



COMPLAINTS AND DISCIPLINE PROCESS Q&A

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About ICCRC

The Immigration Consultants of Canada Regulatory Council (ICCRC) is the national regulatory body designated by the government of Canada to regulate professionals who provide Canadian immigration consulting, Canadian citizenship consulting, and international student advising services.

Section 91(2) of the *Immigration & Refugee Protection Act (IRPA)* and section 21.1 of the *Citizenship Act* require that anyone who provides Canadian immigration or citizenship advice for a fee or other consideration must be a member in good standing of ICCRC, a law society in Canada, or the Chambre des notaires du Québec.

ICCRC's mandate is to:

- 1) protect consumers of Canadian immigration and citizenship services through effective regulation of immigration and citizenship consultants; and
- 2) promote the benefits of using only an authorized representative as a consultant in immigration/citizenship matters.

The Complaints Process

ICCRC has the authority to regulate and discipline Regulated Canadian Immigration Consultants (RCICs) and Regulated International Student Immigration Advisors (RISIAs). The *RCIC Code of Professional Ethics* and the *RISIA Code of Ethics* (the "Codes") require all RCICs and RISIAs to adhere to the highest standards of professional conduct. The primary purpose of the *Codes* is to protect the public from unprofessional, unethical or incompetent practice. In 2018, ICCRC established a streamlined complaints process to deal with complaints of professional misconduct, incompetence and incapacity that it receives from the public.

Will ICCRC order a refund of the money paid to the RCIC?

ICCRC's complaints process is focused on the RCIC's overall conduct and not simply the issue of fees paid. If you have a dispute regarding your RCICs about fees alone, you should take your RCIC to the local court that has the authority to resolve this dispute.

How can a complaint be filed with ICCRC?

An acceptable complaint is a written and signed expression of concern about an RCIC or RISIA, alleging professional misconduct, incompetence or incapacity. The complaint should be supported by relevant evidence to substantiate the allegations.

ICCRC will accept complaints against RCICs or RISIAs in two ways:

- 1) A member of the public, RCIC or RISIA may submit a complaint either through the ICCRC Complaints Portal or by submitting a fully completed and signed [complaint form](#). The complaint form can be sent by email to cd-pd@iccrc-crcic.ca; by fax: 1-877-315-9868 or by mail: 1002-5500

North Service Road, Burlington, Ontario, Canada L7L 6W6. The complaint should be accompanied by copies of any relevant documents and names of individuals that can prove the complaint. We ask that you do not provide us with original documents as we are unable to return them to you. We encourage you to get in touch with us if you need assistance with submitting a complaint or if you have questions about the complaint process.

- 2) Reliable and complete information from:
- a. a federal, provincial, or municipal government department or agency; or
 - b. police, law enforcement agencies or another reliable source;
- that suggests:
- a. an RCIC or RISIA have committed an offence under the *Codes*; or
 - b. a suspended or revoked RCIC or RISIA is practising unlawfully.

Can complaints be made anonymously?

No. ICCRC requires the complainant's information to properly investigate the complaint and determine whether the information in the complaint is reliable. You will need to provide a copy of government-issued identification (e.g. passport, birth certificate, driver's license, permanent resident card, etc.) while you file a complaint.

Will the complaint information be shared with the RCIC or RISIA?

The RCIC or RISIA who is the subject of a complaint must be given a full and fair opportunity to respond to the complaint. The fairness of the process would be weakened if the RCIC or RISIA was not given the name of the person making the complaint. If you have concerns about your information being shared with the RCIC or RISIA, please let us know and we will work with you to protect your privacy.

Will the complaint information be shared with government authorities?

Only if you provide us consent to do so. When submitting the complaint, the complainant will be asked to sign the Acknowledgement and Consent section of the form. This gives ICCRC permission to share some or all of the information received. This may include sharing information in the complaint with the Royal Canadian Mounted Police (RCMP), the Canada Border Services Agency (CBSA), the Canada Revenue Agency (CRA) and/or a provincial law society (which regulates lawyers, and in some cases also paralegals), if ICCRC considers it necessary. If you have concerns about your information being shared with government authorities, please contact us.

