

RISIA REGISTRATION REGULATION



icccrc
IMMIGRATION CONSULTANTS OF
CANADA REGULATORY COUNCIL
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1. AUTHORITY

- 1.1 This Regulation is enacted pursuant to sections 3.1 and 25 of the *By-law* of the Council.
- 1.2 In the event of any conflict between the English version and the French version of this Regulation, or between this Regulation and the Council's *By-law*, the English version of the *By-law* shall govern.
- 1.3 For convenience this Regulation may be cited as *RISIA Registration Regulation*.

2. PURPOSE

- 2.1 The purpose of this Regulation is to provide for the registration of individuals employed in the Education Sector who wish to become registered with the Council as Regulated International Student Immigration Advisors (RISIAs) and to regulate their practice after they are registered with the Council.

3. DEFINITIONS

- 3.1 In this Regulation, capitalized terms, unless otherwise defined herein, have the same meaning as they do in the *By-law*.
- 3.2 In this Regulation:
 - a) **“Authorized Representative”** means an individual who can offer immigration/citizenship advice and/or service for a fee. Authorized Representatives include members in good standing with a Canadian provincial or territorial law society (including paralegals within their authorized scope of practice), the Chambre des notaires du Québec or ICCRC.
 - b) **“Dependents”** mean dependents as defined in the *Immigration and Refugee Protection Act* (IRPA) or the *Immigration and Refugee Protection Regulations* (IRPR).
 - c) **“Director of Education”** means the staff member of the Senior Management Team who is responsible for overseeing the day-to-day operation of the Education Department of the Council and performs the duties described herein.
 - d) **“Education sector”** means school boards, language schools and post-secondary institutions which are members of one of the member organizations of the Canadian Consortium for International Education (CCIE) and/or are designated learning institutions (DLIs) as defined by Immigration, Refugees and Citizenship Canada (IRCC) and as listed on the IRCC website: <http://www.cic.gc.ca/english/study/study-institutions-list.asp>.
 - e) **“International Student Advisor”** or **“ISA”** means a person who is employed in the Education Sector as an employee and provides immigration advice to international students and their dependents.

- f) **“Mandatory course”** means a course identified by the Council as central to the professional practice of a Regulated International Student Immigration Advisor.
- g) **“Physically present for a session”** means a Member must attend and participate in the entire session to be credited for the course. This applies to both in-person and real-time remote delivery formats
- h) **“Professional development”** means education activities that enhance the knowledge of immigration-related work and other matters relevant to the work of RISIAs.
- i) **“Practice Management Education”** or **“PME”** means education offered by the Council to enhance the practice of RISIAs.
- j) **“Real-time remote”** means participating in a live, instructor-led session.
- k) **“Regulated International Student Immigration Advisor”** or **“RISIA”** means a person employed in the Education Sector whose job includes providing immigration advice to Students, and who is registered as such by the Council.
- l) **“Regulated Canadian Immigration Consultant”** or **“RCIC”** means any individual who is admitted as a member of the Council in accordance with the *By-law*.
- m) **“Student”** means an international student seeking immigration advice from employees employed in the Education Sector.
- n) **“Study Permit”** means Study Permit as defined in *IRPA* or *IRPR*.
- o) **“Temporary Resident Visas”** mean Temporary Resident Visas as defined in *IRPA* or *IRPR*.

4. **EXPECTATIONS**

- 4.1 Every person who wishes to become registered with the Council to become a RISIA shall comply with:
 - a) this Regulation; and
 - b) the requirements of the *Registration Guide – Regulated International Student Immigration Advisor*, as amended from time-to-time.
- 4.2 Every RISIA shall:
 - a) comply with this Regulation; and
 - b) notify the Registrar within fifteen (15) business days of a change in his or her employment status and/or employer.

5. EDUCATION REQUIREMENTS

- 5.1 A person who wishes to become a RISIA shall complete the Council's education program for RISIAs.
- 5.2 Notwithstanding section 8.2(c) of this Regulation, a person employed as an ISA in the Education Sector at the time this Regulation comes into effect may apply to write a first attempt of the RISIA entry-to-practice (EPE) exam without having to complete the Council's education program, by providing a letter of reference from a current or recent past employer attesting to no less than three (3) years of experience in providing immigration advice to international students.
- 5.3 An ISA who relied on the exemption in section 5.2 of this Regulation, but was unsuccessful in EPE shall complete the education requirements according section 5.1 of this Regulation before re-writing the entry-to-practice exam.

6. SCOPE OF PRACTICE

- 6.1 A RISIA shall provide immigration advice only in the area of Study Permits, Temporary Resident Visas, and how Study Permits relate to other currently available Canadian immigration programs.
- 6.2 A RISIA shall not provide representation in immigration matters to any Student.
- 6.3 A RISIA shall not fill out any immigration forms for any Student.
- 6.4 A RISIA shall refer any Student needing representation or immigration forms to be filled out to a RCIC or other Authorized Representative to do so under Section 91 of *IRPA*.

