultants or the *Chambre des notaires du Québec*.
- They specify that a fee-charging person who is not an authorized representative may not provide immigration advice, represent or consult once an application is submitted.
- They instruct CIC, the IRB and the CBSA to deal only with authorized representatives in cases where the representative charges a fee.
- They require applicants using authorized representatives to submit the name of their authorized representative, the organization they are a member of, their identification or membership number, their telephone number and mailing address, and whether they were paid or unpaid for verification purposes.
- They permit a person who is not an authorized representative to continue providing advice, represent or consult for a fee on an application for up to four years after the Regulations came into force, e.g., April 13, 2008, *only* if they were providing representation for an application or proceeding that was submitted *before* the Regulations came into force on April 13, 2004.
- If a judicial review is granted by the Federal Court or if the Immigration and Refugee Board grants a request for appeal in a family class matter, the matter is to be redetermined by a different officer and is still considered to be the original application. If the application was submitted before April 13, 2004, the Regulations would not be engaged and the initial representative would be able to continue to represent the applicant until the matter is determined.
- They allow unpaid representatives to represent, consult or provide immigration advice prior to the submission of the application and also during the processing.
- They permit applicants to continue to utilize paid services for administrative services such as filling out forms, translation, and dropping off or picking up documents, as these services cover pre-submission work.

5.2. Paid representatives

Representatives who wish to conduct business with CIC, the IRB and the CBSA must be authorized members of one of the following designated bodies in order to charge a fee for immigration and refugee services.

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Canadian Society of Immigration Consultants (CSIC)

An independent, not-for-profit organization and self-regulating body, CSIC operates at arm's length from the Government of Canada. CSIC is responsible for regulating the activities of immigration consultants who are members and who provide immigration services for a fee.

Membership is granted only to those individuals who have demonstrated their knowledge and ability to advise, consult and represent people who seek Canadian immigration. Members must demonstrate their good character and have met the Society's membership standards (knowledge, ethics and language requirements).

To ensure the competent and professional conduct of its members, the Society has also developed stringent Rules of Professional Conduct by which all its members must abide.

Lawyers and Quebec notaries

Lawyers and Quebec notaries are not required to become members of CSIC, as they are regulated by their own law societies.

A law society's mandate is to govern the legal profession and safeguard the public interest. It aims to ensure that clients are served by lawyers who meet high standards of learning, competence and professional conduct, and to uphold the independence, integrity and honour of the legal profession for the purpose of advancing the cause of justice and the rule of law.

A lawyer can be a member of any Canadian law society, and does not necessarily have to be registered in the province where their client is located in order to provide immigration services. In order to confirm if a lawyer is in good standing, it may be necessary to ask the lawyer which province they are registered with.

For more information on sub-agents and employees of lawyers and consultants, refer to section 5.4 below.

Students-at-law

Students-at-law, as stated in R13.1(3), are deemed not to be representing, advising and consulting for a fee, as long as the student-at-law is acting under the supervision of a member in good standing with a provincial/territorial law society or the *Chambre des notaires du Québec* who is authorized to represent the applicant. In other words, students-at-law may represent, advise or consult with a person who is the subject of an immigration or refugee application provided that they are under the supervision of a Canadian provincial/territorial law society or the *Chambre des notaires du Québec*.

Students-at-law are authorized to complete and sign the IMM 5476. Officers should verify students-at-law on the Web sites of the Canadian provincial/territorial law societies and Quebec notaries' association. The Regulations apply to students-at-law in the same manner as they would a lawyer.

5.3. Unpaid representatives

The primary objective of the Regulations concerning the use of representatives is to protect applicants from exploitation and to safeguard program integrity. They are not intended to eliminate all traditional partners from playing a legitimate role. Some of these partners are listed below.

Family, friends, and religious and non-governmental organizations (NGOs) who do not charge a fee for their services do not need to be members of a regulatory body in order to act as a representative.

Family, friends, non-governmental and religious organizations

Family, friends, international agencies (e.g., United Nations High Commissioner for Refugees), and religious and non-governmental organizations play an important role for applicants with limited resources who feel the need for support and advice. Family, friends, and international, religious and non-governmental organizations who do not charge fees for providing immigration advice or services can continue to represent applicants before CIC or the CBSA without being members of CSIC or a Canadian provincial/territorial law society, at pre-submission of the application and during processing.

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International organizations

Certain international organizations, such as the International Organization for Migration (IOM), have agents who provide a variety of services to clients. When the services are provided prior to the submission of an application, it is not necessary for clients to identify IOM agents on the IMM 5476, even if they have been paid for those services. However, this is operating on the assumption that IOM agents do not represent the client and have no intention of representing them in the future after the application has been submitted.

Pro bono work

CIC and the CBSA should not be discouraging *pro bono* work by authorized representatives (and students-at-law under a lawyer's supervision). *Pro bono* activity by lawyers, notaries and CSIC members is encouraged by their regulatory bodies. If the representatives are members of a law society or the CSIC, it is irrelevant whether they are paid or unpaid, as they are in good standing and regulated.

However, local offices should be mindful of unauthorized representatives who identify themselves as unpaid on the Use of a Representative (IMM 5476) form and who submit a significant number of applications as *pro bono*. If local offices have concerns about how many submissions from unauthorized representatives are truly *pro bono* submissions, they should continue their current practice of investigating in order to preserve program integrity.

5.4. Stakeholders – Other

There are specialized areas in the immigration and refugee program where individuals may be providing advice to clients but not representing them in dealings with CIC, the CBSA or the IRB. The Regulations do not preclude this.

As the regulatory amendments do not apply to citizenship applications, educational agents or Human Resources and Skills Development applications for labour market options, certain functions are permissible by individuals who are not authorized. These individuals include educational agents, translators, shipping agents, facilitators for the Immigrant Investor Program, recruiters for provincial nominees and live-in caregivers, tour organizers and adoption agents. This list is not complete as there are many individuals who receive payment for filling out forms and applications, translating documents, and dropping off and picking up documents. However, as these individuals do not meet the definition of an authorized representative, there are functions that they cannot perform. These functions include making interventions on behalf of the applicant during processing, and requesting information about the progress of the application. In order to make interventions and request information on behalf of the applicant during application processing, these individuals must be members of one of the regulatory bodies.

Educational stakeholders in Canada

Educational stakeholders in Canada include international student advisors, school administrators, churches and cultural organizations. Since these educational stakeholders are not paid a fee by the student for providing immigration services, they fall under the category of "unpaid representative – other" in section 6 of the IMM 5476.

Educational stakeholders can continue to provide students with information, assist in completing work/study permit applications and/or extensions at local CIC offices, and advocate and intervene on behalf of international students if they are unpaid and designated as representatives. They can also provide their mailing address as the point of contact for the student's study permit application.

In the case of unaccompanied minors, the relationship between the student and the institution is particularly strong. The school administrator functions as a custodian in many instances, albeit not in the legal sense. It is crucial that this relationship continue. The same principle would apply for those educational stakeholders facilitating off-campus employment pilot projects.

The rules are distinctly different for overseas educational agents (see below).

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Educational agents abroad

Educational agents, who are often engaged by Canadian educational institutions to assist their foreign students, charge a fee for all their services up to and including sending a signed study permit application to the Canadian embassy. Under the Regulations, agents do not need to meet the definition of an authorized representative to provide services prior to the submission of the application.

However, agents who wish to represent students after their student applications have been submitted will need to be members of a Canadian provincial/territorial law society, the Canadian Society of Immigration Consultants or the *Chambre des notaires du Québec* in order to conduct business with CIC and the CBSA.

Employees of lawyers and consultants

Employees of law firms or consulting companies are not authorized representatives; therefore, they cannot represent clients at CIC, IRB and CBSA hearings or proceedings, including interviews.

However, following the submission of a Use of a Representative (IMM 5476) form it is acceptable for directly supervised and co-located employees to prepare documentation and correspondence on behalf of the authorized representative and to send this documentation to the CIC processing office. Under the provisions of their relevant professional codes of conduct the lawyer or the CSIC member is accountable and responsible for their employee's actions and conduct. Written correspondence from employees of authorized representatives must:

- be prepared on the authorized representative's company letterhead;
- clearly indicate in the signature block that an employee is "acting on behalf of" the authorized representative;
- clearly indicate the name of the authorized representative and the membership number of the regulatory body to which they belong.

