

CONTINUING PROFESSIONAL DEVELOPMENT (CPD) REGULATION



TM/MC

iccrcc
IMMIGRATION CONSULTANTS OF
CANADA REGULATORY COUNCIL
crcic
CONSEIL DE RÉGLEMENTATION DES
CONSULTANTS EN IMMIGRATION DU CANADA

Version: 2016-002

Approved Board of Directors: May 13, 2016

Table of Contents

1. AUTHORITY	4
2. DEFINITIONS.....	4
3. SCOPE AND EXEMPTIONS TO MEETING CPD REQUIREMENTS	5
4. MINIMUM CPD REQUIREMENTS AND TERM	5
5. OVERALL SUBJECT MATTER REQUIREMENTS	5
6. ELIGIBLE CPD ACTIVITIES.....	6
7. CPD ACTIVITIES NOT ELIGIBLE.....	6
8. APPROVAL OF CPD ACTIVITIES.....	7
9. APPROVAL OF CPD HOURS FOR PROVIDERS	8
10. COMPLAINTS REGARDING PROVIDERS.....	9
11. COMPLAINTS FOLLOW-UP	10
12. APPROVAL OF CPD HOURS FOR MEMBERS	10
13. CALCULATION OF CPD HOURS.....	11
14. MEMBERS WORKING OVERSEAS	13
15. REPORTING	13
16. CPD HOURS CARRY-OVER	13
17. VERIFICATION OF CPD CLAIMS	13
18. PENALTIES FOR BREACH OF REGULATION.....	14

1. AUTHORITY

- 1.1 This Regulation is enacted pursuant to sections 3.1, 38.2 and 38.3 of the *By-law* of the Council.
- 1.2 In the event of any conflict between the English version and the French version in 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 the *CPD Regulation*.

2. DEFINITIONS

- 2.1 In this Regulation, capitalized terms, unless otherwise defined herein, have the same meaning as they do in the *By-law*.
- 2.2 In this Regulation:
- a) **"Approved CPD activities"** mean professional development activities pursuant to Section 6 and approved by ICCRC. All approved CPD activities must relate to Canadian immigration and/or citizenship.
 - b) **"Bundle"** means grouping two or more approved CPD events and offering them as a package by a CPD provider.
 - 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 Program"** means a program offered by a CPD provider and comprised of approved CPD events.
 - e) **"Event"** means an educational seminar, workshop, or conference. An event is a distinct approved CPD activity meant to develop the skills, knowledge, and competency of a Member. An event cannot be bundled with other approved CPD events and offered as an Education Program or Specialization Credential for Members.
 - f) **"Provider"** means a not-for-profit organization, a government agency, a provincially-accredited educational institution, an organization with a reputation of offering events clearly of outstanding benefits to Members, or an organization officially recognized by another regulatory body for continuing professional development.
 - g) **"Specialization Credential"** means a designation or certification offered by a CPD provider upon completion of an Education Program.
 - h) **"Term"** means a one year period to complete CPD requirements pursuant to section 4 in this Regulation.

3. SCOPE AND EXEMPTIONS TO MEETING CPD REQUIREMENTS

3.1 Active Members

- a) Members in good standing are required to achieve the minimum CPD requirements set out in section 4 in this Regulation in order to maintain practicing status.

3.2 Members on Leave

- a) A Member on leave, duly approved by the Registrar, is still required to earn CPD hours for the duration of the leave. A Member will receive one (1) CPD hour reduction for each month he/she is on leave.

3.3 Suspended Members

- a) A suspended Member is still required to complete the annual minimum CPD requirements. Failure to complete this requirement may result in non-completion fines and penalties as outlined under section 18 in this Regulation. A Member may submit a remedial CPD plan to the Registrar for approval before reinstatement.

3.4 New Members

- a) New Members, in the year of becoming a Member, are required to complete one CPD hour for each month or partial month remaining in the calendar year. Members who join in October, November or December are not required to earn any CPD hours for that calendar year. The term for earning 16 CPD hours begins in January of the following year.

