



Citizenship and
Immigration Canada

Citoyenneté et
Immigration Canada

IP 9

Use of Representatives

Canada

IP 9 Use of Representatives

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Updates to chapter

Listing by date

2015-06-11

The entire chapter has been updated. Previous versions of this chapter should be replaced with this updated version.

The following changes have been made:

- The manual has been updated to reflect the passage of Bill C-24, the *Strengthening Canadian Citizenship Act*. The Act requires the use of authorized representatives for citizenship applicants who choose to use a representative. The language in the manual has been updated to add citizenship-specific rules and processes. Also, representatives are no longer referred to solely as immigration representatives.
- Some sections have been moved or modified to improve the information and instructions for users.
 - Section 2 has been updated to reflect changes related to the passage of Bill C-24. IRPA related text was also removed as it is found elsewhere in the manual.
 - Section 3 has been entirely updated to include citizenship terminology.
 - In section 3.4, the definition of “authorized representatives” (compensated and uncompensated) has been added.
 - Information on students-at law has been added to section 3.5 (previously section 3.1), entitled *Required Forms*.
 - Section 3.6, entitled *Entering information into GCMS*, was moved from section 3.2 and reflects end of FOSS and CAIPS use. Section includes updated GCMS input information.
 - Section 4 is now entitled *Departmental Policy* (was section 5). The section on instruments and delegations was removed as it is not applicable to use of representatives.
 - Section 4.1 has been updated to reflect citizenship and includes some new text.
 - Section 4.2 has been updated to include citizenship and some text has been reworked. It includes new information on ICCRC agents.
 - Section 4.3 has been updated to include citizenship and some reworking of the previous text.
 - Section 4.4, entitled *Other Stakeholders*, has significant changes, including the inclusion of citizenship language and a chart of stakeholders’ dos and don’ts that replaces the bulleted list. Information on education stakeholders and agents has been removed pending the establishment of new procedures for these stakeholders. Information on members of Parliament and their assistances as well as on visa application centres has been added.
 - Section 5 was modified to include citizenship. A definition of “third party portal” has been added and minor changes have been made to the text.
 - Sections 6.1 to 6.4 have been significantly modified. Immigration text has been updated to reflect that Bill C-35 is no longer in a transition stage. Citizenship text includes information on the introduction of the law and transitional measures. Complete application was moved to its own section (section 6.4).
 - A paragraph on client-solicitor privilege was added (immigration). Text relating to change of representative was modified to include both citizenship and immigration.
 - Section 6.5 has been updated and includes new text.
 - Section 6.6 was updated to include citizenship. Some modifications to text have also been done and information on Express Entry was added.
 - Section 6.7 has been updated to include information on cases of abuse or neglect.
 - Section 6.8 has been updated with minor changes to the text.
 - Section 6.9 has been updated to include information on call centre procedures for the Use of Representative form. New wording specifies who can receive case specific information.
 - Section 6.10 has been updated with new PRRA information and a link to guidance on oral hearings.

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- Section 6.11 has been updated to clarify procedures for dealing with suspended representatives.
- **Loss of status has been removed** as not applicable for this manual (previously section 7.8).
- Section 7 (previously sections 8 and 8.1) is now one section and has been expanded to include citizenship information on misrepresentation.
- Section 7.1 has been updated to include citizenship.
- Section 8, entitled *Complaints*, (including sections 8.1 and 8.2) has been reworked to clarify how to handle client complaints. It also reflects the addition of Citizenship line of business. Misleading advertising has been moved to section 9.5.
- Section 9 (9.1 to 9.7) was separated out from complaints and has been significantly reworked. It now includes information from OB 401 on sharing information. It expands on procedures when an officer has information about the professional or ethical practices of a representative. It includes all applicable citizenship information.
- Section 10 (including sections 10.1 to 10.3) has been added to provide information to officers about working with representatives (counsel).
- Appendices C to F (templates of letters to clients) have been updated to reflect new citizenship legislation. Some text has been changed for clarity.
- Appendix G has been added as per instructions included in office investigations procedures (formerly in OB 401).

2011-12-13

Changes were made throughout IP 9 to reflect the passage of Bill C-35, *An Act to Amend the Immigration and Refugee Protection Act*, and the replacement of the Canadian Society of Immigration Consultants (CSIC) with the Immigration Consultants of Canada Regulatory Council (ICCRC) as the organization designated to regulate immigration consultants

- The name of the manual was changed by removing “**Paid or Unpaid**” from the title.
- All references to CSIC membership as the definition of being authorized to act as an immigration consultant have been replaced to show that the Immigration Consultants of Canada Regulatory Council (ICCRC) is now the designated regulatory body for immigration consultants, and that ICCRC membership is now required for someone to qualify as an authorized immigration consultant.
- Section 3 was updated to reflect the passage of Bill C-35
- Section 5 was updated to reflect the passage of Bill C-35
- Section 6 was expanded and clarified
- Section 7 was updated to reflect the passage of Bill C-35
- The Appendices were updated with up-to-date Web links and other minor changes

2008-10-07

Minor changes and clarifications have been made throughout IP 9. The highlights include:

- Changes were made in order to bring IP 9 up-to-date regarding the end of the transition period for unauthorized immigration consultants. The letters provided in Appendices B to G have also been updated.
- Changes were made to reflect the creation of Operational Management and Coordination (OMC).
- All references to the Public Rights Administration Directorate (PRAD) have been replaced with *Access to Information and Privacy Acts (ATIP)*.
- Section 3, Table 1 has been expanded to include more relevant Acts and Regulations.
- Section 3.1, Table 2 has been reworked to clarify the difference between the IMM 5475 – Authority to release personal information to a designated individual and the IMM 5476 – Use of a Representative.

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- Section 3.2, important instructions have been added to provide guidance when documenting the IMM 5475 and IMM 5476 authorizations in our systems. Standardized documentation of these authorizations is now mandatory.
- Section 5.2, the definition of “paid representative” has been revised to further explain the time-of-payment issue.
- Section 7.2, several changes and clarifications were made throughout this section.
- Section 9.2, Table 3 has been reworked.
- Section 10, the CIC Investigation Process chart and Section 10.2 have both been removed. These issues are currently under discussion and new instructions will be posted as soon as they are available.
- Section 10.4, information has been added regarding the *Privacy Act*.
- Appendix A, contact information and URLs have been updated.

For further information, please contact the Immigration Representatives mailbox.

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1 What this chapter is about

This chapter provides policy and procedural guidance on the use of representatives in citizenship and, immigration applications or proceedings. It also provides guidelines that will assist officers in interpreting the *Immigration and Refugee Protection Act (IRPA)*, the *Citizenship Act* and associated Regulations.

These guidelines may 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 its own policies and procedures regarding the use of representatives. Therefore, for the purpose of this guide, the terms “office” and “officer” refer to the CBSA or CIC.

2 Program objectives

To assist with CIC citizenship and immigration applications, some people seek advice from a number of different individuals or organizations – for example, lawyers, citizenship/immigration consultants, friends/family or other third party entities who offer citizenship and/or immigration advice services. CIC has developed regulations and guidelines to ensure only authorized representatives can legally provide citizenship and immigration support and guidance to its clients for consideration (for example, monetary compensation). The Department also has measures in place that will deter the use of unauthorized representatives.

On April 13, 2004, the Immigration & Refugee Protection Regulations (IRPR) were amended to identify who could provide immigration advice for a fee. On June 30, 2011, as part of a broader strategy to protect would-be immigrants from unethical or unprofessional behaviour by unscrupulous third party intermediaries, the government of Canada passed Bill C-35, *An Act to Amend the Immigration and Refugee Protection Act (IRPA)*. The amendments introduced a number of changes, which tightened the regulations with respect to the intervention of third parties in immigration processes.

Similarly, on June 19, 2014, Bill C-24, *the Strengthening Canadian Citizenship Act*, received Royal Assent. This legislation includes an amendment which creates an offence for unauthorized individuals to knowingly, directly or indirectly, represent or advise a person in connection with a citizenship application or proceeding – or offer to do so - for a fee. Changes to the legislation also include a new authority allowing the Minister, by regulation, to designate a body whose members in good standing may represent or advise a person – or offer to do so – in connection with a citizenship application or proceeding. The Governor in Council may also make regulations to provide the Minister with information to assist the Minister to evaluate whether the designated body governs its members in a manner that is in the public interest so that they provide professional and ethical representation and advice. These amendments to the legislation reinforce the value of citizenship and strengthen the integrity of the system.

The program objectives of the Regulations governing the use of representatives for both the citizenship and immigration lines of business are to ensure that all applicants are represented in a professional, ethical and lawful manner; and to maintain the integrity of Canada’s citizenship and immigration programs.

While CIC forms and instructions clearly state clients are not required to use a representative when applying for visas or citizenship, the Department understands that authorized representatives can play a constructive role in assisting applicants with their citizenship and immigration matters. The Regulations prescribe which representatives may (or may not) represent or advise, for a fee or other consideration, a person who is the subject of either a proceeding or an application under the *Immigration and Refugee Protection Act (IRPA)* or the *Citizenship Act*.

3 The Act and Regulations

3.1 Immigration

On June 30, 2011, Bill C-35, *An Act to Amend the Immigration and Refugee Protection Act*, came into force. The Act amended IRPA by making it an offence for anyone other than an authorized representative to represent or advise a client on an immigration matter for a fee or other consideration at any stage of an immigration application or proceeding. This includes the period before a proceeding begins or an application is submitted, meaning that anyone who provides immigration advice for compensation at the pre-application stage must be an authorized representative, as identified in section 91 of the Act. If an individual who is not authorized to provide representation or advice for consideration under section 91 of the Act knowingly does so, whether directly or indirectly, they are committing an offence and are liable on conviction to receive a fine or imprisonment, or both.