Offices that allow for the pick-up of documents may continue to do so, provided the applicant has notified the office in writing that they have given this individual their permission to collect the document. Suitable identification is required at the time of pick-up in order for officers to adequately identify the designated individual. Section 7.4 identifies written and oral office procedures for communicating with representatives.

Adoption agencies

Adoption agencies are still in a position to provide advice and service prior to the submission of the immigration application, such as filling out forms and liaising with overseas agents to identify a child for adoption; however, those agents who want to act as a representative following submission of the application for permanent residence will need to be members of a Canadian provincial/territorial law society, the Canadian Society of Immigration Consultants or the *Chambre des notaires du Québec*.

Live-in caregivers' agents

Agencies are still in a position to provide advice and service prior to the submission of the temporary foreign worker application, such as filling out forms and liaising with overseas agents to help recruit live-in caregivers to come to Canada. However, those agents who want to act as representatives following submission of the application for permanent residence will need to be members of a Canadian provincial/territorial law society, the Canadian Society of Immigration Consultants or the *Chambre des notaires du Québec*.

6. Definitions

Paid Representatives	An individual who charges a fee to represent, advise or consult with a person who is the subject of a proceeding or application before CIC, the CBSA or the IRB on behalf of a client on immigration and refugee matters. The amended Regulations state that fee-charging individuals
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	must be authorized representatives.
Authorized Representatives	Individuals who are members in good standing with a Canadian provincial/territorial law society, the Canadian Society of Immigration Consultants or the <i>Chambre des notaires du Québec</i> .
Unpaid Representatives	A family member, friend, member of an international, religious or non-governmental organization, or any other person who does not charge a fee for services.
Unauthorized Representatives	Individuals who charge a fee for services and who are not members of a Canadian provincial/territorial law society, CSIC or the <i>Chambre des notaires du Québec</i> .
Concealed Representatives	Individuals who continue to intercede between the client and CIC and/or the CBSA once the application is submitted, and do not submit an IMM 5476 declaring their professional relationship with the client.
Pro bono	Representing someone without charging a fee.
Designated Individual	An individual who is not acting as a representative, but with whom the client permits CIC and the CBSA to share their personal information. This individual has the capacity to change the client's address and enquire about the status of the client's application (see section 3.1). However, this individual cannot conduct business with CIC or the CBSA on the client's behalf.
Fee	Includes all types of fee arrangements, direct or indirect. Please note that disbursements such as travelling expenses to represent a client free of charge may, but do not necessarily constitute a fee <i>per se</i> .

7. Procedure: Application processing

7.1. Cases submitted prior to April 13, 2004 [R13.1(2)]

Individuals whose applications were submitted before the coming into force of the new provisions on April 13, 2004, have a four-year transition period during which CIC may continue to deal with an unauthorized representative for that specific application only. If, at the end of the transition period, on April 13, 2008, the applicant is still using the services of an unauthorized representative, the office must no longer communicate with that representative. CIC must also inform the applicant that the representative is not a member in good standing with one of the regulatory bodies (a template letter is found in Appendix G). The office should make reasonable and timely efforts to send this letter directly to the applicant, using a personal address on file or by obtaining such an address by phone. If a personal address cannot be obtained, the letter may be sent to the mailing address on file, even if this is the address of the unauthorized representative. The office must continue to process the application. The applicant can choose to proceed without a representative or hire another authorized representative.

However, if a judicial review is granted by the Federal Court, or if the Immigration and Refugee Board grants a request for appeal in a family class matter, the matter is to be redetermined by a different officer and is still considered to be the original application. If the application was submitted before April 13, 2004, the Regulations would not be engaged and the initial representative would be able to continue to represent the applicant until the matter was determined.

7.2. Cases submitted on or after April 13, 2004

Complete application – R10(2)

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All applicants using a paid or unpaid representative to represent them must submit a Use of a Representative (IMM 5476) form.

R10(2) of the amended Regulations defines what constitutes a complete application. If the application provides all the necessary information required to satisfy R10, the application should be processed.

R10(2)(c.1) and (c.2) require that detailed information concerning representatives be provided, where applicable. An application is considered complete when it includes the representative's name, postal address and telephone number and, if applicable, the representative's fax number and e-mail address. If the information is incomplete, the application will be returned as per R12. Returned applications are discussed later in this section.

If the paid representative is not an authorized member, the application is not considered complete. The entire application package and all fees should be returned, accompanied with the "unauthorized representative letter" (see Appendix C), to the applicant's mailing address and not the unauthorized representative's address.

CIC must be notified of any change of representative. Applicants can notify CIC by completing and submitting a new IMM 5476.

Only one representative may be retained per application in order to prevent the problem of conflicting information and to ensure the authorized representative is ultimately responsible at all times for the carriage of the file. If more than one representative has been identified on an IMM 5476, the application should be considered incomplete and returned as explained below.

Initial screening of applications

The following points should be verified:

- Paid representatives must be members in good standing with a Canadian law society, the CSIC or the *Chambre des notaires du Québec*.
 - ◆ The name of the representative and their unique identification number should be checked on-line to validate their status with the CSIC or a Canadian provincial/territorial law society (see Appendix A for Web site information and Appendix B for membership number formats).

Applicants and representatives have been instructed on the Instructions – Use of a Representative (IMM 5561) form, which accompanies the IMM 5476, to "print his or her name as it appears on the organization's membership list"; however, not all representatives may do this. If the membership number identified on the IMM 5476 is valid, but the name associated with the number differs slightly, officers should verify the name with the designated organization (see Appendix A). However, if the name on the IMM 5476 is significantly different from the member's name as it appears on the designated organization's Web site, officers may return the application, explaining in the letter the reason for the return.

While it is not a requirement, CSIC members may occasionally provide a copy of their Member Identification Card and/or Membership Certificate in an applicant's application package. Copies of these membership identification products appear in Appendix H.

- ◆ The law societies of Manitoba, New Brunswick and Saskatchewan do not currently have on-line lists. A representative's membership can be confirmed by contacting the appropriate designated body by phone or e-mail, or requesting that the representative provide proof of membership by sending a facsimile of their membership card (see Appendix A for contact information).
- ◆ Please note that four Canadian provincial/territorial law societies (New Brunswick, Newfoundland and Labrador, the Yukon and the Northwest Territories) do not have membership identification numbers.

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The Law Society of the Yukon has roll numbers which are unique, like a membership number. In theory, at least, Yukon lawyers could interpret the membership number box on the IMM 5476 to also mean roll number, and fill it in. However, since roll numbers are not specified on the IMM 5476, it is at least conceivable that some lawyers might think that the box does not apply to them. Given the membership size of the Law Society of Yukon, rejecting forms which do not identify a roll number as incomplete under the R10 definition seems harsh. Officers should treat the Yukon in a similar manner as another province, such as New Brunswick, which does not have membership numbers.

The other law societies have a variety of membership number formats. For a list of membership number formats, see Appendix B.

- ◆ CSIC membership numbers contain an alphanumeric character followed by a six-digit number (for example, M041234).
- The representative needs to be identified by the name of an *individual* and not that of an organization. All three of these regulatory bodies (Canadian law societies, the CSIC and the *Chambre des notaires du Québec*) issue memberships on an *individual basis and do not offer corporate memberships*.
- The representative's mailing address and telephone number.
- Indication whether the representative is paid or unpaid.
- Both the client's and the representative's signatures with a date are mandatory on the new IMM 5476.

It is not necessary to verify each application from a given representative, especially when the local office is familiar with the representative as an authorized member of one of the regulatory bodies. However, occasional verification that they remain a member in good standing is advisable. Some offices circulate a list of representatives they have constant dealings with.

Please note that an applicant can be represented by only one individual at a time per case.

Returning an application

If CIC and the CBSA hope to assist in changing the marketplace, applications from unauthorized representatives need to be returned so that these representatives and their clients are reminded that the government will deal only with members of one of the regulatory bodies. It is necessary to present this message consistently in order to bolster our amended Regulations and further protect vulnerable clients.