What happens to the complaint once ICCRC has received it?

Every complaint that ICCRC receives is carefully reviewed and assessed. ICCRC will first determine whether the complaint is against someone who is A) licensed or registered with ICCRC; B) licensed as a lawyer or paralegal, or a Member of the Chambre des notaires du Québec; C) formerly licensed or registered with ICCRC; or D) unauthorized to practice immigration/citizenship consulting in Canada.

A) An RCIC or RISIA:

ICCRC reviews all complaints against RCICs and RISIAs. Based on ICCRC's review of the complaint and supporting documentation, ICCRC may close the complaint without further action, refer the complaint to the Voluntary Resolution Program, or refer the complaint to investigations.

In every case, the complainant will receive an acknowledgment of the complaint and the file number assigned by ICCRC. The complainant will also be informed whether the complaint will be closed, assigned to the Voluntary Resolution Program or assigned to an investigator.

B) A Lawyer, paralegal or a Member of the Chambre des notaires du Québec:

ICCRC has no authority to regulate lawyers, paralegals, or notaires. ICCRC will send the complainant a letter acknowledging receipt of the complaint and advise the complainant to forward the complaint to the appropriate regulatory body.

C) Formerly Licensed or Registered by ICCRC:

ICCRC can discipline former RCICs or RISIAs for acts or omissions that occurred while they were registered with ICCRC.

If the complaint alleges minor violations of the *Codes* that occurred while the RCIC or RISIA was still licensed or registered, but the complaint is filed after the RCIC or RISIA left ICCRC, the complaint will be kept in ICCRC's permanent files. If the individual ever applies to become licensed or registered again the complaint will be reopened and fully investigated before the individual can be licensed.

If the complaint alleges serious violations of one of the *Codes*, ICCRC will process the complaint as it normally would.

If ICCRC receives a complaint about a former RCIC or RISIA that alleges violations of one of the *Codes* when the RCIC or RISIA was no longer licensed or registered, the complainant will be directed to file a complaint with the CBSA.

D) An unauthorized person:

ICCRC has no authority to pursue unauthorized representatives. ICCRC's legal authority is limited to dealing with complaints about RCICs and RISIAs registered by ICCRC. We have no authority to deal with complaints about non-licensees or non-registrants.

Nevertheless, ICCRC is concerned about unauthorized persons illegally practising immigration consulting for a fee or for other consideration. Such illegal activities damage the public's image of RCICs and RISIAs, who strive to provide a high standard of service with integrity. ICCRC will give the complainant an ICCRC file number and the contact information for CBSA. ICCRC has no control over CBSA's handling of complaints referred to them.

Can ICCRC decline to investigate a complaint?

Yes. ICCRC will decline to investigate a complaint if it concerns issues that:

- a. ICCRC has no legal power to regulate or consider;
- b. are so minor that it would be unfair and unreasonable to take any further action;
- c. are an abuse of process or made for an improper purpose;
- d. are so clearly without merit or substance that there is no reason to continue with any further investigation or consideration; or
- e. not in the public interest to proceed further.

How long does the complaints process take?

The process can take several months or longer because of the numerous steps involved in properly resolving complaints.

The reason it can take so long is that there are a number of steps ICCRC as a regulator must take to ensure that investigations are conducted properly, procedural fairness is afforded to the RCIC or RISIA, and the public is protected.

How are Complainants, RCICs and RISIAs kept up to date on the process?

When you complete the complaint form, you will provide us with your contact information and specify your preferred method of communication. You should let us know right away if any of your contact information changes so you receive our updates as they become available. We also provide updates to RCICs and RISIAs who are the subject of a complaint based on the contact information we have on file for them.

How are complaints screened?

After a complaint has been made, ICCRC will review the complaint and, based on allegations and evidence provided, determine how best to resolve the complaint. ICCRC will look at the seriousness of the complaint, the RCIC's or RISIA's conduct and disciplinary history with ICCRC, the complainant's concerns, and what the complainant is asking for. Our goal is to resolve the complaint efficiently and effectively.