3.2 Citizenship

On June 19, 2014, Bill C-24, the *Strengthening Canadian Citizenship Act*, received Royal Assent. Similar to the immigration context, the *Citizenship Act* was amended to make it an offence for anyone, other than the persons who are authorized, to represent or advise clients for consideration on citizenship matters. If an individual who is not authorized to provide representation or advice for consideration under section 21.1 of the Act knowingly does so, whether directly or indirectly, they are committing an offence and are liable on conviction to receive a fine or imprisonment, or both.

3.3 Citizenship and Immigration

The Legislations also

- Provide the Minister with the power, by regulation, to designate or revoke the designation of a body responsible for governing citizenship or immigration consultants and to provide for transitional measures with respect to such a designation, or revocation of a designation;
- Authorize the Governor in Council to make regulations requiring the designated body to provide the Minister with information regarding its activities. This information will be used to assist the Minister in evaluating: the effectiveness of the body in ensuring the integrity of citizenship and immigration programs; whether the designated body is regulating its members in the public interest; and whether its members are providing their services in a professional and ethical manner; and
- Include a provision allowing the disclosure of information relating to the professional or ethical conduct of individuals to those responsible for governing or investigating that conduct.

Table 1 Provisions that apply to the use of Authorized Representatives in the *Immigration and Refugee Protection Act* and the *Citizenship Act* and their Regulations:

Provision	Act or Regulations	
	Immigration	Citizenship
Inadmissibility		

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<ul style="list-style-type: none"> Misrepresentation 	A40	A22(1)(e.1) and (e.2) / A29.2
<ul style="list-style-type: none"> Non-compliance with Act 	A41	
Representation or Advice Persons who may represent or advise Students at Law Agreement or arrangement with Her Majesty Designation by the Minister Penalties	A91	A21.1(1)
General Offences		
<ul style="list-style-type: none"> Contravention of Act 	A124(1)	N/A
<ul style="list-style-type: none"> Counselling misrepresentation 	A126	A29.2(1)
<ul style="list-style-type: none"> Misrepresentation 	A127(a), A127(b)	A29.2(2)(a), (b) and (c)
<ul style="list-style-type: none"> Penalties 	A128	A29.1 / A29.2(3)
Applications	R10	A13 / Citizenship Regulations No. 2
<ul style="list-style-type: none"> Form and content of application 	R10(1)	A13 / A28 / Citizenship Regulations No. 2
<ul style="list-style-type: none"> Required information 	R10(2)	A13 / Citizenship Regulations No. 2
Return of an application	R12	A13 / Citizenship Regulations No. 2
Criminal activity under IRPA	ENF 2/OP 18	See note below

Note: Citizenship: There is no mandate given to the CBSA by the Citizenship Act to enforce the provisions of that Act. Concerns respecting possible violations of the law as set out in the Citizenship Act should be shared with the RCMP, which will work with the Department to determine if criminal charges should be pursued. CIC staff should not contact the RCMP directly, but work through Case Management Branch and/or Operational Management and Coordination (OMC) Program Integrity Division.

3.4 Representatives: Compensated and Uncompensated

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There are two types of representatives:

- Individuals who receive some form of compensation for their services (either directly or indirectly), and
- Individuals who provide such services for free (these would typically be family members, friends, and in some instances non-governmental and religious organizations, etc.)

All representatives who charge a fee or receive other forms of consideration for the provision of advice or representation with regard to a CIC application or proceeding must be authorized. To be **authorized** they must be registered, and a member in good standing, with the appropriate regulatory body. For lawyers, and in some cases, paralegals, these are the Canadian provincial/territorial law societies, or the *Chambre des notaires du Québec*. For both citizenship and immigration consultants, the regulatory body is the Immigration Consultants of Canada Regulatory Council (ICCRC). Members of the ICCRC are called Regulated Canadian Immigration Consultants (RCICs). CIC, the CBSA and the IRB will only deal with members in good standing of one of the regulatory bodies if the representative in question is receiving any compensation for their services, including payment.

Individuals who provide citizenship or immigration advice and who do not charge a fee or receive any form of compensation, whether directly or indirectly, are exempt from being registered with one of the above noted regulatory bodies. Examples of these individuals include friends, family members, and volunteers or staff members at charitable or non-governmental organizations (NGOS). See section on uncompensated representatives for more information.

Unauthorized Representatives

Unauthorized representatives are individuals who charge a fee or receive some form of compensation (direct or not) and who are **not** members in good standing of an accredited regulatory body. This includes individuals, who as part of their regular salaried positions,¹ seek to give advice to clients on citizenship and/or immigration matters but are not a member in good standing with one of the regulatory bodies are considered to be unauthorized representatives. CIC does not work with unauthorized representatives. The applicant must be notified if the individual does not meet the Department's criteria to assist with the application process.

Penalty for Violation

The punishment on conviction for an offence includes maximum fines of \$100,000 and/or imprisonment for up to two years upon conviction by indictment; and of \$20,000 and/or imprisonment for up to six months on summary conviction.

3.5 Required forms

A Use of Representative form (IMM 5476) must be submitted with an application if the applicant uses the services of a representative, or if the applicant wishes to appoint a representative to conduct business on their behalf with CIC or CBSA.

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

¹ Salaried employees such as education agents and HR personnel who wish to provide advice or guidance as part of their full time regular work must be authorized to do so.

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6.6) with a letter explaining why (see Appendix D). To be complete, the form must be signed and dated by both the applicant and the representative.

The applicant can appoint only one representative per application. If more than one representative has been identified on one IMM 5476, CIC has the authority to consider the application incomplete and to return the application, as described in Section 6.6. Note that if an applicant is being represented by a paralegal or a student-at-law, the supervising lawyer's name must be recorded on the IMM5476 for accountability purposes, but this does not violate the "only one representative" rule.

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

In sponsorship cases, if the IMM5476 is completed and signed by both the applicant and the spouse/partner, the representative is considered to be acting on behalf of both parties.

The required forms and related instructions are shown in the following table:

Table 2

Form Title/Purpose	Form number
<p>Use of a Representative</p> <p>This form is used to appoint (or cancel the appointment of) a representative and to give CIC and, for immigration applications, the CBSA consent to disclose the applicant's personal information to that representative. The appointed representative can conduct business with CIC and the CBSA on the applicant's behalf. The IMM 5476 is available on the CIC website and through the CIC Call Centre.</p>	IMM 5476
<p>Instructions – Use of a Representative</p> <p>This form is the cover instruction page for the IMM 5476 form. IMM 5561 provides an applicant with a brief explanation about representatives and types of representatives as well as instructions on how and where to submit IMM 5476.</p> <p>The IMM 5561 is available on the CIC website and through the CIC Call Centre. The instructions are found under "How to complete the form."</p>	IMM 5561

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<p>Authority to release personal information to a designated individual</p> <p>This form, from CIC's Access to Information and Privacy Division (ATIP), permits the designated individual to inquire about the status of an application and/or change the applicant's address. However, this individual is not considered a representative and cannot conduct business with CIC or the CBSA on the applicant's behalf.</p> <p>Please note that a completed IMM 5475 does not authorize CIC or the CBSA to send correspondence to the designated individual.</p> <p>For example, the IMM 5475 may be used if an applicant wishes to have their personal information disclosed to a designated person, other than their representative (for instance, to a friend or family member, the representative's assistant, another representative during a temporary absence of the representative, etc.)</p> <p>The IMM 5475 is available on the CIC website and through the CIC Call Centre.</p>	IMM 5475
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3.6 Entering the required information into GCMS

Completed Authority to Release Personal Information to a Designated Individual (IMM 5475) and Use of a Representative (IMM 5476) forms must be documented in GCMS. The Call Centre, and sometimes other CIC and CBSA offices, need to be able to view this information in order to respond to enquiries from representatives and to take necessary actions.

In GCMS, the representative should be entered as a "party" and associated to the applicable case. When a representative is encountered, their address and other contact information should be verified and updated in GCMS as required.

Important: The representative may already have a Party ID in GCMS. To avoid duplicate Party IDs, when associating a representative to an application, a name query must be conducted under Parties view in GCMS. An address query may be used if the representative's address is known.

Details to be documented

The following information must be entered into GCMS:

- The type of authorization submitted by applicant (specify whether it is an Authority to Release Personal Information to a Designated Individual or a Use of a Representative);
- The application to which this authorization is linked; and
- Include all contact details including, the name of the designated individual or representative, address, telephone number, email address, identification number/ID and company name (if applicable).
- Articling students (students at law) are to be identified along with their supervising lawyer's contact information and ID, and the firm's contact details.

Change in status of a Representative

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When an individual is receiving some form of consideration, CIC only works with members in good standing. There are a number of reasons the membership status of an ICCRC member (RCIC), or a lawyer or notary or other member in good standing of a law society may change during the application process. Representatives can resign, change careers, or the designated regulatory body may have suspended or revoked membership. To protect CIC clients and ensure program integrity, it is important to be aware of the current status of the designated representative on file. A searchable list of ICCRC members and their status is available [here](#). Individual law societies have searchable member lists.

Subsequent withdrawal of an authorization

The representative should be disassociated from the case in GCMS. Any applicable background information should be noted.

Note: If the authorization was not originally entered into GCMS please provide an explanation and add any other relevant information that you might have, such as the name of the representative or designated individual, that the client thought they had identified, and the application to which the authorization was to be linked. This information could become important later in the processing.