Incomplete IMM 5476: If the IMM 5476 does not include all of the information required under R10(2) and if the form contains the names of two representatives, the entire application, the letter concerning an incomplete form (see letter template in Appendix D) and any attached fees should be returned with all subsequent incoming documents. The letter and the application should be sent to the applicant using the mailing address provided.

Unauthorized representative: If the paid representative is not authorized, the entire application should be returned to the home or mailing address provided by the applicant stating that it could not be confirmed that the individual was an authorized member with any of the designated bodies and therefore cannot represent the client (see letter template in Appendix C). It is preferable that the client's address be used, as there is no guarantee that the unauthorized representative will contact the client. However, there may be occasions when the only address available is that of the unauthorized representative.

Ministère de l'immigration et des communautés culturelles (MICC): The Regulations stipulate which paid representatives can represent a client during the federal immigration process. Therefore, they do

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not directly affect the activities of the Quebec provincial immigration officers. However, should CIC receive an application that has been approved by the MICC, but has the name of an unauthorized paid representative for the purposes of the federal immigration process, the office should return the application with the letter in Appendix C.

Concern over use of a concealed representative

A concealed representative is an individual who continues to intercede between the client and CIC or the CBSA once the application has been submitted and who *does not submit an IMM 5476* declaring their professional relationship with the client [R10(2)(c.1) and R10(2)(c.2)].

Officers could have concerns that a client is using a concealed representative when:

- they receive an application form that does not include an IMM 5476, but gives an unauthorized immigration representative's address as the mailing address;
- an address search reveals multiple cases going to the same mailing address.

When an officer is satisfied, on the basis of specific evidence, that a client is concealing a paid representative, the application can be returned to the client's home or mailing address along with the letter in Appendix E explaining the reason for the application's return.

To return an application in this manner, an officer must have credible evidence. Evidence could include confirmed information from the public, admission by the client, and/or confirmation as a result of an investigation. It is preferable that the client's address be used as there is no guarantee that the unauthorized representative will contact the client. However, there may be times when the only address available is that of the unauthorized representative.

See section 9 and section 10 below for details on how to report concerns.

When an officer becomes aware of a number of applications being submitted by the same unidentified third party, either through evidence of the use of the same organization, style of presentation of the application, or contact addresses, then a program integrity review may be required. Other program integrity issues, such as the use of fraudulent documents, could also be involved. Officers should be guided by the same program integrity standards and procedures that are adhered to in administering all immigration programs.

Below are three scenarios and suggested courses of action for officers regarding concealed representatives:

- If there is no proof to support their concerns about the use of a concealed representative, officers should process the application.
- If there is substantive proof of a concealed representative, officers should return the application and the letter shown in Appendix E to the applicant's home address, if available. CIC and the CBSA need to communicate a consistent message that bolsters the new Regulations to show that they are serious about not conducting business with unauthorized representatives. CIC and the CBSA have an obligation to protect vulnerable clients and this is one mechanism to do so.
- If there is substantive proof of the use of a concealed representative during processing, officers should refer to ENF 2 to determine whether they meet the high standard of proof and fairness required under A40 in order to refuse an application on the basis of misrepresentation.

Family class applications

The Case Processing Centres (CPCs) will ensure that the sponsorship applications meet the requirements of R10(2). This includes verifying that the IMM 5476 is complete, if submitted. As part of the family class redesign process, CIC may receive two separate IMM 5476 forms (one from the sponsor and one from the foreign national/applicant) per application.

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Staff at CPC-Mississauga are required to verify the sponsor's representative, and the visa office is required to verify the foreign national's representative, if different from the sponsor's representative. However, to assist the visa office, it is recommended that in addition to the non-computer based notes, the work-in process (WIP) notes reflect that the representative has been verified in the on-line database.

Admissibility proceedings

If the date for the admissibility proceeding falls after April 13, 2004, the paid representative needs to be authorized. It is important to keep in mind that all admissibility proceedings are considered a new case and not a continuation of the old case, even if the client is the same. The transition rules would not apply here.

Family members of live-in caregiver applicants in Canada

Live-in caregivers submit applications to CPC-Vegreville, which subsequently notifies the visa office to contact the family member(s) of the applicant to the Live-in Caregiver Program. If the family member chooses to hire a paid representative, the representative would need to be authorized if the application by the live-in caregiver was submitted after April 13, 2004. The date that the family member submits their application is irrelevant.

Extensions

An application for extension of status submitted on or after April 13, 2004, should be treated as a new application. Therefore, the application for extension would require an IMM 5476 identifying the authorized representative, if applicable.

7.3. Disclosure of personal information is case specific

The Use of a Representative (IMM 5476) form has two purposes: (1) it designates a representative, and (2) it gives authority to disclose an applicant's personal information to that representative. However, the IMM 5476 needs to be linked to a specific case as it gives authority to represent and disclose personal information concerning a specific application only.

If the applicant wants to disclose their personal information to an individual who is not their representative, they should complete an Authority to Release Personal Information to a Designated Individual (IMM 5475) form (see section 3.1 above).

7.4. Communications with lawyers, notaries, CSIC members and other representatives

The following principles are to be observed.

Written versus oral communication on files

- A professional, non-adversarial relationship must be maintained in which the office's fairness and objectivity cannot be called into question because of the appearance of conflict of interest or bias.
- Immigration representatives may contribute to the design of policies at National Headquarters but they are not partners in the field, as they represent the interests of individual cases. It is important to provide all representatives and applicants with the same service standards and courtesies, whether they have hired a representative or not. This ensures a level playing field between applicants who are represented and those who are not and provides all applicants with equal access to our offices.
- Once the office is satisfied that a representative has been designated by the applicant, the office may respond to straightforward case status inquiries verbally or in writing. If there is any doubt as to a representative's identity, information should not be given over the telephone. Any complex or in-depth inquiry or discussion related to an individual case should be accepted and responded to in writing only.

7.5. Call Centre

Call Centre agents are mandated to provide only case-specific information on applicants being processed within Canada.

Case-specific information can be released to a representative or a designated individual on the telephone if that person has been permitted and appointed by the applicant in writing to receive information on the case. This individual will also be expected to answer specific client identifiers relating to the applicant. The required client identifiers are name, date of birth, complete address, telephone number and one other piece of case-specific information (name of educational institution, sponsors, employer, etc.). According to the Public Rights Administration Directorate, if the information provided matches details in FOSS/CRS (GCMS), the Call Centre agent can release case-specific information to a third party in good faith. The applicant and Members of Parliament who are enquiring on behalf of the applicant can also receive case-specific details about their file.

One of the biggest challenges for Call Centre agents lies not with the release of information, but the amendment of information currently on file by a third party, specifically change of address. Call Centre agents can allow a representative or designated individual to update a client's address if the applicant has permitted this individual in writing to receive information on the case. This decision is based on CIC recognizing that the designated individual can change a client's address electronically on e-cas. This also resolves the challenge for a number of clients who face language barriers from providing their new address in French or English, and who require assistance with this administrative task.

7.6. Refugee protection claimants

In order for a paid representative to conduct business with the IRB, the representative must be authorized and must complete the Counsel Contact Information form. This form needs to be completed only once by each counsel. If the representative is unpaid, both the person concerned and the representative must complete and sign the IRB's Notice of Representation without a Fee form. This form must be completed in each proceeding before the IRB where that representative is acting as counsel. Both of these IRB forms are applicable to all three IRB tribunals and their proceedings, that is, refugee protection proceedings before the Refugee Protection Division, admissibility hearings and detention reviews before the Immigration Division, and appeals before the Immigration Appeal Division.

If the forms are required but are not provided to the IRB, the IRB will deal only with the person concerned and treat them as unrepresented.

Pre-Removal Risk Assessment (PRRA) applicants

Pre-Removal Risk Assessment (PRRA) applicants who identify an unauthorized representative for the processing of their applications will be sent letters similar to that in Appendix C. Applicants are given the option of retaining an authorized representative or continuing their processing as unrepresented. They will also be informed that no decision will be made on their application until 30 days following their PRRA notification (this is the due date for their written submissions). Should the applicant not respond in time to meet the deadline, they will be deemed to have indicated a wish to proceed as unrepresented and CIC will continue with the assessment of the application.