7. ELIGIBILITY TO PRACTICE

- 7.1 A person shall submit, at the time of applying for a certificate of registration to practice as a RISIA, a current letter of employment from his/her employer confirming his/her employment as an ISA, in a form satisfactory to the Registrar.
- 7.2 When applying for a certificate of registration to practice as a RISIA, the applicant shall provide proof satisfactory to the Registrar of professional liability insurance for offering immigration advice, and shall do so every year thereafter as part of the annual reporting requirement.
- 7.3 A RISIA shall provide the Registrar with written notice within fifteen (15) business days of resignation or termination of employment with the employer on file with the Council. The registration of a RISIA shall be suspended on the effective date of resignation or termination of employment with the employer on file with the Council. The Registrar may issue a new certificate of registration if the RISIA secures similar employment with another employer in the Education Sector, and provides an employer's letter satisfactory to the Registrar confirming such employment.

- 7.4 A RISIA whose registration is suspended for more than one (1) year due to a change of employer described in section 7.3 of this Regulation may be required to pass an examination to confirm his/her skills are still current, together with confirmation of good character and good conduct to the satisfaction of the Registrar, before being issued a new certificate of registration.

8. ADMISSION STANDARDS: ENTRY-TO-PRACTICE REQUIREMENTS

- 8.1 Persons who wish to become a RISIA may apply to write the Council's entry-to-practice exam (EPE), using the required form and supplying the required supporting documentation, to the satisfaction of the Registrar.
- 8.2 To qualify to write the EPE, a person shall:
- a) Be at least 18 years of age;
 - b) Be a Canadian citizen, Canadian permanent resident, or a Registered Indian within the meaning of the *Indian Act (Canada)*.
 - c) Have completed the Council's education program for RISIAs within the past three (3) years;
 - d) Provide a RCMP criminal record search certificate, issued within the past one (1) year;
 - e) Sign the Statutory Declaration – Background and Good Conduct form that the person is of good character and good conduct; and
 - f) Satisfy the Registrar, that the person is of good character and good conduct.
- 8.3 A person intending to write the EPE shall complete the required application and pay the required exam fees by the specified deadline.
- 8.4 A person who fails to provide complete and correct documentation when submitting the application, fails to pay the required exam fees by the specified deadline and/or fails to satisfy the Registrar as to his/her good character and good conduct pursuant to Section 8.2(f) of this Regulation shall not be permitted to write the EPE.
- 8.5 An applicant who is refused registration by the Registrar pursuant to Section 8.2(f) of this Regulation may appeal the decision on the grounds that the decision was based on a serious error of law or exceeded the authority of the Registrar. The appeal shall be commenced by a written notice of appeal filed with the Registrar within thirty (30) days of the date of receipt of the decision. The Appeal Committee of the Council may confirm or vary the decision of the Registrar or may substitute its own decision for that of the Registrar. The decision of the Appeal Committee is final.

9. REGISTRATION FEES

- 9.1 A RISIA shall pay, as an annual registration fee, a percentage of the annual dues for RCICs set by the Council.
- 9.2 A RISIA is responsible for ensuring timely payment of the annual registration fees to the Council, regardless of whether the RISIA's employer has promised to pay directly or to reimburse the RISIA for paying them. If the Council does not receive the annual fee by the due date stipulated in the fee invoice, the Registrar will suspend the RISIA's registration and, if still unpaid ninety (90) days thereafter, will revoke the RISIA's registration.

10. ONGOING PROFESSIONAL OBLIGATIONS

- 10.1 A RISIA shall complete a minimum of six (6) hours of professional development annually by December 31 of each year.
- a) A RISIA, in the year of registering with ICCRC, is required to complete professional development hours as follows:
- i. January 1 – June 30 – 6 hours
 - ii. July 1 – September 30 – 3 hours
 - iii. October 1 – December 31 – 0 hours
- 10.2 A RISIA shall complete all mandatory PME courses deemed appropriate to the practice of RISIAs by the Director of Education.
- a) Further to section 10.2 of this Regulation:
- i. A RISIA shall register online to complete the course;
 - ii. A RISIA shall complete the course within the specified timeframe;
 - iii. A RISIA shall provide a valid telephone number that can be used in the event of an emergency or course cancellation;
 - iv. A RISIA is required to have course materials easily accessible (hard or soft copy) for in-person and real-time remote course delivery format so as to allow the RISIA to fully participate during class. A RISIA who does not have easy access (hard or soft copy) to course materials during class and who requires a printed workbook in order to fully participate in the session will be issued an invoice of \$10.00 plus applicable taxes each time;
 - v. A RISIA who does not have easy access (hard or soft copy) to course materials will not be able to complete the course and will be asked to leave. The RISIA will have to re-register to complete the course at another date and time;
 - vi. A RISIA joining a session after the start time, leaving before the session is over, or not physically present, to the satisfaction of the Practice Management Instructor (PMI), for the duration of the session will not receive credit for the course;
 - vii. The sharing of information and experiences of RISIAs in a session must be treated as confidential;