4. MINIMUM CPD REQUIREMENTS AND TERM

- 4.1 A Member is required to earn 16 CPD hours by 11:59 p.m. (local time) December 31 each calendar year.

5. OVERALL SUBJECT MATTER REQUIREMENTS

- 5.1 Only Canadian immigration/citizenship-related legislation count towards credits for CPD hours. The primary objective is to increase a Member's professional competence. The content should deal with all or any of the following topics:

- a) *Immigration and Refugee Protection Act (IRPA)*
- b) *Immigration and Refugee Protection Regulations*
- c) *Citizenship Act*
- d) *Citizenship Regulations*
- e) Immigration and Refugee Board and its divisions

- f) *Balanced Refugee Reform Act*
 - g) CBSA Immigration Procedures and Practices
 - h) Provincial and Territorial Immigration Programs
 - i) Québec Immigration legislations
 - j) Information on Labour Market Impact Assessment
 - k) Enforcement agencies immigration procedures and practices
- 5.2 A Provider or Member may submit a request to the Director of Education for additional topics to be considered.
- 5.3 CPD hours do not include Practice Management Education (PME).

6. ELIGIBLE CPD ACTIVITIES

- 6.1 ICCRC's policy is to accommodate the professional development needs of a Member by providing a wide range of professional development opportunities. CPD activities eligible for approval by ICCRC include:
- a) Attending an educational seminar, workshop, conference, or academic Canadian immigration/citizenship course;
 - b) Participating in online "real time" courses, streaming video, web and/or teleconference courses where there is an opportunity to ask and answer questions;
 - c) Reviewing a recorded version of an approved CPD event;
 - d) Teaching in an accredited immigration/citizenship practitioner program at a post-secondary institution, facilitating a CPD event, moderating or speaking at conferences, or facilitating group case study discussions relating to Canadian immigration/citizenship;
 - e) Writing articles for publication with immigration/citizenship content in English, French, or a foreign language;
 - f) Publishing or editing books relating to the study or practice of immigration/citizenship; or
 - g) Participating in group case study discussions relating to immigration/citizenship.

7. CPD ACTIVITIES NOT ELIGIBLE

- 7.1 The following activities, including but not limited to, are ineligible for CPD approval:
- a) Content that does not relate to Canadian immigration or citizenship;

- b) Content and activities designed for or targeted at clients;
- c) Content and activities relating to marketing or maximizing profit;
- d) Activities relating to self-study;
- e) *Pro bono* work;
- f) Activities relating to mentoring other Members other than group case study discussions in section 6.1(d) in this Regulation;
- g) Activities relating to observing proceedings before a tribunal or court; or
- h) Approved CPD events bundled and offered as an Education Program or Specialization Credential for Members. Any such CPD event approval(s) previously granted by the Director of Education may be revoked.

8. APPROVAL OF CPD ACTIVITIES

- 8.1 CPD activities shall be approved by ICCRC in one of the following three ways:
- a) By pre-approval of the Provider as referenced in section 9 in this Regulation;
 - b) By an application by a Member for approval of individual CPD activities; or
 - c) By an application by a Provider for approval of individual CPD activities.
- 8.2 Further to section 8.1(a) in this Regulation, all documents supporting an application shall be submitted in either English or French. Documents translated to English or French shall be completed by a certified translator.
- 8.3 All applications by a Provider or Member for approval of individual CPD activities shall demonstrate compliance with the approved subject matter requirements in this Regulation. Applications shall be submitted for approval to the Director of Education at least thirty (30) calendar days prior to the activity. In exceptional circumstances the Director of Education may approve events retroactively.
- 8.4 Further to section 8.2 in this Regulation, a Provider shall submit an application to approve group case study discussions at least sixty (60) calendar days prior to the date of the CPD activity.
- 8.5 A Provider shall not advertise or promote a CPD activity unless and until ICCRC has approved, in writing, the content and number of credit hours for such activity. A provider shall stop advertising any CPD activity immediately upon direction of the Director of Education.

- 8.6 A Provider shall not advertise or promote that the completion of any approved CPD events will lead to a Specialization Credential for Members. To do so may result in such approved CPD events being revoked by the Director of Education.