Should their application necessitate an oral hearing, they will not be permitted to be accompanied at the hearing by the unauthorized representative. The applicant has the option of submitting a new IMM 5476 at the time of the hearing or declaring a new individual as their authorized representative, as long as that representative meets the criteria set out in the Regulations. A new representative could be designated at a hearing if the original representative is on holiday, or cannot appear for various reasons, or if the original representative's membership was suspended.

7.7. Refusal to deal with a representative (case in process)

If it is discovered through a complaint and/or investigation (see section 9 below) that the applicant is paying for the services of an unauthorized representative *while the application is being processed and*

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the transitional rules do not apply [see R13(2)], the office must no longer conduct business with this individual until they become authorized and a new IMM 5476 is submitted.

The office must send the applicant a letter informing them that their representative is not authorized and that CIC will deal only with the applicant directly (Appendix F provides a sample of the letter.) If the application contains a home mailing address for the applicant, this address should be used. If the office has no other way of contacting the applicant, the letter should be sent to the mailing address on file.

If officers obtain proof of the use of a concealed representative during processing, they could consider using their authority under A40 to refuse the applicant for misrepresentation.

7.8. Loss of status—R10(2)

Individuals whose applications are returned as per R12 may lose their status (for example, temporary residents who wish to extend or vary the conditions of their stay as a visitor, worker or student).

Regardless of the length of time remaining in which the applicant has status in Canada, if the application does not meet the requirements of the Regulations (including R10) it should be returned with a letter explaining the reasons for the return. It is the applicant's responsibility to ensure that their temporary resident status does not expire while they are in Canada.

When such an application is returned, *it is not considered to be in process*. Consequently, the foreign national does not benefit from the implied status provisions of R183(5) or R183(6).

Foreign nationals who have lost their temporary resident status for any of the reasons found in A47 may, within the time frame prescribed by R182, apply for restoration of their temporary resident status.

For more information on implied status, see IP 6, section 5.5, or for information on restoration, see IP 6, section 5.7.

8. Procedure: Misrepresentation

A127(a) and A127(b) concerning misrepresentation state as follows:

No person shall knowingly:

(a) directly or indirectly misrepresent or withhold material facts relating to a relevant matter that induces or could induce an error in the administration of this Act;

(b) communicate, directly or indirectly, by any means, false or misleading information or declarations with intent to induce or deter immigration to Canada. . .

Examples of direct and indirect misrepresentation that might induce an error in the administration of IRPA are provided in ENF 2/OP 18, section 9, and include misrepresentations made by a consultant.

Representatives who are members in good standing with their respective regulatory bodies and who have been found to have misrepresented a client or provided false information should also be reported to the local manager to determine if further investigation is warranted.

8.1. Misrepresentation

A permanent resident or a foreign national is inadmissible to Canada for misrepresentation pursuant to A40(1)(a) "for directly or indirectly misrepresenting or withholding material facts relating to a relevant matter that induces or could induce an error in the administration of this Act."

If the applicant fails to identify that their representative is not authorized, officers should be guided by the comments in section 9 of the recently revised ENF 2/OP 18 concerning the high level of fairness and proof required in these circumstances, before commencing procedures for charging the client for misrepresentation pursuant to A40. An individual should always be given the opportunity to respond to concerns about a potential misrepresentation. It is also necessary to gauge whether, on a balance of probabilities, the applicant should have known that their representative was not authorized as defined

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in the Regulations. The standard of proof for inadmissibility based on alleged misrepresentation is based on a balance of probabilities and is a higher standard than that of reasonable grounds to believe.

With the very high standard of fairness to be applied in the case of this provision, an individual should always be given the opportunity to respond to concerns about a possible misrepresentation. The consequence to the applicant for a finding of misrepresentation is a period of inadmissibility of two years.

In addition to being inadmissible to Canada for a two-year period, the applicant may also be charged under the offences section of IRPA [A126, A127 and A128].

8.2. Counselling misrepresentation, misrepresentation, counselling offences

A126 and A127 make reference to counselling offences and include scenarios in which an applicant is indirectly misrepresented.

A126 states as follows:

Every person who knowingly counsels, induces, aids or abets or attempts to counsel, induce, aid or abet any person to directly or indirectly misrepresent or withhold material facts relating to a relevant matter that induces or could induce an error in the administration of this Act is guilty of an offence.

The same consideration outlined in section 8.1 above, including the high level of fairness, should be applied to counselling misrepresentation.

If an office suspects that an immigration representative has committed a counselling offence, the office must follow the investigation process identified (see section 10 below). If an immigration representative is found guilty of committing a counselling offence, they may be subject to the same penalties as the applicant who commits misrepresentation (see section 8.1 above) in that they may be charged with an offence under IRPA. However, in addition to being charged with an offence under A126, A127 and A128, the applicant may also be inadmissible to Canada for a two-year period pursuant to A40.

9. Procedure: Complaints

The complaints and investigation processes (see section 10 below) will be discussed individually; however, these two processes may intertwine as some complaints could lead officers to conduct an investigation. When officers have concerns that a representative's conduct is affecting the program's integrity, they should commence the investigation process.

Associations such as the Canadian provincial/territorial law societies, the CSIC and the *Chambre des notaires du Québec* are independent, self-regulating bodies whose mandates include consumer protection and ensuring the professionalism of their respective members. These bodies have their own complaints and discipline mechanisms and investigation procedures for members who breach their codes of professional conduct. Therefore, when clients want to lodge a complaint against a member who belongs to one of these designated organizations, officers should direct them to the respective regulatory body.

Offices may also receive complaints about the actions of unauthorized, fee-charging individuals who do not belong to any of the regulatory bodies. These include concealed or "phantom" representatives, representatives who claim to be doing *pro bono* work yet may be charging a fee, and representatives who may have had their membership suspended or revoked.

The purpose of the complaints processes is to identify how complaints from clients about authorized or unauthorized representatives should be reported and to whom.

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9.1. Types of complaints

Officers could receive a variety of complaints. Table 3 below provides guidance on how officers should deal with the various types of complaints. Some examples of complaints include the following:

- misleading advertising;
- inappropriate behaviour by an immigration representative;
- immigration offences that involve criminality;
- professional misconduct by an authorized representative;
- misrepresentation;
- impersonating/identity theft;
- dissatisfaction with the Regulations concerning immigration representatives;
- dissatisfaction with the operational implementation of the Regulations concerning immigration representatives; and
- dissatisfaction with the IMM 5476 or IMM 5561 forms.

9.2. Handling of complaints

This section outlines the steps officers should take when they receive a complaint. CIC, the IRB and the CBSA need to remain at arm's length from the CSIC, the Canadian law societies and the *Chambre des notaires du Québec*, and, therefore, these Departments cannot mediate in disputes between clients and authorized representatives, nor should they communicate complaints directly to a regulatory body on the client's behalf.

If a client complains to an officer, the officer should encourage the client to contact the respective regulatory body. The contact information can be found at <http://www.cic.gc.ca/english/department/consultants/index.html>. If officers require clarification regarding where the complaint should be directed, they should e-mail Selection Branch at SecretariatonConsultants@cic.gc.ca.

The following table indicates who is responsible for handling various types of complaints.

Table 3:

Complaint from a client about...	Action...
A lawyer, CSIC member or Quebec notary, and their students-at-law:	Direct client to regulatory body to which the representative belongs (e.g., a Canadian provincial/territorial law society, the CSIC or the <i>Chambre des notaires du Québec</i>).
A regulatory body (a Canadian provincial/territorial law society, the CSIC or the <i>Chambre des notaires du Québec</i>):	Forward client's complaint to Selection Branch.
A non-governmental, international or religious organization (individual or the organization):	Forward client's complaint to Selection Branch.

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The Regulations or procedures concerning authorized representatives:	Forward client's complaint to Selection Branch.
Operational processes concerning the immigration representative Regulations:	Forward complaint to appropriate CIC or the CBSA office.
Misleading advertising of an authorized representative (see subsection on misleading advertising below):	Direct <i>client</i> to regulatory body that the representative belongs to (e.g., a Canadian provincial/territorial law society, the CSIC or the <i>Chambre des notaires du Québec</i>).
An educational agent who is not a member of a Canadian provincial/territorial law society, the CSIC or the <i>Chambre des notaires du Québec</i> :	Forward client's complaint to Selection Branch.
Non-CSIC immigration consultants, including concealed representatives (see complaints against non-CSIC immigration consultants and immigration consulting firms below):	Direct client to inform CSIC and to file a complaint with the Canadian Council of Better Business Bureaus (CCBBB) (http://www.canadiancouncilbbb.ca/). Forward client's complaint to Selection Branch.
Immigration consulting firm, applicable only when immigration consultant's name is unknown (see complaints against non-CSIC immigration consultants and immigration consulting firms below):	Direct client to inform the CSIC and to file a complaint with the CCBBB. Forward client's complaint to Selection Branch.