- viii. RISIAs must demonstrate professional respect for other RISIAs and PMIs during sessions;
 - ix. A RISIA who is, in the opinion of the PMI, disruptive to the operation of the session and participants, will be asked to leave the session. The RISIA shall forthwith comply with such request. A RISIA who is asked to leave a session will not receive credit for the course;
 - x. A RISIA who registers for a course but cannot attend must provide written notice of cancellation no later than four (4) business days before the course is offered. The written notice must be sent by e-mail to pme-fpp@icccrc-crcic.ca. The Council will acknowledge receipt of the RISIA's e-mail which shall serve as proof that cancellation was properly received;
 - xi. A RISIA who does not provide advance written notification as required in section 10.2(a)(x) of this Regulation of his/her inability to attend the course will be subject to a cancellation fee of \$100.00;
 - xii. A RISIA who does not attend the course on the scheduled date is considered a no-show and will be charged with a no-show fee of \$100.00;
 - xiii. In the event that a RISIA does not provide written notice within the required timeframe or is unable to attend on the day due to illness or an emergency on the scheduled date, appropriate documentation is required to avoid the cancellation or no-show fee;
 - xiv. The RISIA shall, at the first available opportunity, and not later than the next calendar day after the scheduled course, send an e-mail to the Director of Education explaining the circumstance for missing the session; and
 - xv. Within fourteen (14) calendar days of the missed session, the RISIA must follow up in writing with the Director of Education by providing a copy of the RISIA's e-mail notification to the Council together with supporting documentation by regular mail.
- b) A RISIA is permitted, but not required to, complete other PME courses offered by the Council.

11. ANNUAL REPORTING OBLIGATIONS

- 11.1 To maintain registration, a RISIA shall submit the following documents electronically by 11:59 pm (local time) on July 1 of each year:
- a) Confirmation of continued employment by an education provider;
 - b) Confirmation of continued good character and good conduct in the prescribed form;
 - c) Confirmation of completion of professional development activities; and
 - d) Confirmation of continued professional liability insurance to the satisfaction of the Registrar.

12. LEAVES OF ABSENCE

12.1 A RISIA may apply for a leave of absence according to the *RISIA Leave of Absence Regulation*.

13. RCICS EMPLOYED IN THE EDUCATION SECTOR

13.1 A RCIC employed in the Education Sector in the capacity of an ISA is required to comply with all of the registration requirements, ongoing professional responsibilities and obligations, and pay the dues, fees, fines and penalties applicable for a RCIC.

14. REQUESTS TO CHANGE REGISTRATIONS

14.1 A RCIC who is employed in the Education Sector in the capacity as an ISA may relinquish his/her RCIC registration and seek to be registered as a RISIA. The RCIC shall submit a written request to the Registrar in order to commence the process to resign as a RCIC.

14.2 Further to section 14.1 of this Regulation a RCIC who resigns his/her registration as a RCIC to become an RISIA may, within one (1) year of such resignation seek to become re-registered as a RCIC by complying with all requirements as determined by the Registrar.

14.3 A former RCIC who resigns his/her registration as a RCIC to become an RISIA may, after one (1) year or longer since such resignation, seek to become re-registered as a RCIC by complying with all admission requirements and processes in force at the time (as stated in the *Registration Guide for RCICs*), except that a new language ability test will not be required and, with respect to the police certificate requirement, only a RCMP criminal record search certificate with fingerprints, issued within one (1) year, will be necessary.

14.4 A RISIA may apply to be registered as a RCIC by complying with all admission requirements and processes in force at the time of the application (as stated in the *Registration Guide for RCICs*), except that to satisfy the police certificate requirement, only an RCMP criminal record search certificate with fingerprints, issued within one (1) year, will be necessary.

15. COMPLAINTS, DISCIPLINE AND PROFESSIONAL STANDARDS

15.1 A RISIA will be subject to the complaints and disciplinary processes of the Council as provided in the *RISIA Complaints and Disciplinary Proceedings Regulation*.

16. PENALTIES FOR BREACH OF REGULATION

16.1 A person who fails to cancel registration for the EPE by the specified timeline stated in the current version of the *Registration Guide: Regulated International Student Immigration Advisors* and/or fails to appear on-time on the day of the exam will be fined an administrative fee of \$150.00.

16.2 A RISIA who does not meet the requirements in section 10.1 of this Regulation will be fined \$150.00. Any outstanding professional development hours not completed from the previous year will be added to the following year's requirement.

- 16.3 A RISIA who does not meet the requirements in section 10.2 of this Regulation will be subject to the following fines:
- a) \$100.00 for no-show or late cancellation of a session.
 - b) \$250.00 for not completing a course within a specified timeframe.
- 16.4 A RISIA who does not meet the requirements in section 11 of this Regulation will be subject to the following fines and penalties:
- a) \$100.00 if annual reporting documentations are received after the due date.
 - b) \$100.00 if missing documentation requested by the Council during the annual reporting review process is not submitted within the specified timeframe.
 - c) Failure to comply with sections 10.1, 10.2 or 11 of this Regulation may result in suspension and/or subsequent revocation of registration in accordance with the *By-law*.