4 Departmental policy

4.1 What the Legislation/Regulations accomplished (Citizenship and Immigration)

- They describe persons who may represent or advise a client for consideration. These individuals, often identified as "authorized representatives," must be a member in good standing with a Canadian provincial/territorial law society, the *Chambre des notaires du Québec* or the Immigration Consultants of Canada Regulatory Council (ICCRC).
- They specify that persons who are receiving consideration to provide immigration or citizenship advice or representation at any stage of an application or proceeding and who are not authorized representatives are committing an offence. See Definitions for information on "consideration."
- Immigration Regulations require applicants using authorized representatives to submit the name of their representative, their telephone number and mailing/email address, the name of their organization they are a member of, their identification or membership number, and to identify whether they were compensated or uncompensated for verification purposes. The Citizenship Regulations No. 2 requires that applicants appointing a representative must provide all the information as required in the form prescribed by the Minister.
- They permit those who meet the criteria of an uncompensated representative, to represent and/or provide citizenship and/or immigration advice at any stage of an application or proceeding.
- They permit applicants to continue to use paid services for administrative services such as translation and courier services.

4.2 Compensated representatives

Representatives who wish to conduct business in connection with a proceeding or application under IRPA or the *Citizenship Act* must be members in good standing of a Canadian provincial/territorial law society, the *Chambre des notaires du Québec* or the Immigration Consultants of Canada Regulatory Council (ICCRC) in order to charge a fee or be otherwise compensated for citizenship, immigration and refugee advice and representation. Such individuals will be referred to as "authorized representatives".

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CIC, the IRB and the CBSA are interpreting the Acts and Regulations to mean that if citizenship or immigration representation or advice is provided at any stage of a proceeding or an application, it is irrelevant **when or by whom** the representative was compensated, or will be compensated, in association with the applicant's process. The fact that the representative is being compensated, whether provided by the applicant **or** on behalf of the applicant, is sufficient to invoke the provisions of the legislation. This compensation can take the form of direct payment or other forms of consideration such as goods or services.

Immigration Consultants of Canada Regulatory Council (ICCRC)

An independent, not-for-profit organization and self-regulating body, the ICCRC operates at arm's length from the Government of Canada. The ICCRC is responsible for regulating the activities of citizenship and immigration consultants who are its members and who provide citizenship and immigration advice and representation.

Membership as a Regulated Canadian Immigration Consultant (RCIC) is granted by the ICCRC to individuals who have demonstrated their knowledge and ability to advise and represent people who seek a Canadian immigration visa or Canadian citizenship. Members must demonstrate their good character and meet the Council's membership standards (i.e. knowledge, ethics, and language requirements). The ICCRC Code of Professional Ethics can be found here.

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

For the ICCRC website address and contact details, see Appendix A.

RCICs can practice anywhere both in Canada and overseas as long as they remain in good standing with the ICCRC. They may be retained for services by other companies/institutions such as immigration consulting agencies, education institutions or employers.

ICCRC Agents

RCICs must register their agents with the ICCRC. CIC will not work with agents who are not registered. Agents and staff members are able to provide assistance to the RCIC. However, the RCIC must sign the IMM 5476 and is responsible for all advice and guidance given to the client by the agent. Agents and staff members are subject to the same rules and regulations that apply to RCICs (see Employees of lawyers and consultants). Agents and their associated RCIC can be verified on the ICCRC search page.

Lawyers and Quebec notaries

Lawyers and Quebec notaries are regulated by their provincial and territorial 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 or territory where their client is located in order to provide citizenship or immigration advice or

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representation. To confirm if the person is in good standing, it may be necessary to confirm law society membership with the lawyer.

Lawyers may be retained by a company, a citizenship or immigration consultant firm, an educational institution or an employer to provide citizenship or immigration advice and guidance to clients or staff.

For website addresses and contact details, see Appendix A.

Students-at-law

Students-at-law, as stated in A91(3) of IRPA and in A21.1 (3) of the *Citizenship Act*, are deemed not to be in contravention of A91 (1) of IRPA or A21.1 (1) of the *Citizenship Act* as long as the student-at-law is acting under the direct supervision of a member in good standing of a provincial/territorial law society or the *Chambre des notaires du Québec* who is authorized to represent or advise the applicant. In other words, students-at-law may represent and/or advise, for consideration, a person who is the subject of a proceeding or an application under IRPA or the *Citizenship Act*, 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. The supervising lawyer maintains responsibility for the advice and guidance that is provided to the client. The supervising lawyer's details (contact info/ ID #) must be included on the IMM 5476. Officers should verify students-at-law on the websites of the provincial/territorial law societies and Quebec notaries' association. The Regulations apply to students-at-law in the same manner as they would to a lawyer.

Paralegals

Bill C-35 amended IRPA and Bill C-24 amended the *Citizenship Act* to recognize paralegals as authorized representatives if they are a member in good standing of a Canadian provincial/territorial law society.

Currently, only Ontario's law society, the Law Society of Upper Canada, admits paralegals as members in good standing.

If a paralegal is not a member in good standing of a law society, or is not a member in good standing of the ICCRC, then they are not an authorized representative.

4.3 Uncompensated representatives

The primary objective of the Acts and 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.

Family, friends, religious, international organizations and non-governmental organizations (NGOs) that do not charge a fee or receive any other form of consideration for their services do not need to be members of a regulatory body to act as a representative or provide advice/guidance.

Family, friends, non-governmental and religious organizations

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Family, friends, international organizations (e.g., United Nations High Commissioner for Refugees), religious organizations and NGOs play an important role for applicants who feel the need for support and advice. Family, friends, religious, and other NGOs who **do not** charge fees or receive consideration for providing citizenship or immigration advice or services can advise and represent applicants before CIC or the CBSA without being members of the ICCRC, a Canadian provincial/territorial law society or the *Chambre des notaires du Québec* at any stage of an application.

International and other organizations

Certain international organizations, such as the International Organization for Migration (IOM), provide a variety of services to clients. If the organization is providing services in accordance with an agreement or arrangement with the Government of Canada (see Entities under agreement with the Government of Canada), or if no consideration is being provided for the provision of immigration or citizenship advice or representation, then they are not in contravention of A91 (1) of IRPA and subsection 21.1(1) of the *Citizenship Act*.

Pro bono work

CIC and the CBSA should not discourage *pro bono* work by authorized representatives (including students-at-law under a lawyer's supervision). *Pro bono* activity by lawyers, notaries and ICCRC members is often encouraged by their governing bodies.

If representatives who are providing *pro bono* services are members of a Canadian provincial/territorial law society, the *Chambre des notaires du Québec* or the ICCRC, their respective governing bodies continue to be responsible for their conduct despite the fact that they are not receiving consideration for their services.

However, CIC officers should be mindful of *unauthorized* representatives who identify themselves as uncompensated on the Use of a Representative (IMM 5476) form and who submit a significant number of applications as *pro bono*. Note: If an officer has concerns about submissions from unauthorized representatives and whether or not they are truly *pro bono* submissions, they should refer to Section 9 of this guide for details on investigation procedures.

4.4 Other stakeholders

The Acts and Regulations prohibits an unauthorized representative from representing or advising persons for consideration — or offering to do so — at any and all stages in connection with a proceeding or application under both IRPA and the *Citizenship Act*, **including before a proceeding has been commenced or an application has been made**. As a result, many stakeholders are now required to be members of a prescribed profession or regulatory body if they wish to provide services to their clients, when they were not obliged to be members in the past.

However, it is important to understand that certain functions **are** permitted for individuals who are not authorized representatives. In general, if a person is providing services which do not involve advising or representing someone on a citizenship or immigration matter, then he or she is not required to be an authorized representative.

Examples of individuals who might provide such services may include translators, travel agents, recruiters and adoption agencies. The key factor is these people must **not** be providing citizenship or immigration advice or representation to their clients. Any person providing citizenship or immigration advice or representation to a

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client for consideration must be an authorized representative to do so. These functions include making interventions on behalf of the applicant during processing, and requesting information about the progress of the application. In order to intervene and request information on behalf of the applicant during application processing, individuals who are receiving compensation must be a lawyer, notary or other member in good standing of a law society, or a member in good standing of the ICCRC.

Table 3

Stakeholder Dos	Stakeholder Don'ts
<ul style="list-style-type: none"> • Direct someone to the CIC website to find information on: <ul style="list-style-type: none"> • Citizenship and immigration programs • Application forms, or • Authorized representatives • Provide services such as: <ul style="list-style-type: none"> • Accept visa applications (VACS) • Translation • Travel arrangements • Couriers • Provide medical services (i.e. medical exams, DNA testing) • Advise international students on how to select their courses or register • Conduct job interviews 	<ul style="list-style-type: none"> • Explain and/or advise on someone's citizenship or immigration options • Guide a client on how to select the best immigration stream • Complete and submit citizenship or immigration forms on a client's behalf • Communicate with CIC and the CBSA on a client's behalf (except for direct translation of a client's written or spoken submissions) • Represent a client in an citizenship or immigration application or proceeding • Represent a client in an Labor Market Impact Assessment(LMIA) • Advertise that they can provide citizenship or immigration advice or representation for consideration

Employment agents and recruiters (Human Resources and Temporary Foreign Worker recruiters)

Employment agents and recruiters are often engaged by companies who are seeking to fill job vacancies. Under the Regulations, an agent or recruiter who acts on behalf of a company to scout or interview job applicants, make offers of employment, and review job applications is not required to be an authorized representative.

However, employment agents or recruiters must be authorized representatives if they provide immigration advice or representation to their clients (includes assisting with work permit or visa applications), even if these services occur prior to the submission of the application.

These services would also include providing advice or representation in making applications for Labour Market Impact Assessments (LMIA) to Employment and Social Development Canada (ESDC), as these applications are in connection with immigration applications.