9. APPROVAL OF CPD HOURS FOR PROVIDERS

- 9.1 A Provider shall request in writing events to be approved. Requests shall be written in clear, coherent language and free of grammatical and spelling errors or they will not be approved.
- 9.2 Requests shall be in electronic form by e-mail to the Director of Education at cpd@icccrc-crcic.ca with the following information:
- a) Confirmation that the event is hosted by a not-for-profit organization, a government agency, a provincially-accredited educational institution, an organization with a reputation of offering events clearly of outstanding benefits to Members, or an organization officially recognized by another regulatory body for continuing professional development
 - b) Name of the organization
 - c) Name of event
 - d) Date of event
 - e) Time (start and end time) of the event
 - f) Location of event
 - g) An agenda that includes information to be covered during the event
 - h) Names and credentials of instructors/presenters for the event
 - i) Cost for attendance of the event
 - j) Information on how interested Members can attend the event (e.g., registration, etc.)
 - k) A link to more information about the event (i.e. website)
 - l) Appropriate contact information for the organization
- 9.3 Only activities offered in either of Canada's Official Language, English or French, will be considered for CPD credit.
- 9.4 The Director of Education shall assess CPD hours for the event based on information provided within a reasonable time from the date of the receipt of a completed request, provided the anticipated first delivery date of the event is less than six (6) months in the future. Failure to submit in writing requests as required in section 9.1 and 9.2 in this Regulation delay processing time of the request for CPD hours.

- 9.5 If approved, the event will be posted in the event section on ICCRC's website along with the number of CPD hours approved for the event.
- 9.6 A Provider shall submit a draft agenda of the event at the time of the request. A final agenda is required to confirm that the content delivered matched the initial agenda before CPD hours are credited to Members.
- 9.7 Further to section 6.1(g) in this Regulation, a Provider shall submit a detailed case study, including discussion questions for approval. A group case study discussion is limited to a maximum of 15 participants.
- 9.8 The Director of Education may revoke the approval of CPD hours and/or revise the number of CPD hours should the agenda and/or the subject matter of the event change.
- 9.9 A Provider shall not Bundle approved CPD events into a course and/or offer approved CPD events as an Education Program or Specialization Credential for Members. To do so may result in such approved CPD events being revoked by the Director of Education.

10. COMPLAINTS REGARDING PROVIDERS

- 10.1 A Member may make a complaint regarding CPD credit, content (e.g. out-of-date, incorrect or misleading information, etc.), presenter (e.g. knowledge about specific topic and ability to answer questions), and/or technical aspects (e.g. audibility, ability to see presentation, facility, etc.) of an event. Complaints shall be in electronic form by e-mail to the Director of Education at cpd@icrc-crcic.ca.
- 10.2 Complaints shall include:
- a) The name and contact information of the complainant;
 - b) The name of Provider;
 - c) Name of instructor/presenter;
 - d) Date and location of the event;
 - e) Supporting documentation, such as hand-outs, agenda of the event, proof of payment of the event or recorded event;
 - f) Details of the complaint; and
 - g) Any other relevant information that supports the complaint.
- 10.3 A complaint filed under this *Regulation* is not deemed to be a complaint that would be reviewed through the ICCRC's Complaints and Professional Standards process.