Misleading advertising

Misleading advertising by representatives should be pursued with the regulatory bodies that have established guidelines on advertising. Misleading advertising includes guaranteed acceptance of the application, declaration of a close or preferential relationship with a CIC office, or references to CSIC membership without giving the individual names of the members.

If a complaint triggers an investigation, it is essential that officers retain a copy of the complaint/advertisement, as the relevant documentation may be required during the investigation process. Misleading advertising may be an IRPA offence as identified in A127(b), which states, "No person shall... knowingly communicate, directly or indirectly, by any means, false or misleading information or declarations with intent to induce or deter immigration to Canada..." Risk management and due diligence principles for document verification should continue to be applied.

Complaints against non-CSIC immigration consultants and immigration consulting firms (applicable only when immigration consultant's name is unknown)

Officers should direct clients with complaints against concealed or unauthorized representatives and complaints against immigration consulting firms (only if immigration consultant's name is unknown) that are in North America to the following organizations: (1) the CSIC, for future reference in case the individual chooses to apply to become an authorized member (the CSIC can be diligent in its checks and screening of new members); and (2) the Canadian Council of Better Business Bureaus, which may investigate complaints against an unauthorized representative's fraudulent activities. Clients also have the option of taking the non-authorized individual to small claims court at their own expense.

The CCBBB's contact information is:

Canadian Council of Better Business Bureaus

2 St. Clair Avenue East

Suite 800

Toronto, Ontario, Canada

M4T 2T5

Telephone: (416) 644-4936

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Fax: (416) 644-4945

Web site: www.canadiancouncilbbb.ca

E-mail: cbbb@canadiancouncilbbb.ca

9.3. Office concerns that may lead to further investigation

Some concerns that originate from clients may require further action by an office, even though the client has been referred to the appropriate regulatory body. This is essential when the complainant's allegations reveal that program integrity may be compromised. If officers have credible evidence, through a complaint or through their own discovery, of potential IRPA criminal offences or professional misconduct in a case or a series of cases, they should report the matter to their senior officer as per existing office procedures (see section 10 below).

The following table identifies four examples of concerns that may require the local office to take further investigative action.

Table 4:

Complaint concerning	Potential action
Misrepresentation	Misrepresentation process (section 8)
Concealment	Concealed representative process (section 7.2)
IRPA offence and/or criminal activity	Investigation process (section 10)
Professional misconduct	Investigation process (section 10)

10. Procedure: CIC office investigation process

Offices should continue to use their existing procedures for performing local investigations and to engage their local enforcement agencies. It is important that the Selection Branch, NHQ, is kept informed of all major developments regarding investigations so that it can report on the effectiveness of the Regulations concerning authorized representatives.

Investigations could originate from a complaint (see section 9.3 above) and/or an officer's concerns about maintaining program integrity standards. If a representative's actions constitute an IRPA offence and/or professional misconduct, it is necessary to determine whether the issue affects the integrity of the Regulations concerning immigration representatives.

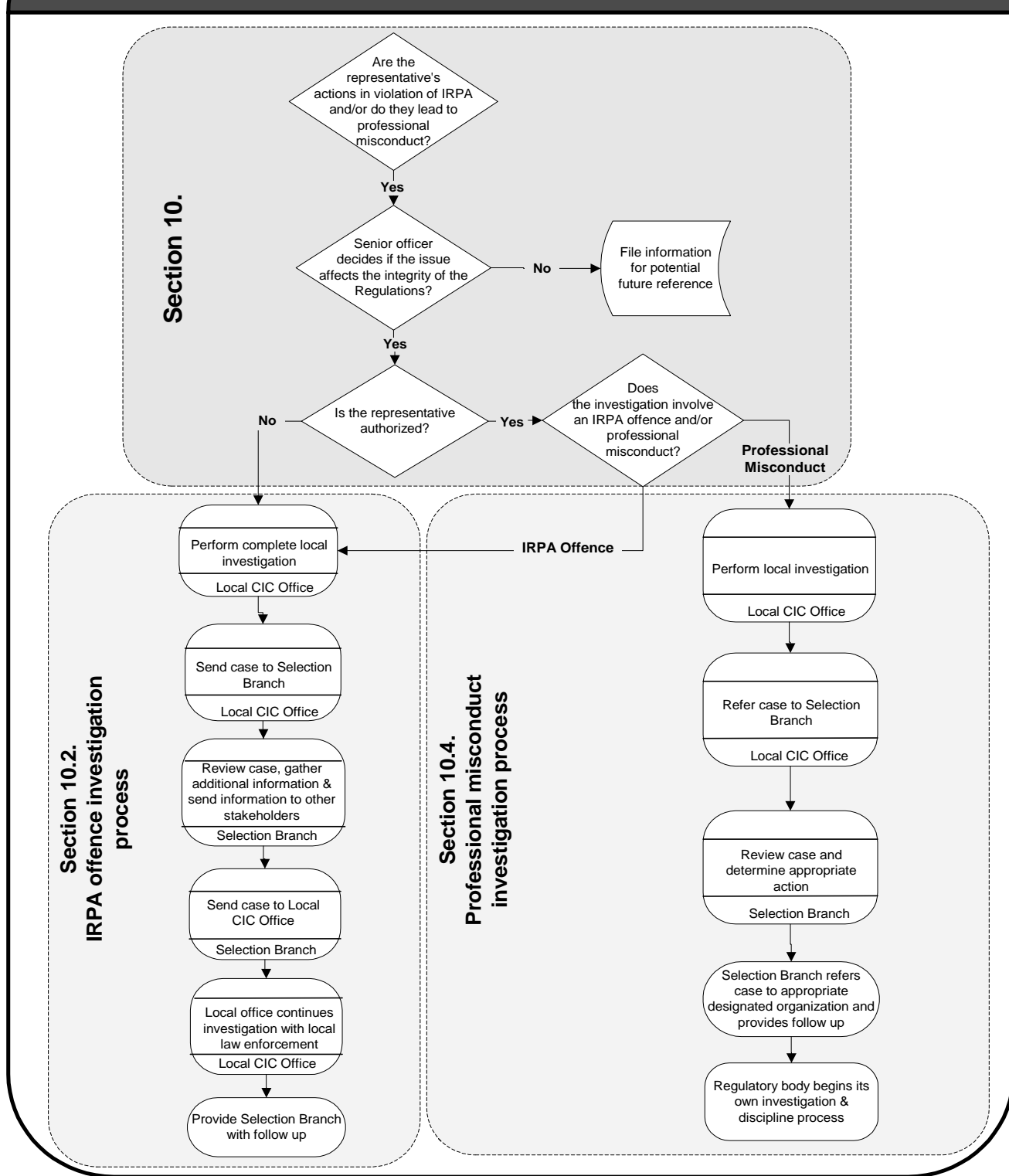
If an officer becomes aware of an issue through a complaint, or notices common trends/patterns among immigration representatives that cause concern, they should raise the matter with their direct supervisor. If the supervisor determines that the concern is justified, they should consult their director to determine whether the issue warrants a local investigation. If the director, in consultation with the supervisor, confirms that the concern affects the integrity of the Regulations concerning immigration representatives, they may authorize a local investigation that involves allocating staff and resources to monitor, research and gather information about an individual or issue to prove that unscrupulous activity (whether criminal or involving professional misconduct) has occurred.

However, if the director and supervisor determine that the issue is of limited concern and does not affect the integrity of the Regulations, the representative's information should be filed for possible future reference.

When completing a local investigation, it is important to identify whether the representative is authorized or not. If the representative is unauthorized, only the IRPA offence investigation process (see section 10.2 below) may apply. However, if the representative is a member of one of the designated organizations, the person responsible for overseeing the investigation must determine whether it falls under the rubric of an IRPA offence (see section 10.1 below) and/or professional misconduct (see section 10.3 below).