Employees of lawyers and consultants

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Employees of law firms or consulting companies who are not, themselves, members in good standing of a law society, the *Chambre des notaires du Québec* or the ICCRC are not authorized representatives; therefore, they cannot provide advice or represent for consideration at any CIC proceedings, including interviews.

However, following the submission of a Use of a Representative (IMM 5476) form it is acceptable for **directly supervised** employees to prepare documentation and correspondence on behalf of the authorized representative. Under the provisions of their relevant professional codes of conduct the lawyer, notary or the ICCRC 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/individuals letterhead;
- If not signed by the authorized representative, communication must clearly indicate in the signature block that the employee is "acting under the direction of" the authorized representative;
- clearly indicate the name of the authorized representative and, if applicable, the name and the membership number of the regulatory body to which they belong.

CIC offices that allow for the pick-up of documents may continue to provide such documents to employees of lawyers or regulated consultants, 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 6.8 identifies written and oral office procedures for communicating with representatives.

MPS and MP constituency assistants

Paragraph 8(2)(g) of the Privacy Act permits a government institution to disclose personal information "to a Member of Parliament for the purpose of assisting the individual to whom the information relates in resolving a problem."

MPs usually delegate constituency business to constituency assistants. These assistants request personal information on the behalf of MPs. CIC Offices may release personal information to constituency assistants provided it is clear that MPs have designated them for this purpose.

Adoption agencies

Persons employed by an adoption agency who provide advice or representation regarding the citizenship or immigration application, such as filling out forms or representing the applicant in their dealings with CIC, must be authorized representatives as these activities are directly related to the citizenship or immigration application which will be submitted.

Caregivers' agents

Caregivers' agents who provide advice or representation related to the submission of an immigration application, such as filling out forms or representing the applicant in their dealings with CIC, must be authorized representatives.

Entities or organizations with an arrangement or agreement with the Government of Canada

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If an entity or organization, or a person acting on its behalf, offers or provides citizenship or immigration advice or representation which is consistent with an agreement or arrangement made between the entity / organization and the Government of Canada then subsection 91(4) of IRPA or subsection 21.1(4) of the *Citizenship Act* states that providing these services does not contravene section 91(1) of IRPA or section 21.1(1) of the *Citizenship Act*. This holds true only if the services provided are consistent with the agreement / arrangement with the Government of Canada.

Examples of organizations that have such an arrangement / agreement include the International Organization for Migration (IOM), the United Nations High Commission for Refugees (UNHCR) and certain service provider organizations such as VACs which are specifically fulfilling their obligations as per the arrangement or agreement they have with the Crown. The Crown must initiate the agreement/arrangement.

Visa Application Centres (VACs)

VACs are service providers contracted by the Government of Canada (GC) to provide administrative support service to applicants related to their study permits, work permits, visitor visas and travel documents for permanent resident applications. As noted, VACs can provide these services in accordance with the agreement they have with the Crown.

5 Definitions

Table 4

Compensated Representatives	Individuals who receive some form of consideration (typically in the form of a fee or payment) for the provision of advice or representation to someone in connection with citizenship or immigration matters.
Authorized Representatives	Individuals who are members in good standing of a Canadian provincial/territorial law society – including paralegals –, the <i>Chambre des notaires du Québec</i> , or the Immigration Consultants of Canada Regulatory Council (ICCRC).
Uncompensated Representatives	Any person who does not receive direct or indirect consideration for providing advice or representation on citizenship or immigration matters. This could include a family member, friend, or a member of an international, religious or non-governmental organization.
Unauthorized Representatives	Individuals who receive some form of consideration for advising or representing a client on citizenship or immigration matters and who are not members of a Canadian provincial/territorial law society – including paralegals-, the <i>Chambre des notaires du Québec</i> or the Immigration Consultants of Canada Regulatory Council (ICCRC).
Concealed Representatives	Individuals who provide advice or representation on citizenship or immigration matters to a client for consideration and who do not submit an IMM 5476 declaring their professional relationship with the client.
Pro bono	Representing someone on a volunteer basis, without receiving any form of consideration.
Designated Individual	An individual who is not acting as a representative, but with whom the applicant 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 3.5). However, this individual cannot conduct business with CIC or the CBSA on the applicant's behalf.

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Fee	Includes all types of fee arrangements, direct or indirect. 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> .
Consideration	Consideration is compensation or reward which is given or done in return for a service. Considerations are not necessarily in the form of payment, although money is the most common form of consideration. Any benefit which is given in return for a service is consideration, and can include personal services or material goods.
Third Party Portal	The Third Party Portal is also known as the CIC Portal. It is available to lawyers and RCICs. The CIC Portal allows Authorized Paid Representatives to complete, pay for, and submit online applications on behalf of their clients. CIC requires the use of an electronic credential to use the CIC Portal: GCKey or Sign-In Partner (SecureKey Concierge). It is different from MyCIC. MyCIC is used by applicants to submit e-versions of their applications. The Third Party Portal application process requires the submission of an IMM 5661 to be signed by an authorized representative (RCIC) or a lawyer who has known the person for two years. For information on the portal please see: http://www.cic.gc.ca/english/e-services/apr-enrolm.asp

6 Procedure: Application processing

6.1 Processing of immigration applications received after October 28, 2011

Pursuant to subsection 91(5) of the IRPA, on June 30, 2011 the Minister designated the Immigration Consultants of Canada Regulatory Council (ICCRC) as the governing body for the regulation of immigration consultants.

Members in good standing of the ICCRC are therefore recognized as persons who may represent or advise an applicant, for consideration under paragraph 91(2) (c) of the IRPA.

On October 29, 2011 the transition period associated with the coming into force of Bill C-35 ended. Canadian Society of Immigration Consultants (CSIC) membership is no longer considered valid to do business with CIC as an authorized representative. In order to be recognized as an authorized consultant, a person must have formally registered as a member with the ICCRC.

6.2 Processing of citizenship applications received prior to June 11, 2015

Prior to the coming into force of the relevant provisions of the Strengthening Canadian Citizenship Act, there was no legal obligation that persons providing advice or representation on citizenship applications be members in good standing of a Canadian provincial/territorial law society – including paralegals – the Chambre des notaires du Québec, or the Immigration Consultants of Canada Regulatory Council (ICCRC).

Pursuant to subsection 21.1(5) of the *Citizenship Act*, on June 11, 2015, the Minister designated the Immigration Consultants of Canada Regulatory Council (ICCRC) as the body whose members in good

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standing may represent or advise a person for consideration – or offer to do so – in connection with a citizenship proceeding or application

Members in good standing of the ICCRC are therefore recognized as persons who may represent or advise an applicant, for consideration, under paragraph 21.1(2)(c) of the Citizenship Act.

For applications received before June 11, 2015, the Minister has provided by regulation that a transitional grace period of four years is in place to allow paid representatives who advise or represent applicants in respect of an application received by the Department prior to that date to continue to advise or represent after the coming into force of this provision, even if the representative is not a person who is authorized pursuant to subsection 21.1(2) of the Act.

The person who is advising or representing an applicant for consideration will be deemed to be a member of the ICCRC and may continue to represent or advise on the particular case until a final disposition has been made in respect of the application. A final disposition in respect of an application means the earliest of one of the following circumstances:

- The application is returned to the applicant because it was not accepted for processing;
- The application is approved, refused, withdrawn or treated as abandoned;
- The person who represents or advises the applicant becomes authorized under subsections 21.1(2) to (4) of the *Citizenship Act*;
- The applicant ceases to be represented by that person (i.e. the applicant cancels the appointment of the representative or appoints a different paid representative authorized under subsection 21.1(2) to (4); or
- The administrative grace period of four years expires.

6.3 Processing of citizenship applications received after June 11, 2015

For applications received after the coming into force of Section 21.1 of the Citizenship Act, only members in good standing of one of the designated bodies listed under subsection 21.1(2) to (4) of the Citizenship Act are authorized to represent or advise, for consideration, an applicant on citizenship proceedings.

6.4 Complete application [R10(2) of IRPR]

All applicants who use a representative (compensated or uncompensated) must submit a Use of a Representative form (IMM 5476). The IMM 5476 (Use of Representative) is the form to be used to disclose the name and contact information of any authorized representative providing representation or advice for a fee, or other consideration, at any stage of an application under the Citizenship Act or IRPA.

Immigration

R10 of the 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), (c.2), (c.3) and (c.4) 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. The

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form must be signed, both by the applicant and by the representative. If the information is incomplete, the application will be returned as per R12. Returned applications are discussed later in this section.

Solicitor – Client privilege

The regulatory amendments to paragraphs 10(2) (c.3) and (c.4) of IRPR are intended to apply only to the advice or representation that pertains to a specific application that is submitted to the Government and to be interpreted in a manner consistent with solicitor-client privilege.

This means neither the immigration applicant nor their counsel are required to inform the Government of the essence of any solicitor-client communications. Paragraphs 10(2) (c.3) and (c.4) are not applicable, to situations where the applicant has sought legal advice regarding other areas of law where there is no link to immigration matters, such as criminal law, family law, wills and estates, etc.

Officers should not interpret the wording of the regulatory amendment to authorize them to seek to be informed of the essence of any advice from a solicitor to a client, regardless of whether that lawyer was retained as a representative in an immigration application or proceeding and regardless of whether or not an application was filed.

It should be noted that solicitor-client privilege extends to persons acting as agents for the solicitor, such as legal assistants and other staff members in the solicitor's office. Where a law office employs not only a lawyer, but also a consultant and/or a paralegal to whom Bill C-35 may apply, it will be the responsibility of the law office to determine which individual will be the responsible professional who will be named on the IMM 5476.