11. COMPLAINTS FOLLOW-UP

- 11.1 Upon receiving a complaint regarding a Provider, the following process will be undertaken:
- a) The Director of Education will contact the complainant to confirm the information contained in the e-mail complaint and request additional information, if required. Complaints not meeting the criteria outlined in section 10.1 in this Regulation will be dismissed.
 - b) Upon verifying that the complaint meets the criteria outlined in section 10.1 in this Regulation, the Director of Education will notify the Provider, in writing, outlining the details of the complaint and request a response within a reasonable timeframe.
 - c) The Director of Education will advise the complainant of the Provider's response and ask if the complainant has any further information to provide.
 - d) The Director of Education will submit the complaint and the response of the Provider to the PME sub-committee to review and provide technical input and advice on the validity of the complaint.
 - e) The Director of Education will make a decision based on the technical input and advice of the PME sub-committee and notify the Provider and complainant of the decision in writing.
 - f) Failure to comply with the requirements contained in the decision of the Director of Education may result in the withdrawal of approval of the specific CPD activity that was the subject of the complaint.
 - g) In addition to the withdrawal provided in section 11.1(f) in this Regulation, the Director of Education may issue a blanket refusal to approve future CPD activities from the Provider until such time that the Provider can provide the Director of Education with assurances, to the satisfaction of the Director of Education, that the Provider can comply fully with the program requirements of the event and any other events which the Provider may contemplate offering to Members where:
 - i. There are or have been multiple instances of failure to comply with requirements of the nature described in section 11.1(f) in this Regulation
 - ii. The nature of the failure or failures is sufficiently serious to warrant such action in the interest of protecting participant(s) in the program(s) offered by such Provider, and in the interest of protecting the public, consistent with the ICCRC mandate.

12. APPROVAL OF CPD HOURS FOR MEMBERS

- 12.1 A Member shall request in writing events to be approved. Requests shall be in electronic form sent by e-mail to the Director of Education at cpd@icrc-crcic.ca and include contact information of the Member as well as information required under section 9.2 in this Regulation.

- 12.2 The Director of Education will review the request and determine the number of CPD hours to be credited for the event.
- 12.3 A Member shall submit a draft agenda of the event. A final agenda, however, is required to confirm that the content delivered matched the initial agenda before CPD hours are credited to a Member's file.
- 12.4 Further to section 6.1(g) in this Regulation, a Member facilitating a group case study discussion shall submit a list including signatures of all Members who attended the forum to receive credit for the CPD activity.
- 12.5 Further to section 15 in this Regulation, a Member shall submit proof of payment for the event, or in the case of a free event, can obtain the signature of an appropriate authority (i.e., organizer), as well as his/her full name, title, and contact information.
- 12.6 A Member can apply for CPD credits for viewing a recorded version of a CPD event by submitting a request to the Director of Education.
- 12.7 A Member shall view the recorded audio or video within ninety (90) calendar days of the conclusion of the event or before the end of the extension period granted by the Director of Education in order to receive credit.
- 12.8 Further to section 15 in this Regulation, a Member shall sign and submit a reporting form for:
- a) Viewing a recorded version of an approved CPD event; or
 - b) Participating in online "real time" courses, streaming video, web and/or teleconference courses.
- 12.9 A Member shall confirm and certify the details of all events referred to in section 12.5 and 12.8 in this Regulation by submitting a Reporting Form together with a Certification Form available on the ICCRC's website.
- 12.10 Further to section 15 in this Regulation, a Member shall submit proof of purchase of the recorded version of the approved CPD event to the Director of Education.
- 12.11 The Director of Education may revoke the approval of CPD hours and/or revise the number of CPD hours should the agenda and/or the subject matter of the event change.
- 12.12 The Director of Education may revoke the approval of approved CPD events if bundled into an Education Program or Specialization Credential.

13. CALCULATION OF CPD HOURS

- 13.1 When calculating CPD hours, partial hours shall be rounded up or down to the closest half hour. Lunch and breaks do not count in the calculation of approved hours.

- 13.2 Further to section 6 in this Regulation the following table sets out the requirements for how CPD hours are approved:

Activity	CPD Hour
<p>a) Attending at an educational seminar, workshop, conference, or academic immigration course.</p> <p>CPD hours are credited for actual Canadian immigration/citizenship content.</p>	<p>1 hour = 1 CPD hour</p> <p>No cap</p>
<p>b) Participating in online “real time” courses, streaming video, web and/or teleconference courses where there is an opportunity to ask and answer questions.</p> <p>CPD hours are credited for actual Canadian immigration/citizenship content.</p>	<p>1 hour = 1 CPD hour</p> <p>No cap</p>
<p>c) Reviewing of a recorded version of an approved CPD activity.</p> <p>CPD hours are credited for actual Canadian immigration/citizenship content.</p>	<p>1 hour = 1 CPD hour</p> <p>No cap</p>
<p>d) Teaching in an accredited immigration practitioner program at a post-secondary institution, facilitating a CPD event, moderating or speaking at conferences, or facilitating group case study discussions relating to Canadian immigration/citizenship.</p>	<p>1 hour = 3 CPD hours for the first delivery 1 hour = 1.5 CPD hours for subsequent delivery</p> <p>Maximum 50% of yearly CPD requirements</p>
<p>e) Writing articles for publishing with Canadian immigration/citizenship content.</p> <p>Article may include an “about” biographical statement but no “how to reach” contact details which can be construed as subtle marketing to potential clients.</p>	<p>1 hour = 1 CPD hour</p> <p>Maximum 50% of yearly CPD requirements</p>
<p>f) Publishing or editing books relating to the study or practice of Canadian immigration/citizenship.</p>	<p>1 hour = 1 CPD hour.</p> <p>Maximum 100% of yearly CPD requirement</p>
<p>g) Participating in group case study discussions relating to Canadian immigration/citizenship.</p>	<p>1 hour = 1 CPD hour</p> <p>Maximum 50% of yearly CPD requirements</p> <p>Maximum of 2 hours will be credited per session</p>

13.3 Activities not assigned approved hours are assessed on a case by case basis by ICCRC.

14. MEMBERS WORKING OVERSEAS

14.1 This Regulation applies to a Member living or working inside and outside Canada.

15. REPORTING

15.1 A Member is responsible for reporting his/her CPD hours by submitting the required Reporting Form together with any supporting documentation. A Provider, offering to report CPD hours on behalf of participants, does not relieve the responsibility of a Member to ensure his/her CPD hours have been properly reported.

15.2 All reporting forms and supporting documentation must be received by the ICCRC headquarters no later than January 31 for each prior calendar year. Non-completion fines and penalties will be assessed based on all reporting forms and supporting documentation received from the Member by the January 31 reporting deadline.

16. CPD HOURS CARRY-OVER

16.1 A Member may carry-over a maximum of six (6) CPD hours to the next calendar year from any CPD hours earned and reported in excess of the minimum hours required for that year.

17. VERIFICATION OF CPD CLAIMS

17.1 The Registrar shall annually select Members to be audited for compliance with this Regulation.

17.2 A Member is responsible for retaining records such as, receipts or other proof of attendance or purchase of CPD activities for a period of two (2) years.

17.3 The Registrar shall give notice in writing or by other electronic means to the Members selected for audit, and such notice shall specify the information required from the Member and the format in which the information is to be provided.

17.4 A Member shall comply with the notice pursuant to section 17.3 in this Regulation within thirty (30) calendar days of the date of that notice, by providing all information as required by the notice.

17.5 The Registrar shall review the information provided pursuant to section 17.4 in this Regulation and may require the Member to provide further information, including documentation, explanations and declarations, relating to or in support of the information provided pursuant to that Section.

17.6 A Member shall comply with the requirements of the Registrar within the time period provided by the Registrar, such time period not to be less than ten (10) days of the notice of the requirement.

18. PENALTIES FOR BREACH OF REGULATION

- 18.1 A Member who does not meet the requirement for CPD as set out in Sections 3 and 4 in this Regulation is subject to the following penalties:
- a) For not completing 1-4 CPD hours within the term, the outstanding CPD balance from the previous term will be added to the following term's requirement.
 - b) \$150.00 for not completing 5-16 CPD hours within the term. The outstanding CPD balance from the previous term will be added to the following term's requirement.
 - c) Where a Member fails to complete any CPD hours for two consecutive years, the Member will be suspended by the Registrar until a minimum of 8 CPD hours, of the accumulated 32 hour deficiency are completed and properly reported.
- 18.2 Where a Member, subsequent to the assessment of a CPD non-completion penalty, finds missing documentation for CPD activities completed in the previous calendar year, the Director of Education may agree to apply such hours to any deficient hours added to the next calendar year but any monetary fines assessed will still apply.