The following chart outlines the CIC office investigation process.

CIC Office Investigation Process for Immigration Representative Regulations



10.1. IRPA offences

The examples of IRPA offences described in this section fall under both the *Criminal Code* and IRPA.

It is important to note that an investigation will only be initiated on the basis of information and circumstances that would lead an officer to believe that there has been a violation of the *Immigration and Refugee Protection Act* and Regulations. The Department's enforcement activities are both proactive, in preventing violations of the *Immigration and Refugee Protection Act* and Regulations, and reactive, in recognizing the constraints on a civilian organization with enforcement duties (see ENF 7 section 5.1).

Types of immigration offences

Table 5:

IRPA Offence	Refer to
1) Contravention of Act	A124
2) Fraudulent documents	A122
3) Misrepresentation (civil)	A40
4) Counselling misrepresentation	A126
5) Misrepresentation (criminal)	A127
6) Counselling offence	A131
7) Organizing entry into Canada	A117
8) Trafficking in persons	A118
9) Crimes against humanity and war crimes	A35(1)(b)
10) Terrorism	A34(1)(c)

A124(1)(a) states as follows:

124.(1) Every person commits an offence who

(a) contravenes a provision of this Act for which a penalty is not specifically provided or fails to comply with a condition or obligation imposed under this Act;

Officers should be as specific as possible when identifying whether an individual is in violation of an IRPA offence, as the particulars of the offence will help local law enforcement authorities to prioritize the case.

For more information about offences under IRPA and inadmissibility, see [ENF2/OP18](#).

10.2. IRPA offence investigation process

The chart in section 10 above identifies the process to be used when the representative's action is in violation of IRPA and/or a criminal offence. If a representative is authorized and the case involves an IRPA offence and/or professional misconduct (see section 10.3 below), both investigation processes may apply. This is significant as the investigation process for an IRPA offence can take a long time compared to the professional misconduct process. Furthermore, identifying the case as one of professional misconduct allows the regulatory body to start its own internal investigation, which may lead to the suspension or disbarment of a member during a criminal investigation.

If a representative is not a member of a regulatory body (a Canadian provincial/territorial law society, the CSIC or the *Chambre des notaires du Québec*), only the criminal process may apply. However, if it is discovered during the local CIC investigation that the representative is currently suspended or disbarred from a Canadian provincial/territorial law society, the CSIC or the *Chambre des notaires du Québec*, the investigator may also utilize the professional misconduct process.

As outlined in the chart in section 10 above, the local investigation process should follow the procedures that each office currently has in place. Once the investigation is complete, the case should be sent to the Selection Branch for review. The Selection Branch will gather additional information

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from key stakeholders, such as CIC's Departmental Delivery Network (DDN), Strategic Operations Planning Unit (SOPU), International Region (IR), Admissibility Branch, and the CBSA-NHQ Enforcement and Intelligence branches. This information gathering will provide an opportunity to strengthen the case and to inform all stakeholders of ongoing investigations. Any additional information from these stakeholders will be sent to the local office. The local office should then approach local law enforcement and continue its investigation process.

At this point, the local law enforcement agency may decide to take the lead in the investigation; however, if this does not happen, the CIC office should complete its local investigation to the best of its ability and file the case for future reference.

The Selection Branch must be kept informed of any new developments in the investigation following the initial consultation, as the Branch will share information with stakeholders and it must monitor the effectiveness of the Regulations concerning immigration representatives. Offices can send correspondence to the Selection Branch at SecretariatonConsultants@cic.gc.ca.

10.3. Professional misconduct

Professional misconduct means conduct in a professional capacity that tends to bring discredit upon the profession and might include the following:

- violating or attempting to violate the organization's or association's code of professional conduct;
- violating or attempting to violate a requirement of IRPA or its Regulations;
- being found guilty of an offence that is relevant to the member's suitability to practise;
- knowingly assisting or inducing an employee or agent to violate or attempt to violate a requirement of IRPA or its Regulations;
- stating or implying an ability to improperly influence a government agency or official; and
- engaging in conduct that is prejudicial to the administration of justice.

The office should continue to monitor applications received from any representative about whom they have specific concerns. Risk management and due diligence principles for document verification should be applied.

10.4. Professional misconduct investigation process

In cases of professional misconduct, the CIC office should perform a local investigation using current practices to compile evidence.

If the individual is an authorized representative with a regulatory body, the results of the investigation should be forwarded to the Selection Branch. The Branch will review the investigation report, gather input from key stakeholders, such as Legal Services, the CBSA (if required), and determine the appropriate action. Once a course of action has been established, the Selection Branch will notify the office of its decision, refer the case to the appropriate designated organization and provide follow-up. Each designated body (the Canadian provincial/territorial law societies, the CSIC and the *Chambre des notaires du Québec*) has its own complaints and discipline process. Members of these designated organizations are subject to their principles and, thus, may be penalized pending the outcome of the designated organization's internal investigation.

10.5. Suspended or disbarred authorized representatives

Offices must continue to deal with the representative as long as they remain a member in good standing with their respective regulatory body. If a representative is under investigation, offices must continue to conduct business with the representative until the investigation by the regulatory body has

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been concluded. Suspended members are not considered to be in good standing for a specific period of time. If a member is suspended, the regulatory bodies normally require that the suspended member contact their active clients to inform them of their change in status. The client will then have the option of selecting a new representative by submitting a new IMM 5476.

11. Procedure: Sharing of information

Offices should continue to share information with key players and follow the process that they have used in the past when concerns regarding program integrity issues have arisen.

As suggested earlier in the chapter, the following steps should be taken regarding representatives:

- the office should encourage the applicant/client to contact the regulatory body directly about a complaint against one of its members;
- if an office shares additional information about a CSIC member with the Selection Branch, the Branch will share this information with the CSIC; and
- if there is a complaint against one of the regulatory bodies, the office should share the complaint with the Selection Branch. The Selection Branch will follow up with Legal Services and the regulatory body.

CIC is currently drafting regulations to formalize the sharing of information with the CSIC and the Canadian provincial/territorial law societies. In the meantime, existing procedures for information sharing should be maintained.

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Appendix A Validating a representative

Consult the table below and the URLs provided to find a registered representative in good standing with the designated organizations.

If a member's name is not available on-line, or if no on-line verification service is available (i.e., Law Society of Manitoba, Law Society of Saskatchewan and Law Society of New Brunswick), please telephone or send an e-mail to the organization directly.

	Law Society (Links to Homepage)	Contact Information	Web Site Currency	Membership Validation Service (Member Lists)
Consultants	<u>Canadian Society of Immigration Consultants</u>	Munich Re Center 390 Bay Street, Suite 1600 Toronto, Ontario, Canada M5H 2Y2 Telephone: (416) 572-2800 Toll Free Telephone: 1-866-308-CSIC (2742) Fax: (416) 572-4114	Updated when required	Web site: http://www.csic-scci.ca E-mail: information@csic-scci.ca Complaints & Discipline Committee: discipline@csic-scci.ca
	<u>Federation of Law Societies of Canada</u>	Suite 480, 445 Saint-Laurent Boulevard Montréal, Quebec, Canada H2Y 2Y7 Telephone: (514) 875-1829 Fax : (514) 875-1829	N/A	Web site: http://www.flsc.ca/en/lawSocieties/websites.asp E-mail: info@flsc.ca
Canadian Law Societies	<u>Law Society of British Columbia</u> <i>(English only)</i>	845 Cambie Street Vancouver, British Columbia, Canada V6B 4Z9 Telephone: (604) 669-2533 TTY: (604) 443-5700 Toll free (in province): 1-800-903-5300 Fax: (604) 669-5232	Updated previous business day	Web site: http://alt.lawsociety.bc.ca/lkup/mbr_search.cfm E-mail: memberinfo@lsbc.org
	<u>Law Society of Alberta</u> <i>(English only)</i>	600, 919 - 11th Avenue S.W. Calgary, Alberta, Canada T2R 1P3 Telephone: (403) 229-4700 Toll free (in province): 1-800-661-9003 Fax: (403) 228-1728	Updated when required	Web site: http://www.lawsocietyalberta.com/memberSearch/Index.cfm E-mail: membership@lawsocietyalberta.com
	<u>Law Society of Saskatchewan</u> <i>(English only)</i>	1100 - 2500 Victoria Avenue Regina, Saskatchewan, Canada S4P 3X2 Telephone (ask for Membership Services): (306) 569-8242 Toll free (in province): 1-800-667-9886 Fax: (306) 352-2989	N/A	E-mail: reception@lawsociety.sk.ca