Citizenship

For citizenship applications, if the application satisfies all the conditions as outlined in the *Citizenship Act* and its regulations, the application should be processed as per section 13 of the *Citizenship Act*. As more specifically provided under the *Citizenship Regulations No. 2*, all applications must be made in the prescribed form and filed in a manner designated by the Minister together with all the required information and materials. Section 28 of the *Citizenship Act* authorizes the Minister to “prescribe the forms of applications, certificates and other documents required for the purposes” of the *Citizenship Act*. As a result, if the application is not made in the prescribed form or manner, or if any of the information required in the prescribed form is missing or not completed, or if the application is not accompanied by the necessary supporting evidence and fees, then the application will not satisfy all the conditions under section 13 of the Act, and the application will not be accepted for processing and will be returned to the applicant.

If a compensated representative is designated by the applicant but is not a member in good standing of a Canadian law society, the *Chambre des notaires du Québec* or the ICCRC then the application will not be accepted into processing. CIC has the authority to return the entire application package and fees, accompanied by the “unauthorized representative” letter (see Appendix C). The letter and the application should be sent to the applicant's mailing address rather than the unauthorized representative's address (unless the applicant's personal address cannot be obtained).

Citizenship and Immigration

CIC must be notified of any change of representative. Applicants must notify CIC by completing and submitting a new IMM 5476. To cancel the appointment of a representative without appointing a new one, applicants

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need to complete sections A, C and D of the IMM 5476. To revoke a representative and appoint a new one, sections A, B and D need to be completed, as the new appointment will cancel the previous one. See Instructions IMM 5561.

To prevent the problem of conflicting direction or information and to ensure that the authorized representative is at all times ultimately responsible for the file, only one representative may be named per application. It is recognized that there may be a discrepancy in completing the form where the applicant has hired more than one "authorized representative" for the processing of their application. If more than one authorized representative has been identified on the submitted IMM 5476, the applicant or the representative should be contacted by phone to discuss the situation and additional name(s) should be removed if possible. This is preferable to returning the application, as it gives the applicant an opportunity to rectify the problem. The applicant or representative's decision to delete additional names from the IMM 5476 should be documented on the IMM 5476 and signed and dated by the CIC officer who was advised of the deletion. If the applicant/representative(s) cannot be reached, the application should be considered incomplete and returned as explained below (returning an application).

For citizenship applications, if this situation arises, the application would be returned and not accepted for processing as the IMM 5476 was not properly completed.

6.5 Initial screening of applications

The following points should be verified:

- Compensated representatives must be members in good standing of a Canadian law society, the Chambre des notaires du Québec or the ICCRC.
- The name of the representative and their unique identification number should be checked on-line to validate their status with the ICCRC, a provincial/territorial law society or the Chambre des notaires du Québec.
- Provincial/territorial law societies have searchable online member lists. Only members in good standing are allowed to represent clients (see Appendix A for website information and Appendix B for membership number formats).
- The ICCRC's website is updated with members' names, membership ID and status. ICCRC membership IDs are alphanumeric containing the letter R followed by a six-digit number (for example, R041234). Only representatives whose names appear on the membership list as active members are allowed to represent clients for consideration. It should be noted that ICCRC membership may be revoked, suspended or reinstated. In general, and absent of a reasonable explanation as to why the information on the website is not accurate, the website is to be considered the final authority regarding the current status of ICCRC members.
- The Use of a Representative guide (IMM 5561) which accompanies the IMM 5476, instructs applicants and representatives to "print their 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 website, officers may return the application, explaining in the letter the reason for the return.
- While it is not a requirement, ICCRC members may occasionally provide a copy of their Member Identification Card or Membership Certificate in an applicant's application package.

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- **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.
- The Law Society of 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 IMM5476 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 of the IRPR definition is likely unwarranted. 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.
- The representative must be identified by the name of an individual and not that of an organization. All regulatory bodies (Canadian law societies, the Chambre des notaires du Québec and the ICCRC) 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 compensated or uncompensated.
- Both the applicant's and the representative's signatures with a date are mandatory on the 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.

Note that an applicant can be represented by only one individual at a time per application. This is to prevent the possibility of conflicting directions on one application.

6.6 Returning an application

Applications from unauthorized representatives must be returned so that these representatives and their clients are reminded that the government will deal only with authorized representatives when compensation is being given. It is necessary to present this message uniformly and consistently.

IMM 5476 not included with the application: For all applications, if the applicant has appointed a representative and did not submit the IMM 5476, the application and associated fees must be returned.

Incomplete IMM 5476: If the IMM 5476 does not include all of the information required in the form prescribed by the Minister as per the *Citizenship Act* and the *Citizenship Regulations No. 2*, or under R10(2) of the IRPR, the entire application, the letter concerning an incomplete form (see letter template in Appendix D), and any attached fees should be returned, as should all subsequent incoming documents. The letter and the application should be sent to the applicant using the mailing address provided. However, there may be occasions when the only address available is that of the unauthorized representative. In this case, the application should be returned to the unauthorized representative.

Unauthorized representative: If the compensated representative is not authorized, return the entire application to the home or mailing address provided by the applicant, stating that it could not be confirmed that the individual was a member in good standing of any of the ICCRC – a provincial/territorial law society or the

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Chambre des notaires du Québec and, therefore, cannot represent the applicant (see letter template in Appendix C). It is preferable that the applicant's address be used, as there is no guarantee that the unauthorized representative will contact the applicant. However, there may be occasions when the only address available is that of the unauthorized representative. In this case, the application should be returned to the unauthorized representative.

Ministère de l'immigration, Diversité et Inclusion (MIDI): The Regulations specify which compensated representatives can represent a client during the federal immigration process. Therefore, they do not directly affect the activities of Quebec provincial immigration officers. However, should CIC receive an application that has been approved by the MIDI, but has the name of an unauthorized compensated 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 (also known as a "ghost consultant") is an individual who acts on a client's behalf with CIC or the CBSA and who **does not submit an IMM 5476** declaring their professional relationship with the client.

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

- they receive an application form that does not include an IMM 5476, but gives an unauthorized 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 an applicant is concealing a representative, the application can be returned to the applicant'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 sufficient evidence. Evidence could include confirmed information from the public, admission by the applicant, or confirmation as a result of an investigation. When returning the application it is preferable that the applicant's address be used, as there is no guarantee that the unauthorized representative will contact the applicant. However, there may be times when the only address available is that of the unauthorized representative. In this case, the application should be returned to the unauthorized representative. See Section 8 and Section 9 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 information (e.g. addresses, email addresses, fax numbers), 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 citizenship and immigration programs.

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

- If there is insufficient evidence (i.e. a lack of proof) to support their concerns about the use of a concealed representative, officers should process the application.

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- If there is sufficient evidence (adequate proof which satisfies the officer on a balance of probabilities) of a concealed representative, officers should return the application and the letter shown in Appendix E to the applicant's home address, if available. This sends a strong message that CIC and the CBSA are serious about not conducting business with unauthorized or concealed representatives.

If there is sufficient evidence of the use of a concealed representative during processing, officers should refer to ENF 2 to determine whether they meet the standard of proof and fairness required under A40 of IRPA or s.22(1)(e.1) and (e.2) of the *Citizenship Act* in order to refuse an application on the basis of misrepresentation. See *Assessing Prohibitions under Section 22*.

Family class applications

As part of the family class process, CIC may receive two separate IMM 5476 forms (one from the sponsor and one from the foreign national/applicant) per application. 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.

CPC Mississauga is 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:

- GCMS notes remarks reflect that the representative has been verified in the on-line database; and
- the IMM 5476, filled out by the foreign national, is forwarded to the appropriate visa office.

Family members of caregiver applicants in Canada

Caregivers submit applications to CPC Vegreville. CPC-V subsequently notifies the visa office to contact the family member(s) of the applicant to the Caregiver Program. If the family member chooses to retain a compensated representative, the representative must be authorized.

Temporary Residence Extensions

An application for extension of temporary status is a new application. These applications, therefore, require an IMM 5476 identifying a compensated or uncompensated representative if the applicant is using a representative.

Express Entry

Express Entry is a system used to manage applications for permanent residence under certain economic immigration programs. Individuals can use a representative to assist them at all stages of the process.

Applicants who have used or are appointing a representative at the profile stage are to submit an IMM5476. If they decide to use a representative, cancel their representative, or appoint one after they have built their profile, they must inform CIC by submitting a completed and signed IMM5476.

6.7 Disclosure of personal information is case-specific

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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 application, 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 other than their representative, they should complete an Authority to Release Personal Information to a Designated Individual (IMM 5475) form (see Section 3.5).

Cases involving victims of abuse or neglect

When individuals report abuse, neglect or child abuse to CIC, officers should advise them that this information may be disclosed to authorized representatives (for example, sponsors, other family members or friends, lawyers or consultants), unless this authorization is otherwise revoked. If an individual advises an officer they would like to revoke the authorized representative, the officer should ensure that GCMS is updated immediately

6.8 Communication with representatives

Assuming that a client's representative has the appropriate authority to act on behalf of their client, the following principles are to be observed:

Responding to case status enquiries

Written versus oral communication on files:

- A professional, non-adversarial relationship must be maintained in which a CIC officer's fairness and objectivity cannot be called into question because of the appearance of conflict of interest or bias, either positive or negative.
- It is important to provide all 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 CIC's offices.
- Once an officer is satisfied that a representative has been designated by the applicant, they 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 written form only.
- Any case-specific interchange of information should have a written record, including an annotation in the GCMS case notes to ensure that no misunderstandings occur.

