



Ottawa, 24 May, 2013

Dear Sir/Madam:

I am writing to inform you about the impact of a significant change to the *Immigration and Refugee Protection Act* (IRPA), which came into force on June 30, 2011. This letter also contains information about options for educational institutions to manage the impact of these changes, and steps that Citizenship and Immigration Canada (CIC) has taken to improve the accessibility of immigration services and the clarity of immigration information as part of its Modernization Agenda.

Under the new IRPA provisions (Appendix A – IRPA, Section 91), providing third party representation or advice for consideration (payment or some form of compensation), or offering to do so, is prohibited at all stages of an application or proceeding under the Act. As a result, only members in good standing of a law society of a province (including paralegals), the *Chambre des notaires du Québec*, or the Immigration Consultants of Canada Regulatory Council (ICCRC), which is the governing body for immigration consultants designated by the Minister, are authorized to provide advice or representation for consideration in connection with an application or procedure under the Act.

CIC recognizes that educational institutions and international student advisors have provided advice to international students in good faith. That said, these legislative changes apply across the board to all persons subject to Canadian law. The ultimate goal is to protect clients, including international students, and to ensure that those providing advice are all subject to the same requirements and achieve the level of expertise necessary to assist in often complex immigration matters.

Education agents, recruiters and employees at educational institutions, who are paid to provide services to their clients, are prohibited from providing advice to students and faculty with regard to immigration applications, such as visas or student and work permits. As a result, they may not explain or advise a person on their immigration options, complete and submit immigration forms on a client's behalf, communicate with CIC on a client's behalf (except for the direct translation of a client's written or spoken submissions), represent a client in an immigration application or advertise that they can provide immigration advice.

There are a number of options that educational institutions may consider to ensure that their activities comply with the new provisions, including:



1. Hiring or entering into a contract with one or several authorized representatives, as described in Section 91(2) and (3) of the IRPA, to handle the services they provided in connection with immigration applications, if they do not meet the requirements of the new provisions.
2. Having certain employees or education agents become an authorized representative.
3. If abroad, referring clients to a visa application centre, which are authorized service providers for CIC and provide application advice and support services to clients.

For further information, visit our website at:

<http://www.cic.gc.ca/english/information/offices/vac.asp>

CIC has also worked to improve the accessibility of immigration services and clarity of immigration information for all clients as part of its Modernization Agenda. Educational institutions are encouraged to direct international students to the information and contact information below.

CIC has been working on making the application process clearer. The [Come to Canada Wizard](#) guides potential applicants through a series of questions and, based on their answers, matches them with the immigration application or option that best suits their specific circumstances. For example, whether a study permit is needed, which student work permit they are eligible for, forms and supporting documents needed, etc.). This is one way in which CIC is creating a more responsive, transparent and efficient immigration system that benefits applicants and stakeholders alike.

The [CIC website](#) has also been reorganized and streamlined, and an enhanced search function has been created to help users better find the information they need. CIC has created tutorial videos that help applicants fill out their applications. CIC has also updated processing time information to make it easier to understand and give applicants a sense of how long they can expect their applications to be in process. A new online [Help Centre](#) with over 500 questions and answers has been launched and guides clients to the information they need.

The CIC Call Centre can also answer questions, in English and French, about CIC services and programs, or applications in process inside Canada (1-888-242-2100). Clients may also now e-mail the Call Centre for answers at question@cic.gc.ca.

I invite you to visit our website for further information Use of Authorized Representatives at <http://www.cic.gc.ca/english/information/representative/rep-who.asp>



For best practices for stakeholders, including *Dos and Don'ts* of providing immigration advice, please visit the following website at <http://www.cic.gc.ca/english/information/representative/do-dont.asp>

I hope that this has been helpful in addressing your concerns.

Sincerely,

Caroline Melis
Director General
Operational Management and Coordination



Appendix A – Section 91 of the Immigration and Refugee Protection Act

Representation or advice for consideration

91. (1) Subject to this section, 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.

Persons who may represent or advise

(2) A person does not contravene subsection (1) if they are

(a) a lawyer who is a member in good standing of a law society of a province or a notary who is a member in good standing of the *Chambre des notaires du Québec*;

(b) any other member in good standing of a law society of a province or the *Chambre des notaires du Québec*, including a paralegal; or

(c) a member in good standing of a body designated under subsection (5).

Students-at-law

(3) A student-at-law does not contravene subsection (1) by offering or providing representation or advice to a person if the student-at-law is acting under the supervision of a person mentioned in paragraph (2)(a) who is representing or advising the person — or offering to do so — in connection with a proceeding or application under this Act.

Agreement or arrangement with Her Majesty

(4) An entity, including a person acting on its behalf, that offers or provides services to assist persons in connection with an application under this Act, including for a permanent or temporary resident visa, travel documents or a work or study permit, does not contravene subsection (1) if it is acting in accordance with an agreement or arrangement between that entity and Her Majesty in right of Canada that authorizes it to provide those services.

Designation by Minister

(5) The Minister may, by regulation, designate a body whose members in good standing may represent or advise a person for consideration — or offer to do so — in connection with a proceeding or application under this Act.



Revocation of designation

(5.1) For greater certainty, subsection (5) authorizes the Minister to revoke, by regulation, a designation made under that subsection.

Regulations — required information

(6) The Governor in Council may make regulations requiring the designated body to provide the Minister with any information set out in the regulations, including information relating to its governance and 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.

Penalties

(9) Every person who contravenes subsection (1) commits an offence and is liable

(a) on conviction on indictment, to a fine of not more than \$100,000 or to imprisonment for a term of not more than two years, or to both; or

(b) on summary conviction, to a fine of not more than \$20,000 or to imprisonment for a term of not more than six months, or to both.

Meaning of “proceeding”

(10) For greater certainty, in this section, “proceeding” does not include a proceeding before a superior court.

Legislative Summary of Bill C-35:

An Act to amend the *Immigration and Refugee Protection Act*:

http://www.parl.gc.ca/About/Parliament/LegislativeSummaries/bills_ls.asp?ls=c35&Parl=40&Ses=3#a15