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<p><u>Law Society of Manitoba</u> (English only)</p>	<p>219 Kennedy Street Winnipeg, Manitoba, Canada R3C 1S8 Telephone: (204) 942-5571 Fax: (204) 956-0624</p>	<p>N/A</p>	<p>General e-mail: admin@lawsociety.mb.ca</p>
<p><u>Law Society of Upper Canada</u></p>	<p>Osgoode Hall, 130 Queen Street W. Toronto, Ontario, Canada M5H 2N6 Telephone: (416) 947-3300 Toll free: 1-800-668-7380 Fax: (416) 947-5263</p>	<p>Updated previous business day</p>	<p>Web site: http://www.lsuc.on.ca/resources-for-lawyers/b/member-directory/ E-mail: lawsociety@lsuc.on.ca</p>
<p><u>Barreau du Québec</u></p>	<p>445 Saint-Laurent Boulevard Montréal, Quebec, Canada H2Y 3T8 Telephone: (514) 954-3400 Toll free: 1-800-361-8495 Fax: (514) 954-3464</p>	<p>Updated when required</p>	<p>Web site: http://www.barreau.qc.ca/en/repertoire/default.asp E-mail: infos@barreau.qc.ca</p>
<p><u>Nova Scotia Barristers' Society</u> (English only)</p>	<p>Centennial Building 1101-1645 Granville Street Halifax, Nova Scotia, Canada B3J 1X3 Telephone: (902) 422-1491 Fax: (902) 429-4869</p>	<p>Daily</p>	<p>Web site: http://www.nsbs.org/online/default.asp E-mail: info@mail.nsbs.ns.ca</p>
<p><u>Law Society of New Brunswick</u></p>	<p>1133 Regent Street, Suite 206 Fredericton, New Brunswick, Canada E3B 3Z2 Telephone: (506) 458-8540 Fax: (506) 451-1421</p>	<p>N/A</p>	<p>E-mail: general@lawsociety-barreau.nb.ca</p>
<p><u>Law Society of Prince Edward Island</u> (English only)</p>	<p>49 Water Street Charlottetown, Prince Edward Island, Canada C1A 7K2 Telephone: (902) 566-1666 Fax: (902) 368-7557</p>	<p>Updated when required</p>	<p>Web site: http://www.lspei.pe.ca/lawyerlist.php E-mail: jwyatt@lspei.pe.ca</p>
<p><u>Law Society of Newfoundland and Labrador</u> (English only)</p>	<p>P.O. Box 1028 St. John's, Newfoundland, Canada A1C 5M3 Telephone: (709) 722-4740 Fax: (709) 722-8902</p>	<p>Weekly</p>	<p>Web site: http://www.lawsociety.nf.ca/members/dir.asp E-mail: janice.whitman@lawsociety.nf.ca</p>
<p><u>Law Society of Yukon</u> (English only)</p>	<p>Suite 202 - 302 Steele Street Whitehorse, Yukon, Canada Y1A 2C5 Telephone: (867) 668-4231 Fax: (867) 667-7556</p>	<p>Updated when required</p>	<p>Web site: http://www.lawsocietyyukon.com/membership.asp E-mail: lsy@yknet.yk.ca</p>

IP 9 Use of Representatives Paid or Unpaid

	<p><u>Law Society of the Northwest Territories</u> <i>(English only)</i></p>	<p>50 Mini Mall, 5004 - 50th Avenue, P.O. Box 1298 Yellowknife, Northwest Territories, Canada X1A 2N9 Telephone: (867) 873-3828 Fax: (867) 873-6344</p>	<p>Updated when required</p>	<p>Web site: http://www.lawsociety.nt.ca/ and click on "Member Information" E-mail: LSNT@TheEdge.ca</p>
	<p><u>Law Society of Nunavut</u> <i>(English only)</i></p>	<p>P.O. Box 149 Iqaluit, Nunavut, Canada X0A 0H0 Phone: (867) 979-2330 Fax: (867) 979-2333</p>	<p>Updated occasionally</p>	<p>Web site: http://lawsociety.nu.ca/members.html E-mail: lawsoc@nunanet.com</p>
<p>Notaries</p>	<p><u>Chambre des notaires du Québec</u></p>	<p>800 Place-Victoria, Suite 700 P.O. Box 162 Montréal, Quebec, Canada H4Z 1L8 Telephone: (514) 879-1793 Toll Free: 1-800-668-2473 Fax: (514) 829-1932</p>	<p>Daily</p>	<p>Web site: http://www.trouverunnotaire.com/ <i>(French only)</i> E-mail: admin@cdnq.org</p>

Appendix B Authorized representative membership number formats

Canadian Provincial/Territorial Law Society Membership Number Formats			
LAW SOCIETY	FORMAT	EXAMPLE	NOTES
Law Society of British Columbia	Numeric: number of characters varies	703492	Students assigned a number when called to Bar; number stays with them.
Law Society of Alberta	Numeric: maximum 6 digits, sequential as admitted	13456	Students assigned a number when called to Bar; number stays with them.
Law Society of Saskatchewan	Alpha-numeric: "B" (for Barrister) and sequential number	B-1000	
Law Society of Manitoba	Numeric: Year of call followed by 3 digits	1999123	
Law Society of Upper Canada	Alpha-numeric: 5 numbers and 1 letter	00001-F	
Barreau du Québec	Numeric: 7 numbers	1234567	
Law Society of New Brunswick	Numeric: consecutive as admitted		Does not typically use member numbers, instead uses last name
Nova Scotia Barristers' Society	Numeric: year of call to the Bar + 4 sequential numbers, assigned randomly	1999-0005	
Law Society of Prince Edward Island	Numeric: same as admission date, yy-mm-dd	92-04-14	If 2 people admitted on same day (albeit rare) either a "1" or "2" will follow date
Law Society of Newfoundland	Numeric: consecutive as admitted		
Law Society of Yukon	Numeric: consecutive "roll numbers" starting at 1		No membership number, rather "roll numbers"
Law Society of the Northwest Territories	Numeric: consecutive as admitted		
Law Society of Nunavut	Numeric: year admitted and 3-digit roll number, consecutive as admitted	1999001	No longer uses phone number
Canadian Society of Immigration Consultants (CSIC) Membership Number Format			
SOCIETY	FORMAT	EXAMPLE	NOTES
CSIC	Alpha-numeric: One letter followed by 6 numbers	M040000	"M" followed by 2 digits that represent year, plus a rollover number
Chambre des notaires du Québec Membership Number Format			
SOCIETY	FORMAT	EXAMPLE	NOTES
Chambre des notaires du Québec	Alpha-numeric: One letter followed by 4 numbers	K1234	

Appendix C Notification to applicant: Authorized representative cannot be verified
To be used when returning an application under R10 when the representative indicates that they are authorized on the Use of a Representative (IMM 5476) form, but their membership cannot be verified with that regulatory body

Dear

This letter refers to your application for ----, which was received at (office) on (date).

The Use of a Representative (IMM 5476) form in your application indicates that you have hired an individual to represent you, but unfortunately we cannot confirm this. Therefore, we regret that we will not be able to process your application.

Based on the *Immigration and Refugee Protection Regulations*, as amended on April 13, 2004, we can conduct business with *authorized representatives only*. To be an authorized representative, the person you have *paid* to assist you must be a member in good standing with a Canadian provincial or territorial law society, the Canadian Society of Immigration Consultants or the *Chambre des notaires du Québec*.

If you choose to resubmit your application, you must either use the services of an authorized representative or an unpaid representative, or apply without anyone's assistance. If the representative you have identified is a member in good standing with a Canadian provincial or territorial law society, the Canadian Society of Immigration Consultants, or the *Chambre des notaires du Québec*, please resubmit your application with documentation that provides evidence of this and inform us as soon as possible.