6.9 Call Centre

Call Centre agents are mandated to only provide 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.

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This individual will also be expected to answer specific client identifiers relating to the applicant. According to the *Access to Information Act* and the *Privacy Act*, if the information provided matches details in 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, on the condition that they provide the required client identifiers.

Staff members at the law firm of the lawyer acting as the representative are also able to receive this information. Case specific information cannot be given to staff members of a consultant (ICCRC member).

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 using CIC's secure online service. This also resolves the challenge for a number of clients who face language barriers and who require assistance with providing their new address in either French or English.

The Call Centre process to add an IMM 5476 to an application already in progress is as follows:

- For clients who have already submitted their application and who want to add an IMM 5475/5476, the client contacts the call centre. If the client has an email address, the call centre sends the following via info-client: "If your application was already submitted, use the email form and upload the IMM 5476 or Power of Attorney." The Email form may be used to change or add a Representative and the client has the ability to upload a Use of Representative Form (IMM5476).

6.10 Refugee protection claimants

The IRB has their own requirements for dealing with representatives, including their own forms and their own policies and procedures. Completing CIC forms, like the IMM 5476, does not allow a representative to act as a representative with the IRB. The IRB decides who is an appropriate representative for clients attending oral hearings before the IRB. For more information please see <http://www.irb.gc.ca>.

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.

PRRA oral hearings: The procedures to be followed before and during the oral hearing are set out in R168. For more information see the PRRA guide on oral hearings.

6.11 Refusal to deal with a representative (case in process)

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If it is discovered through a complaint and/or investigation (see Section 9) that the applicant is providing compensation for the services of an unauthorized representative **while the application is being processed**, CIC will no longer conduct business with the unauthorized representative unless they become authorized and a new IMM 5476 is submitted.

Similarly, if it is discovered that an applicant's authorized representative is suspended from practicing by their governing body while the application or procedure is in process, CIC must cease conducting business with the representative while the suspension is in effect.

CIC 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 letter). If the application contains a home mailing address for the applicant, this address should be used. If the officer 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 may consider using their authority under A40 of IRPA or s.22(1)(e.1) and (e.2) of the *Citizenship Act* to refuse the applicant for misrepresentation (see citizenship misrepresentation s.29) and section 22.

7 Procedure: Misrepresentation

Immigration

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 authorized representatives.

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.

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 ENF 2/OP 18 concerning the high level of fairness and proof required in these circumstances, before commencing immigration enforcement proceedings against 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

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probabilities, the applicant should have known that their representative was not authorized as defined 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 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 five years.

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

Citizenship

The *Strengthening Canadian Citizenship Act (SCCA)*, pursuant to paragraphs 29.2(2) (a), (b) or (c), continues to create offences related to misrepresentation, although the grounds have been substantially expanded. The SCCA also introduces a new offence, under subsection 29.2(1), for every person who counsels, induces, aids or abets (or attempts to do so) any person to directly or indirectly misrepresent, or withhold material circumstances relating to a relevant matter which induces or could induce an error in the administration of the Act.

The purpose of these expanded offence provisions, as with the expanded grounds for prohibitions found in section 22 of the *Citizenship Act*, and in particular those relating to misrepresentation, is to ensure that applicants provide complete, honest and truthful information in every manner when applying for Canadian citizenship. The expanded offence provisions, and the increase in the possible penalties for committing such offences, illustrates that any misrepresentation is taken very seriously

Please see PDIs entitled Citizenship: Misrepresentation and Referrals to Case Management Branch for *Citizenship Act* offence investigation for more information. Representatives who are members in good standing with their respective governing bodies and who have been found to have misrepresented a client or provided false information should also be reported to the local office supervisor to consider if a referral to Case Management Branch for additional action is warranted.

A22(1)(e.1) of the *Citizenship Act* prohibits a person from being granted citizenship or taking the oath of citizenship if the person directly or indirectly misrepresents or withholds material circumstances relating to a relevant matter, which induces or could induce an error in the administration of the Act. Applicants who are found to have committed misrepresentation are prohibited from being granted citizenship during the five year period following a finding of misrepresentation (this is true even if the act of misrepresentation was not committed by the applicant directly, but also by a representative acting on the applicant's behalf, with or without the applicant's knowledge or consent). Representatives who are parties to acts of misrepresentation are subject to discipline from their governing bodies. Furthermore, every person commits an offence 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 circumstances relating to a relevant matter, which induces or could induce an error in the administration of the Act. The punishment for a person found guilty of this offence is a fine and/or imprisonment under the terms of section 29.2(3) of the *Citizenship Act*.

7.1 Counselling misrepresentation, misrepresentation, counselling offences

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

A126 states:

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 7 above, including the high level of fairness, should be applied to counselling misrepresentation.

If an officer suspects that a representative has committed a counselling offence, they must follow the investigation process identified (see Section 9). If a 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 7 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 five-year period pursuant to A40.

As noted above, similar offence provisions are included in the *Citizenship Act* for misrepresentation as well as counselling misrepresentation, which offences are found in section 29.2 of the Act.

8 Procedure: Complaints

The complaints and investigation processes will be discussed individually; however, these two processes may intertwine as some complaints from clients (public) 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. See Section 9: CIC office investigation.

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

8.1 Types of complaints

Officers could receive a variety of complaints. Some examples of complaints include the following:

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

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8.2 Handling client complaints

This section outlines the steps officers should take when they receive a complaint from a client. CIC and the CBSA need to remain at arm's length from Canadian law societies, the *Chambre des notaires du Québec* and the ICCRC, 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.

The organizations mentioned above are independent, self-governing 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.

If the client has a complaint about a representative who is a member in good standing with a provincial/territorial law society, the *Chambre des notaires du Québec* or the ICCRC the officer should encourage the client to contact the respective regulatory body. For more information on how to contact the respective regulatory body they can visit CIC's Web page on this topic.

This information can be found at How to file a complaint against an immigration representative.

Offices may also receive complaints from clients/public about the actions of unauthorized individuals who receive compensation but do not belong to any of the governing bodies. These include concealed representatives or "ghost" consultants, representatives who claim to be doing *pro bono* work yet may be receiving compensation, and representatives who may have had their membership suspended or revoked.

Officers can provide the following options to the client:

- The client can inform the appropriate regulator eg: law society, Chambres de Notaires or the ICCRC;
- The client can file a complaint with the Better Business Bureau and/or
- They may also pursue the unauthorized representative through the legal system (law enforcement or small claims court).

8.3 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 governing body. This is essential when the complainant's allegations reveal that program integrity may be compromised. If officers have sufficient evidence, through a complaint or through their own discovery, of potential IRPA or *Citizenship Act* 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 9).

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

Table 5

Complaint concerning	Potential action
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Misrepresentation	Misrepresentation process (Section 7)
Concealment	Concealed representative process
IRPA/ <i>Citizenship Act</i> offence or criminal activity	Investigation process
Professional misconduct	Investigation process

9 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 OMC at NHQ is kept informed of all major developments regarding investigations so that it can assist as needed and report on the effectiveness of the Regulations concerning authorized representatives.

9.1 Authority to share information

The *Immigration and Refugee Protection Regulations* (IRPR) authorizes CIC, the Canada Border Services Agency (CBSA) and the Immigration and Refugee Board (IRB) to disclose information relating to the professional or ethical conduct of representatives, authorized under the *Immigration and Refugee Protection Act* (IRPA), to their respective governing bodies; when the officer has determined that the conduct of the person is likely to constitute a breach of their professional or ethical obligations.

Provisions of the *Privacy Act*, IRPA/IRPR or the *Citizenship Act* and its Regulations, allow for the sharing of information and/or the referral of complaints to the appropriate designated organization. Both Citizenship and Immigration regulations provide CIC with the same authority. Examples of relevant acts or omissions could include:

- False promises made to the applicant,
- Providing false information to clients about Canada's immigration or citizenship processes,
- Misleading advertising
- Failing to provide services agreed to between the representative and client,
- Counselling to obtain or submit false evidence, and
- Acts or omissions which would appear to be contrary to the code of ethics of the governing body.

If a client complains to an officer about general misconducts of a representative, the officer should encourage the client to visit CIC's Web page on this topic and to contact the respective regulatory body directly. This information can be found at How to file a complaint against an immigration representative.

However, if a CIC officer has information about the professional or ethical conduct of a representative, for which they determined that the conduct of the person is likely to constitute a breach of their professional or ethical obligations, they should follow office investigation procedures if warranted forward the information described in Appendix G by email to the OMC mailbox.

OMC will take the next steps which may include a referral to the appropriate governing body for action.

9.2 Investigation procedures

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Investigations could originate from a complaint (see Section 8) or an officer's concerns about maintaining program integrity standards. If a representative's actions constitute an IRPA and/or *Citizenship Act* offence and/or professional misconduct, it is necessary to determine whether the issue affects the integrity of the Acts or Regulations respecting immigration or citizenship representatives.

If an officer becomes aware of an issue through a complaint, or notices common trends/patterns among citizenship or 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 manager/director to determine whether the issue warrants a local investigation. If the manager and/or director, in consultation with the supervisor, confirms that the concern affects the integrity of the Acts or Regulations respecting citizenship or 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.

With respect to citizenship misrepresentation issues, refer to the misrepresentation instructions for the role of local offices, Citizenship Judges, and Case Management Branch.

If the manager/director and supervisor determine that the issue is of limited concern and does not affect the integrity of the Acts or Regulations, the representative's information should be filed for possible future reference and sent to OMC by e-mail.

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 or the *Citizenship Act* offence investigation process 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 or *Citizenship Act* offence (see Section 9.3 below) or professional misconduct (see Section 9.5 below).