One of the ways we resolve certain low-risk complaints is by having the RCIC or RISIA participate in our Voluntary Resolution Program. This is where ICCRC staff may propose a settlement agreement or refer the matter to mediation. If the matter is referred to mediation, a trained mediator will help the complainant and the RCIC or RISIA communicate with each other and try to resolve their problem.

If the complaint is more serious, the complaint will be investigated and referred to the Complaints Committee who will review the complaint and the evidence, and decide whether the complaint alleges professional misconduct and is supported by evidence.

ICCRC may also refer the complaint to the Professional Fees Review Committee if the complaint is only about the fees paid by the complainant. The Professional Fees Review committee will attempt, through mediation or arbitration, to facilitate a resolution.

Complaints against RISIAs should first be dealt with by the educational institution where the RISIA works. After the complaint is resolved by the RISIA's employer, ICCRC will determine what, if any, further action is necessary.

As we take our responsibility to protect the public very seriously, if ICCRC has reason to believe that an RCIC or RISIA may pose a serious risk of harm to the public, we will ask the Discipline Committee to suspend the RCIC or RISIA on an interim basis before the hearing, or impose practice restrictions and expedite the hearing of the complaint.

What decisions can be made by the Complaints Committee?

The Complaints Committee may decide to close the complaint because the evidence provided is insufficient. It may also decide to have the RCIC or RISIA take remedial training courses. If the complaint is more serious and is supported by evidence, the Complaints Committee will refer the complaint to the Discipline Committee.

What if I am not satisfied with the outcome of the complaints process?

We understand that you may not be satisfied with the outcome you've received. If your complaint was not referred to the Discipline Committee and you believe that there were errors in how your complaint was processed, you do have the option to request an independent review of how your complaint was handled by ICCRC. For complaints closed on or after July 1, 2018, complainants may request the decision be reviewed by the Independent Complainants Review Officer (ICRO). The ICRO may only review the fairness of the procedure used by the Council or the Complaints Committee to handle the complaint and determine whether there were any errors in fact or in law. The ICRO cannot review the actual merits of a complaint. For more information, please email the Office of the ICRO at icro-aeppi@icrc-crcic.ca.

What does the Discipline Committee do?

The Discipline Committee adjudicates the complaints referred to it by the Complaints Committee. It does this in accordance with the [Tribunal Committee Rules of Procedure](#).

What happens when a complaint is referred to the Discipline Committee?

Only serious complaints supported by evidence are referred to the Discipline Committee.

When a complaint comes before the Discipline Committee, it is first reviewed by a lawyer acting on behalf of ICCRC. Once a complaint has been handed over to the lawyer it is no longer a complaint by the complainant, but rather it becomes ICCRC's complaint against an RCIC or RISIA. As such, the complaint may proceed to a hearing even if the complainant withdraws the complaint. The determination of whether the RCIC or RISIA engaged in professional misconduct is important for the protection of the

public, regardless of whether the complainant has changed their mind. The complainant may, if needed, be called as a witness to give evidence at a hearing, but will not make the final decision on what happens to the RCIC or RISIA (e.g. whether they are suspended).

How is a Discipline Hearing conducted?

Hearings are conducted by written submissions, via telephone or video conference call or, only if necessary, orally in-person.

What types of decisions can the Discipline Committee make?

If the Discipline Committee finds that the RCIC or RISIA has committed an offence, it may:

- issue a reprimand and direct that it be published on ICCRC's website;
- suspend the RCIC's license or the RISIA's registration for a period determined by the panel;
- impose restrictions on the right of the RISIA, RCIC, or RCIC's firm to practice;
- revoke the RCIC's license or the RISIA's registration and state when, if ever, the RCIC or RISIA could ask to be reinstated; or
- make any other order it considers necessary given the circumstances.

Decisions made by the Discipline Committee can be appealed by ICCRC, or the RCIC or RISIA by seeking leave for Judicial Review by the Federal Court.

What information about the Discipline process is published?

All final decisions and reasons of the Discipline Committee are published on ICCRC's website with the RCIC's or RISIA's full name. The Discipline Committee may order that its decision and order be published in the newspaper of the community where the RCIC or RISIA lives and/or practises.