To learn more about the types of individuals who may represent you, visit our Web site at <http://www.cic.gc.ca>. If you are in Canada, you can also contact the Call Centre toll free at 1-888-242-2100.

You are not obliged to hire a representative for immigration matters. The Government of Canada treats everyone equally, whether they use the services of a representative or not. If you choose to hire a representative, your application will not be given special attention nor can you expect faster processing or a more favourable outcome.

Yours sincerely,

(Officer's Name, Title)

Appendix D Notification to applicant: Incomplete Use of a Representative (IMM 5476) form

To be used when returning an incomplete application under R10

Dear

This letter refers to your application for ----, which was received at (office) on (date).

Under section 10 of the *Immigration and Refugee Protection Regulations*, amended on April 13, 2004, representatives and clients are required to provide all the information requested in the Use of a Representative (IMM 5476) form unless the question states “if known” or “if applicable.”

The Use of a Representative (IMM 5476) form in your application indicates that you have appointed an individual to represent you, but unfortunately the form is either incomplete or not completed correctly. Therefore, we regret that we will not be able to process your application.

Please ensure that each question has been answered and the appropriate section(s) in the Use of a Representative (IMM 5476) form have been signed and dated by all the relevant parties.

For further instructions, please refer to the Instructions – Use of a Representative (IMM 5561) form.

If you choose to resubmit your application and require a new form, the Use of a Representative (IMM 5476) and Instructions – Use of a Representative (IMM 5561) forms are available on our Web site at <http://www.cic.gc.ca/english/applications/representative.html>. If you are in Canada and require assistance, you can contact the Call Centre toll free at 1-888-242-2100.

You are not obliged to hire a representative for immigration matters. The Government of Canada treats everyone equally, whether they use the services of a representative or not. If you choose to hire a representative, your application will not be given special attention nor can you expect faster processing or a more favourable outcome.

Yours sincerely,

(Officer's Name, Title)

Appendix E Notification to applicant: Concealed representative

To be used when it is suspected that an applicant's mailing address is that of a paid consultant, but no Use of a Representative (IMM 5476) form was submitted

Dear

This letter is in regard to your application received at our office. Although no Use of a Representative (IMM 5476) form was included, we have determined that you have an unauthorized immigration representative based on [insert reasons: i.e., the mailing address that you have provided on your application].

Failure to disclose the use of a paid representative may be considered misrepresentation. The consequence of misrepresentation under the *Immigration and Refugee Protection Act* could be a two-year period of inadmissibility.

Please review this matter carefully. If you wish to submit an application using a paid representative, please review the Instructions – Use of a Representative (IMM 5561) form and complete a Use of a Representative (IMM 5476) form and resubmit your application.

To verify if a representative is authorized to conduct business with Citizenship and Immigration Canada and the Canadian Border Services Agency, refer to our Web site at <http://www.cic.gc.ca/english/department/consultants/verify-rep.html>.

To obtain a Use of a Representative (IMM 5476) form to identify an authorized representative, you can retrieve it on-line at <http://www.cic.gc.ca/english/applications/representative.html>, or contact the Call Centre toll free at 1-888-242-2100 (in Canada only), 8 a.m.–4 p.m. local time, Monday to Friday.

You are not obliged to hire a representative for immigration matters. The Government of Canada treats everyone equally, whether they use the services of a representative or not. If you choose to hire a representative, your application will not be given special attention nor can you expect faster processing or a more favourable outcome.

However, if you decide to be represented by a paid representative, it is necessary for the representative to be authorized, that is, a member in good standing with a Canadian provincial or territorial law society, the Canadian Society of Immigration Consultants or the *Chambre des notaires du Québec*.

Yours sincerely,

(Officer's Name, Title)

Appendix F Notification to applicant: Use of an unauthorized representative during case file processing

To be used when it is discovered that an applicant is using an unauthorized representative during application processing

Re: Application number: _____

Dear

The Use of a Representative (IMM 5476) form in your application indicates that you have hired an individual to represent you, but unfortunately we are unable to confirm that this individual is an authorized representative.

Under the *Immigration and Refugee Protection Regulations*, as amended on April 13, 2004, we can conduct business with *authorized representatives* only. To be an authorized representative, the person you have *paid* to assist you must be a member in good standing with a Canadian provincial or territorial law society, the Canadian Society of Immigration Consultants or the *Chambre des notaires du Québec*. If the representative you have identified is a member in good standing with one of these societies, please provide us with evidence of this. If your representative is not a member of any of these societies, we can no longer deal with this representative, but we will continue to process your application.

If you choose to appoint a new representative, please ensure that they are authorized and inform us of their appointment as soon as possible by submitting a new Use of a Representative (IMM 5476) form.

To learn more about the types of individuals who may represent you, visit our Web site at <http://www.cic.gc.ca>. To obtain a Use of a Representative (IMM 5476) form to identify an authorized representative, you can retrieve it on-line at <http://www.cic.gc.ca/english/applications/representative.html>, or contact the Call Centre toll free at 1-888-242-2100 (in Canada only), 8 a.m.–4 p.m. local time, Monday to Friday.

You are not obliged to hire a representative for immigration matters. The Government of Canada treats everyone equally, whether they use the services of a representative or not. If you choose to hire a representative, your application will not be given special attention nor can you expect faster processing or a more favourable outcome.

Yours sincerely,

(Officer's Name, Title)

Appendix G Notification to applicant: Use of an unauthorized representative after transition period (April 13, 2008)

To be used when the application was already in process before the new Regulations came into force (application received before April 13, 2004) where the representative has not yet met the requirements of the Regulations, but was required to have been authorized within four years of them coming into force, namely, before April 13, 2008

Re: Application number: _____

Dear

The Use of a Representative (IMM 5476) form in your application indicates that you have hired an individual to represent you, but unfortunately our records indicate that this person is not an authorized representative. The representative has had a period of four years from April 13, 2004, in which to become registered with a regulatory body and has failed to do so. Therefore, Citizenship and Immigration Canada can no longer conduct business with this representative.

The *Immigration and Refugee Protection Regulations*, as amended on April 13, 2004, state we can conduct business with *authorized representatives* only. To be an authorized representative, the person you have *paid* to assist you must be a member in good standing with the Canadian Society of Immigration Consultants, a Canadian provincial or territorial law society or the *Chambre des notaires du Québec*. Your representative is not a member of any of these societies.

If the representative you have identified is a member in good standing with one of these societies, please complete a Use of a Representative (IMM 5476) form and submit it to Citizenship and Immigration Canada with documentation that provides evidence of this as soon as possible.

You are not obliged to hire a representative for immigration matters. The Government of Canada treats everyone equally, whether they use the services of a representative or not. If you choose to hire a representative, your application will not be given special attention nor can you expect faster processing or a more favourable outcome.

To learn more about the types of individuals who may represent you, visit our Web site at <http://www.cic.gc.ca>. If you are in Canada, you can also contact the Call Centre toll free at 1-888-242-2100.

Yours truly,

(Officer's Name, Title)

Appendix H CSIC Member Identification

Identification Card:



Membership Certificate:

<p>CSIC Canadian Society of Immigration Consultants</p>		<p>SCCI Société canadienne de consultants en immigration</p>
<hr/>		
<p><i>This is to certify that</i></p>		<p><i>La présente atteste que</i></p>
<p><i>albert tester</i></p>		<p><i>albert tester</i></p>
<hr/>		
<p><i>having satisfied the entry requirements of the Society, and having successfully completed the Society's Entrance Examinations, was admitted to Transitional Membership in accordance with the letters patent of Incorporation and the By-Laws of the Society.</i></p>		<p><i>avant satisfait aux exigences d'adhésion de la Société et ayant réussi les examens d'adhésion de la Société, a été admis en tant que membre transitoire conformément aux lettres patentes aux règlements de la Société.</i></p>
<hr/>		
<p><i>In testimony whereof, we have hereunto affixed our signatures and the Corporate Seal of the Society at Toronto, Canada, this <u>1st</u> day of <u>March</u>, 2005</i></p>		<p><i>En foi de quoi, nous avons signé et apposé le sceau de la Société à Toronto, Canada, ce <u>1^e</u> jour de <u>mars</u> 2005</i></p>
<p> Chair Registrar <u>M04</u> Membership No</p>		<p> Président Registraire <u>M04</u> N° d'adhérent</p>