Where a referral is warranted for cases involving members belonging to one of the designated governing bodies (law society, ICCRC), officers are advised to complete an investigation referral report that includes all the supporting evidence and send it by email.

Note: CBSA only has a mandate to enforce the provisions of IRPA. Citizenship Act provisions are enforced solely by the RCMP and CIC staff should not contact the RCMP directly, but work through Case Management Branch and/or Operational Management and Coordination (OMC) Program Integrity Division. Any enforcement beyond what CIC is able to do in its own right is the responsibility of the RCMP.

9.3 Offences

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).

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Types of immigration offences

Table 6

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)
11) Representation or Advice	A91(1)

A124 (1) (a) states:

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 has committed an offence under IRPA, 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 ENF 2/OP 18.

Citizenship Act Offences

Table 7

Citizenship Act Offence	Refer to
1) Offences relating to documents	A29
2) Personating, issuing, altering, counterfeiting, trafficking in documents	A29
3) Counselling misrepresentation	A29.2(1)
4) Misrepresentation	A29.2(2)
5) Representation or Advice for consideration	A21.1(1)

9.4 IRPA or *Citizenship Act* offence investigation process

If the alleged offence may affect the integrity of the Acts or Regulations respecting citizenship or immigration representatives or any of the sections of the Acts noted above, officers are advised to follow office procedures specific to that offence.

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9.5 Professional and ethical misconduct

Professional and ethical misconduct means conduct by a representative that is likely to constitute a breach of that person's professional or ethical obligations. Examples of relevant unethical acts or omissions could include:

- False promises made to the applicant,
- Providing false information to clients about Canada's citizenship or immigration processes,
- Failing to provide services agreed to between the representative and client,
- Counselling to obtain or submit false evidence,
- Acts or omissions which would appear to be contrary to the code of ethics of the governing body,
- Violating or attempting to violate a requirement of IRPA or the *Citizenship Act* or the 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, the *Citizenship Act* or the Regulations;
- Stating or implying an ability to improperly influence a government agency or official;
- Engaging in conduct that is prejudicial to the administration of justice; and
- Providing unprofessional and unethical representation or advice.

An officer should continue to monitor applications received from any representative in respect of whom they have specific concerns. Risk management and due diligence principles for document verification should be applied.

Misleading advertising

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" It may also contravene IRPA as identified in A91(1), which states, no person shall knowingly, directly or indirectly, represent or advise a person for consideration — or offer to do so — in connection with a proceeding or application under this Act." Risk management and due diligence principles for document verification should continue to be applied

Misleading advertising may also be an offence under the *Citizenship Act*, as per paragraph 29.2(2)(b), which states " Every person commits an offence who knowingly communicates directly or indirectly, by any means, false or misleading information or representations with the intent to induce a person to make, or deter a person from making, an application to become a citizen, to obtain a certificate of citizenship or another document establishing citizenship or to renounce citizenship".

Cases of misleading advertising by representatives should be forwarded to OMC. Misleading advertising includes guaranteed acceptance of the application, declaration of a close or preferential relationship with a CIC office, or references to ICCRC membership without giving the individual names of the members. The referral must include an investigation referral report.

9.6 Professional and ethical misconduct investigation process

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

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If the individual is an authorized representative with a governing body, the results of the investigation and all supporting documents should be forwarded by email to OMC. The Branch will review the investigation report, gather input from key stakeholders, such as Legal Services, the CBSA or the RCMP (if required), and determine the appropriate action. Once a course of action has been established, OMC will notify the office of its decision.

Each designated body (Canadian provincial/territorial law societies, the *Chambre des notaires du Québec* and the ICCRC) 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.

9.7 Suspended or disbarred authorized representatives

Officers must continue to deal with the representative as long as they remain a member in good standing with their respective governing body.

If a representative is under investigation, officers must continue to conduct business with the representative until the investigation by the regulatory body has been concluded.

Suspended members are not considered to be in good standing for a specific period of time. If a member is suspended, the governing body 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.

When CIC becomes aware that the representative has been suspended/disbarred (no longer in good standing) CIC will not do business with the representative. The suspended member is disassociated from the application(s) in GCMS. A note is to be added to the member's Party ID.

10 Counselling applicants during interview

Once applicants have designated a representative, CIC staff should not appear to suggest to or solicit applicants to change or abandon their representative by asking them to sign another designation.

Officers should refrain from soliciting information from applicants concerning the fees paid to representatives, or how and why the applicant has retained a representative.

If an applicant is represented, the representation remains valid and should not be the subject of any counselling between the CIC officer and an applicant unless the applicant revokes the representation in writing. If an applicant advises that the previous designated counsel no longer represents them, the proper course is to have the applicant complete the IMM 5476 form to revoke the previous representative and/or designate a new one.

See OP 1 Procedures Appendix C for revocation of authorization and direction, prepared by Legal Services.

10.1 Private versus group information sessions

Many representatives request private sessions in order to obtain information on "local office procedures." This diverts resources from case processing and is discouraged.

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Authorized representatives are members of professional organizations which provide updates on changes as well as information and training services to their members. They should be advised to access the resources available to them including the cic.gc.ca website.

10.2 Presence of counsel

Officers will usually conduct examinations, interviews and/or reviews in the presence of the person concerned (and counsel, where applicable).

Persons do not have a right to counsel at removal order determinations and eligibility determinations, unless they are detained. In all cases, however, persons must be given the opportunity to obtain counsel at their own cost.

In detained cases: Persons have the right to have a counsel of their choosing present during the interview. Officers must inform persons of their right to counsel prior to commencing the interview.

In released cases: Officers must inform persons of the possibility of retaining counsel prior to commencing the interview. They do not have the right to have counsel present during the interview. However, in the spirit of procedural fairness, officers should permit counsel's presence. At any time during the interview, however, officers may require counsel to leave if they are of the opinion that such an action is warranted.

Note: Participation by counsel involves speaking on the client's behalf, presenting evidence and making submissions on the issues. Allowing counsel to participate does not mean that the Minister's delegate is required to tolerate disruptive or discourteous behaviour by counsel. Where such conduct is encountered, the proceeding may be terminated.

For citizenship cases, the officer or citizenship judge should generally permit a representative or counsel to be present in the room during an interview or hearing, but may ask that person to leave in appropriate circumstances, such as where they are being disruptive, or their presence is unduly impeding the hearing or interview process. The representative would generally not be allowed to assist or speak on behalf of the client during a citizenship knowledge test or language assessment, but generally representation is permitted when fairness dictates and the integrity of the process is not compromised.

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Appendix A Validating a representative

Consult the table below to find a registered representative in good standing with one of the designated organizations.

If a member's name is not available online, or if no online verification service is available, please contact the organization directly.

	Regulatory Body (Links to Homepage)	Contact Information	Membership Validation Service (Member Lists)
	Immigration Consultants of Canada Regulatory Council	5500 North Service Road, Suite 1002 Burlington, ON, L7L 6W6 Telephone: 1-877-836-7543 Fax: 1-877-315-9868	Website E-mail: info@icrc-crcic.ca
Canadian Law Societies	Federation of Law Societies of Canada	World Exchange Plaza 45 O'Connor Street, Suite 1810 Ottawa, Ontario, Canada K1P 1A4 Telephone: (613) 236-7272 Fax : (613) 236-7233	Website E-mail: info@flsc.ca
	Law Society of British Columbia (English only)	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	Website E-mail: memberinfo@lsbc.org
	Law Society of Alberta (English only)	Suite 500, 919-11th Ave. SW Calgary, Alberta, Canada T2R 1P3 Telephone: (403) 229-4700 Toll free (in province): 1-800-661-9003 Fax: (403) 228-1728	Website E-mail: http://www.lawsociety.ab.ca/email/email_department_membership.aspx

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<p>Law Society of Saskatchewan</p> <p>(English only)</p>	<p>2nd Floor, Court House 2425 Victoria Ave. P.O. Box 5032 Regina, SK S4P 3M3</p> <p>Telephone: 1-877-898-4999 or 569-8020 Fax: (306) 569-0155</p>	<p>Website</p> <p>E-mail: reference@lawsociety.sk.ca</p>
<p>Law Society of Manitoba</p> <p>(English only)</p>	<p>219 Kennedy Street Winnipeg, Manitoba, Canada R3C 1S8</p> <p>Telephone: (204) 942-5571 Fax: (204) 956-0624</p>	<p>Website</p> <p>General e-mail: admin@lawsociety.mb.ca</p>
<p>Law Society of Upper Canada</p>	<p>Osgoode Hall, 130 Queen Street W. Toronto, Ontario, Canada M5H 2N6</p> <p>Telephone: (416) 947-3300 Toll free: 1-800-668-7380 Fax: (416) 947-5263</p>	<p>Website</p> <p>E-mail: lawsociety@lsuc.on.ca</p> <p>Complaints: comail@lsuc.on.ca</p>
<p>Barreau du Québec</p>	<p>445 Saint-Laurent Boulevard Montréal, Québec, Canada</p> <p>H2Y 3T8 Telephone: (514) 954-3400 Toll free: 1-800-361-8495 Fax: (514) 954-3464</p>	<p>Website</p> <p>E-mail: tableau@barreau.qc.ca</p> <p>General e-mail: information@barreau.qc.ca</p>
<p>Nova Scotia Barristers' Society</p> <p>(English only)</p>	<p>Centennial Building 1101-1645 Granville Street Halifax, Nova Scotia, Canada B3J 1X3</p> <p>Telephone: (902) 422-1491 Fax: (902) 429-4869</p>	<p>Website</p> <p>E-mail: info@mail.nsbs.ns.ca</p>
<p>Law Society of New Brunswick</p>	<p>1133 Regent Street, Suite 206 Fredericton, New Brunswick, Canada E3B 3Z2</p> <p>Telephone: (506) 458-8540 Fax: (506) 451-1421</p>	<p>Website</p> <p>E-mail: general@lawsociety-barreau.nb.ca</p>

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	<p>Law Society of Prince Edward Island</p> <p>(English only)</p>	<p>49 Water Street PO Box 128 Charlottetown, Prince Edward Island, Canada C1A 7K2</p> <p>Telephone: (902) 566-1666 Fax: (902) 368-7557</p>	<p>Website</p> <p>General E-mail: mlawsociety@lspei.pe.caa</p>
	<p>Law Society of Newfoundland and Labrador</p> <p>(English only)</p>	<p>P.O. Box 1028 St. John's, Newfoundland, Canada A1C 5M3</p> <p>Telephone: (709) 722-4740 Fax: (709) 722-8902</p>	<p>Website</p> <p>click on "Members Directory"</p> <p>E-mail: consult staff directory</p>
	<p>Law Society of Yukon</p> <p>(English only)</p>	<p>Suite 202 - 302 Steele Street Whitehorse, Yukon, Canada Y1A 2C5</p> <p>Telephone: (867) 668-4231 Fax: (867) 667-7556</p>	<p>Website</p> <p>E-mail: info@lawsocietyyukon.com</p>
	<p>Law Society of the Northwest Territories</p> <p>(English only)</p>	<p>P.O. Box 1298, Station Main Yellowknife, Northwest Territories, Canada X1A 2N9</p> <p>Telephone: (867) 873-3828 Fax: (867) 873-6344</p>	<p>Website</p> <p>E-mail: info@lawsociety.nt.ca</p>
	<p>Law Society of Nunavut</p> <p>(English only)</p>	<p>P.O. Box 149 Iqaluit, Nunavut, Canada X0A 0H0</p> <p>Phone: (867) 979-2330 Fax: (867) 979-2333</p>	<p>Website</p> <p>E-mail: lawsociety@qiniq.com</p>
Notaries	<p>Chambre des notaires du Québec</p>	<p>1801 avenue McGill College Bureau 600 Montréal, Quebec, Canada H4Z 1L8</p> <p>Telephone: (514) 879-1793 Toll Free: 1-800-668-2473 Fax: (514) 879-1923</p>	<p>Website</p> <p>(French only)</p> <p>E-mail: information@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, which stays with them.
Law Society of Alberta	Numeric: maximum 6 digits, sequential as admitted	13456	Students assigned a number when called to Bar, which stays with them.
Law Society of Saskatchewan	Alphanumeric: "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	Alphanumeric: 5 numbers and 1 letter	00001-F	
<i>Barreau du Québec</i>	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
Immigration Consultants of Canada Regulatory Council (ICCRC)			
Membership Number Format			
SOCIETY	FORMAT	EXAMPLE	NOTES
ICCRC	Alphanumeric: One letter followed by 6 numbers	R400000	
Chambre des notaires du Québec			
Membership Number Format			

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SOCIETY	FORMAT	EXAMPLE	NOTES
<i>Chambre des notaires du Québec</i>	Alphanumeric: One letter followed by 4 numbers	K1234	

Appendix C Notice to Applicant: Authorized Representative Cannot be Verified

[To be used when returning an application under R10 of the IRPR or Section 20 of the Citizenship Regulations No. 2 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 governing body]

Dear Sir or Madam:

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 your representative is a member in good standing with their governing body (provincial law society or the ICCRC). As we are unable to verify the individual is an authorized representative, we regret to inform you that your application will no not be accepted into processing and fees were not taken. Your application and proof of payment are therefore being returned to you.

Based on the *Immigration and Refugee Protection Regulations* and the *Citizenship Act*, we will only conduct business with *authorized representatives*. To be an authorized representative, the person you have *compensated* to assist you must be a member in good standing with a Canadian provincial or territorial law society, the *Chambre des notaires du Québec* or the Immigration Consultants of Canada Regulatory Council.

If you choose to resubmit your application, you must either use the services of an authorized representative or an uncompensated 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 *Chambre des notaires du Québec* or the Immigration Consultants of Canada Regulatory Council, 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, please visit <http://www.cic.gc.ca/english/information/applications/representative.asp>.

You are not obliged to hire a representative for citizenship or immigration matters. Information on how to apply to visit, study, work or immigrate to Canada, apply for a permanent resident card or apply for citizenship available at www.cic.gc.ca. 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 Title)

Appendix D Notice to Applicant: Incomplete Use of a Representative (IMM 5476) form

[To be used when returning an incomplete application under R10 of the IRPR or Section 13 of the Citizenship Act]

Dear Sir or Madam:

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

Under section 10 of the *Immigration and Refugee Protection Regulations* and section 13 of the *Citizenship Act* 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 to inform you that your application was considered incomplete and was not accepted for processing and fees were not taken. Your application and proof of payment are therefore being returned to you.

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** –the **Use of a Representative (IMM 5561)** forms are available on our website at <http://www.cic.gc.ca/english/information/applications/representative.asp>.

You are not obliged to hire a representative for immigration or citizenship matters. Information on how to apply to visit, study, work or immigrate to Canada, apply for a resident card or apply for citizenship is available at <http://www.cic.gc.ca>. 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 Title)

Appendix E Notice to Applicant: Concealed Representative

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

Dear Sir or Madam:

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

Although no Use of a Representative (IMM 5476) form was included, we have determined that you have an unauthorized representative based on [insert reasons: i.e. the mailing address that you have provided on your application].

Failure to disclose the use of a compensated representative might be considered misrepresentation. The consequences of misrepresentation under the *Immigration and Refugee Protection Act* and the *Citizenship Act* could be severe.

Please review this matter carefully. If you wish to submit an application using a compensated representative, please review the Instructions – Use of a Representative (IMM 5561) instructions 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 Canada Border Services Agency, refer to our website at [cic.gc.ca Use of a Representative](http://www.cic.gc.ca/Use%20of%20a%20Representative).

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/information/applications/representative.asp>.

You are not obliged to hire a representative for immigration or citizenship matters. Information on how to apply to visit, study, work or immigrate to Canada, apply for a permanent resident card or apply for citizenship is available at <http://www.cic.gc.ca>. 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 compensated 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 *Chambre des notaires du Québec* or the Immigration Consultants of Canada Regulatory Council.

Yours sincerely,

(Officer's Title)

Appendix F Notice 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: Client Identification/File number: _____

Dear Sir or Madam:

The Use of a Representative (IMM 5476) form in your application indicates that you have retained an individual to represent you. Unfortunately, _____ *enter representative's name* _____ is not an authorized representative and therefore cannot advise or represent you on an Immigration or citizenship application at this time. Under the *Immigration Refugee Protection Act* (IRPA) and the *Citizenship Act*, Citizenship and Immigration Canada (CIC) requires persons compensated for providing assistance with immigration or citizenship applications, to be authorized to do so. To be an authorized representative, the person receiving consideration (direct or indirect compensation) must be a member in good standing with a Canadian provincial or territorial law society, the *Chambre des notaires du Québec* or the Immigration Consultants of Canada Regulatory Council (ICCRC).

If the person identified on your Use of Representative form is currently an authorized representative in good standing with one of the regulatory bodies identified above, please provide CIC with the appropriate evidence (valid membership ID and contact details). Failure to do so will confirm your representative is unauthorized to assist you and CIC will not communicate with them. CIC will continue to process your application - however, we will communicate directly with you. You may choose to continue with your application without a representative or you may appoint a different person to represent you by submitting a new Use of a Representative form (IMM 5476). Please ensure that if the representative is receiving compensation, they are authorized to be doing so as described above.

To learn more about the types of individuals who may represent you, visit our website at <http://www.cic.gc.ca/english/information/representative/rep-who.asp>. If you wish to appoint a new representative, you may obtain a Use of a Representative form (IMM 5476) on-line at <http://www.cic.gc.ca/english/information/applications/representative.asp>.

Please note that you are not obliged to hire a representative for immigration or citizenship matters. Information on how to apply to visit, study, work or immigrate to Canada, apply for a permanent resident card or apply for citizenship is available at <http://www.cic.gc.ca>. The Government of Canada treats everyone equally, whether they use the services of a representative or not. Your application will not be given special attention nor will you receive faster processing or a more favourable outcome if you hire a representative.

Yours sincerely,

(Officer's Title)

IP 9 Use of Representatives

Appendix G Referral Report

Representative Referral Report

Representative

Name:

Authorized/non-authorized:

Governing body: (eg a Canadian provincial/territorial law society including paralegals, the *Chambre des notaires du Québec*, or ICCRC)

Membership number (if applicable):

Address: (street, city, country)

Telephone number:

E-mail address:

Recommendation(s)

Examples:

- Referral to regulatory body (ie. ICCRC or a Canadian provincial/territorial law society including paralegals, the *Chambre des notaires du Québec*)
- CBSA for enforcement action/criminal investigation (e.g. undeclared “ghost” consultant)

Reason for Referral

- Report outlining the nature of allegation: (misrepresentation, concealment, IRPA offence, misconduct)
- Please include case details (CIC region, scale of fraud, CIC program integrity impact) and identify the source of the information.

Evidence/Attached documents (if required)

- All documentation that was obtained or prepared supporting the alleged offence (e.g. notes taken during the occurrence);
- Original documentation is the best evidence, where possible;
- Where original documentation is not available, copies may be acceptable. Copies should include affidavits attesting to the authenticity of the document and explaining why the original is not included.

Submitted by:

Approved By:

CIC/CBSA Office:

Date: