



BOARD OF DIRECTORS

MEETING MATERIALS FOR
September 28, 2023

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Board of Directors Meeting

Thursday September 28, 2023 10:15 am MT

Delta Hotels by Marriott Edmonton Centre Suites, Edmonton, AB and via Zoom

Board of Directors

Stan Belevici, RCIC (Chair)
 John Burke, RCIC (Vice Chair)
 Marty Baram, RCIC
 Normand Beaudry
 Tim D’Souza
 Richard Dennis, RCIC
 Jennifer Henry
 Ben Rempel
 Jyoti Singh

Ministerial Observers

Peter Christensen, Assistant Director, Social Immigration Policy and Programs, Immigration, Refugees and Citizenship Canada
 Mashal Dawkins, Policy Analyst Immigration, Refugees and Citizenship Canada

Management

John Murray, President & CEO
 Russ Harrington, Chief Operating Officer
 Jessica Freeman, Director, Communications and Stakeholder Relations
 Michael Huynh, Director, Professional Conduct
 Joyce Chow Ng, Controller
 Fiona Damani, Assistant Controller
 Cathy Pappas, Director, Registration
 Beata Pawlowska, Director, Professional Standards, Research, Education & Policy
 Victoria Rumble, Corporate Secretary

Nithiya Paheerathan, Coordinator, Board Administration and Recording Secretary

Guest

Lynn Stivaletti, Goodman Mintz, LLP

PROPOSED AGENDA				
#	Time	Topic	Presenter	A/D
01	10:15 2 mins	Welcome and Introductory Remarks a) Land Acknowledgement b) Introductions c) Conflict of Interest	Stan Belevici John Murray	Discussion
02	10:17 1 min	Approval of Proposed Agenda	Stan Belevici	Approval (motion)
03	10:18 2 mins	Approval of Consent Agenda Tab A Minutes of Board meeting of June 8, 2023 Tab B Director Dashboard Tab C Report of the Governance and Nominating Committee Tab D Report of the Finance and Audit Committee Tab E Draft Annual FAC Workplan	Stan Belevici	Approval (motion)

Governance				
04	10:20 10 mins	Independent Complaints Review Officer's Report and Update Tab F Independent Complaints Review Officer's Q4 Report June 2023	John Murray Michael Huynh	Discussion
05	10:30 25 mins	GNC Policy Framework - Policy Approval Tab G Leadership Accountabilities of the Chief Executive Officer Policy <ul style="list-style-type: none"> • CEO • Employees • Employment, Compensation and Benefits • Backup and Succession Planning • Strategic Goals and Objectives • Finances • Financial Reporting and Accountability • Litigation • Board Support and Communication • Strategic Alliances 	Ben Rempel	Approval (motion)
06	10:55 10 mins	Annual General Meeting Tab H Order of Events Tab I Draft Agenda Tab J Record Date	Ben Rempel	Approval (motion)
07	11:05 15 mins	Amendments to the College of Immigration and Citizenship Consultants Act (Canada)/Regulations Tab K Summary of College Act Amendments – June 22, 2023	John Murray	Discussion
Sustainability				
08	11:20 30 mins	Audited Annual Financial Report – Fiscal 2022/23 Tab L Draft Audited Annual Financial Statements Audit Findings Letter	Tim D'Souza Lynn Stivaletti	Approval (motion)
09	11:50 5 mins	Signing Officer Policy Tab M Amended Signing Officer Policy	Tim D'Souza	Approval (motion)
10	11:55 5 mins	Confirmation of the Authorized Signing Officers Tab N Amended Authorized Signing Officers	Tim D'Souza	Approval (motion)
12:00		Lunch (45 mins)		

Stakeholder Communications				
11	12:45 30 mins	College Annual Report Tab O Draft 2022-2023 College Annual Report	Ben Rempel	Approval (motion)
12	1:15 5 mins	Next meeting of the Board of Directors Date: November 30, 2023 Location: Ottawa, Ontario	Stan Belevici	Discussion
In Camera Session - Meeting Closed to the public				
13	2:00	Adjournment	Stan Belevici	Approval (motion)

**Minutes of a Meeting of the Board of Directors
of the College of Immigration and Citizenship Consultants**

Held at 12:30 pm, CT, Thursday, June 8, 2023,
At Delta Hotels by Marriott Winnipeg, Winnipeg, MB and via Zoom

Board of Directors:

Stan Belevici, RCIC (Chair)
John Burke, RCIC (Vice-Chair) *
Marty Baram, RCIC
Normand Beaudry*
Tim D'Souza
Richard Dennis, RCIC
Jennifer Henry
Ben Rempel
Jyoti Singh

Ministerial Observers:

Alexis Graham, Director General, Social Immigration
Policy and Programs, Immigration Refugees and
Citizenship Canada
Sabrina Kabir, Senior Policy Analyst, Immigration,
Refugees and Citizenship Canada

*(Via Teleconference)

Management:

John Murray, President & CEO
Russ Harrington, Chief Operating Officer
Jessica Freeman, Director, Communications and
Stakeholder Relations
Michael Huynh, Director, Professional Conduct
Joyce Chow Ng, Controller*
Cathy Pappas, Director, Registration
Beata Pawlowska, Director, Professional Standards,
Research, Education and Policy
Victoria Rumble, Corporate Secretary

Nithiya Paheerathan, Coordinator, Board
Administration and Recording Secretary

Guest:

Phil Buckley, Managing Director, Change with
Confidence

1. WELCOME AND INTRODUCTORY REMARKS

Quorum

The Chair declared a quorum to be present and the meeting to be duly constituted for the transaction of business at 12:30 pm CT.

- a) Land Acknowledgement
The Chair acknowledged the land on which they gathered was part of traditional territories of many nations covered by 70 treaties and other agreements. He expressed gratitude to those who cared for these territories over time.
- b) Introductions
The Chair welcomed all members and guests and introduced those in attendance. With the consent of the meeting, Nithiya Paheerathan acted as Recording Secretary of the meeting.
- c) Conflict of Interest Declaration
The Chair asked for declarations of conflict of interest regarding agenda items. None declared.
- d) Staff Introductions
The Chair called upon John Murray, President & CEO to introduce new staff member, Jessica Freeman, Director, Communications and Stakeholder Relations who had recently joined the College.

2. APPROVAL OF AGENDA

The proposed meeting agenda was adopted with the moving of the Independent Complaints Review Officer's (ICRO) Q3 Report January 20, 2023, to March 2023 and Update, from the Consent Agenda to the Meeting Agenda and the removal of the proposed resolution for item number 7 now for discussion only.

Moved by Ben Rempel, seconded by Jennifer Henry:

BE IT RESOLVED THAT the Agenda for the meeting be and is hereby approved as amended.

CARRIED

3. APPROVAL OF THE CONSENT AGENDA

The Chair referred to the Consent agenda distributed in advance of the meeting. At the request of Ben Rempel, the ICRO Q3 Report was removed for discussion following Agenda item 13. The Chair asked for a motion to approve the remaining five items contained therein.

Moved by Ben Rempel, seconded by Jennifer Henry:

BE IT RESOLVED THAT the five items contained in the Consent agenda, in substantially the form presented, be and are hereby approved with immediate effect:

- a) minutes of Board meeting of March 10, 2023,
- b) report of the Governance and Nominating Committee Chair,
- c) report of the Finance and Audit Committee Chair,
- d) Summarized Financial Report for FY2023 Q3 ended March 31, 2023,
- e) Forecast FY2023 Q3.

CARRIED

4. DRAFT STRATEGIC PLAN F2023-2025

The Chair called upon Phil Buckley, Managing Director, Change with Confidence, and John Murray, President & CEO to present.

Phil Buckley referred to the materials distributed in advance of the meeting. He commented on the seven-step process taken to finalize the Strategic Plan. He noted three sources used in building the foundation for the Strategic Plan:

- a stakeholder strategy development survey,
- international regulator practices,
- and Michael J. Trebilcock's book on professional regulatory principles.

John Murray reported that Senior Management had collaborated with the Board of Directors to create the draft 2023-2025 Strategic Plan focused on achieving the College's purpose, as articulated in s. 4 of the *College of Immigration and Citizenship Consultants Act (Canada)* – the regulation of the profession in the public interest.

John Murray emphasized the first step was to define principles in achieving the College's purpose. He restated the College's Vision and the four strategic objectives that would be advanced over the duration of the Strategic Plan. He reported Senior Management Team had identified initiatives to advance each Strategic Objective over the next three years. Each of the Senior Management Team initiative sponsors presented a short overview of each initiative and measure.

John Murray thanked the Board for their input and guidance throughout the Strategic Planning Process. He also thanked the members of the Senior Management Team for their diligences and hard work in drafting a Strategic Plan focused on achieving the College's mandate.

Moved by John Burke, seconded by Ben Rempel:

BE IT RESOLVED THAT the proposed Strategic Plan 2023-2025, in substantially the form presented to the Board, be and is hereby approved with immediate effect.

CARRIED

The Chair thanked Phil Buckley and John Murray for their report.

5. DRAFT BUDGET FOR FISCAL 2024

The Chair called upon Tim D'Souza, Chair of the Finance and Audit Committee (FAC), to present.

Tim D'Souza referred to the materials distributed in advance of the meeting. He reported that FAC had met on May 31, 2023, and considered a draft budget prepared by management.

The deficit budget of approximately \$300K for fiscal 2024 assumed that revenue would increase by 6% and a 33% increase in expenses over F2023. He noted that the College was still in a "building mode", with several key regulatory processes still under development, and commented on the various assumptions made by each department in formulating the proposed budget. He stated that FAC recommended approval of the budget to the Board of Directors.

The Board of Directors discussed the proposed budget and the directors asked various questions resulting in a recommendation to approve the proposed budget.

Moved by Tim D'Souza, seconded by Normand Beaudry:

BE IT RESOLVED THAT the proposed Draft Budget for the financial year of the College ending June 30, 2024, in substantially the form presented to the Board, be and is hereby approved with immediate effect.

CARRIED

The Chair thanked Tim D'Souza for his report.

6. DISCUSSION - BOARD OF DIRECTORS DASHBOARD

The Chair called upon John Murray, President & CEO, to present.

John Murray reported a dashboard would be developed for regular distribution to Directors driven by the newly-approved College strategic goals. He stated key statistics would be collected from each of the operating departments to be presented along with a brief update on the College's progress on strategic initiatives.

The Chair thanked John Murray for his report.

7. DISCUSSION - DRAFT GNC WORKPLAN

The Chair called upon Ben Rempel, Chair of the Governance and Nominating Committee (GNC), to report.

Ben Rempel referred to the proposed GNC Workplan distributed in advance of the meeting. He advised the proposed workplan was based on the GNC Terms of Reference the Board approved in June of 2022. He commented the proposed workplan would remain a living document as there are dependencies that will be resolved with the forthcoming regulations.

The Chair thanked Ben Rempel for his report.

8. NEW-LICENSEE MENTORING PROGRAM POLICY

The Chair called upon Ben Rempel, Chair of the Governance and Nominating Committee (GNC), to report.

Ben Rempel referred to the proposed New-Licensee Mentoring Program Policy distributed in advance of the meeting.

He stated a new policy had been drafted to provide additional clarity and to enhance the mentoring program. The new policy addresses several key areas such as program and mentor expectations, registration requirements, failure to comply and withdrawal, application of the program and administrative fees and other key areas. To eliminate redundancy in the program policies, the Board is also asked to repeal:

- A. The Supervised Practice Program Policy; and
- B. The Supervised Practice Assessment and Grading Policy

Ben Rempel stated management had recommended the Supervised Practice Program Policy and the Supervised Practice Assessment and Grading Policy be repealed and replaced with the New-Licensee Mentoring Program Policy. He reported the GNC had reviewed the proposed New-Licensee Mentoring Program Policy and recommends its approval to the Board of Directors.

Moved by Ben Rempel, seconded by John Burke:

BE IT RESOLVED THAT

- (1) the New-Licensee Mentoring Program Policy, in substantially the form presented to the Board, be and is hereby approved with immediate effect; and
- (2) the former Supervised Practice Program Policy be and is hereby repealed; and
- (3) the former Supervised Practice Assessment and Grading Policy be and is hereby repealed.

CARRIED

The Chair thanked Ben Rempel for his report.

9. AMENDED CORPORATE CREDIT CARD USE POLICY

The Chair called upon Tim D'Souza, Chair of FAC, to present.

Tim D'Souza reported that, at its May 31st meeting, FAC considered and now recommends Board approval of the Amended Corporate Credit Card Use Policy. He stated a black-lined version of the policy had been included in the materials highlighting the proposed individual limit change as well as a cumulative increase to the College's credit limit.

He reported these changes are recommended to meet the increased volume of corporate credit card transactions of the college.

Moved by Tim D'Souza, seconded by Jennifer Henry:

BE IT RESOLVED THAT the proposed Amended Corporate Credit Card Use Policy, in substantially the form presented to the Board, be and is hereby approved with immediate effect.

CARRIED

The Chair thanked Tim D'Souza for his report.

10. ASSET DEPRECIATION THRESHOLD AND DISPOSAL POLICY

The Chair called upon Tim D'Souza, Chair of FAC, to present.

Tim D'Souza reported that, at its May 31st meeting, FAC considered and recommends for Board approval, the revised Asset Depreciation Threshold and Disposal Policy increasing the threshold of capital assets from \$500 to \$1000. This recommendation is also supported by the auditors.

Moved by Tim D'Souza, seconded by John Burke:

BE IT RESOLVED THAT the proposed Asset Depreciation Threshold and Disposal Policy, in substantially the form presented to the Board, be and is hereby approved with immediate effect.

CARRIED

The Chair thanked Tim D'Souza for his report.

11. AUTHORIZED SIGNING OFFICERS

The Chair called upon Tim D'Souza, Chair of FAC, to present.

Tim D'Souza reported that, at its May 31st meeting, FAC considered and now recommends Board approval of the Confirmation of Authorized Signing Officers. There is no change to the signing officers, the proposed resolution simply identifies the names of the individuals in the form required by the Quebec government. The College has prepared a confirmation of authorized signing officers to be used for verification when required.

Moved by Tim D'Souza, seconded by Normand Beaudry:

BE IT RESOLVED THAT the Confirmation of Authorized Signing Officers, in substantially the form presented to the Board, be and is hereby approved with immediate effect.

CARRIED

The Chair thanked Tim D'Souza for his report.

12. DISCUSSION - ANALYSIS OF LICENSEE RESPONSE COMMUNICATION TIMES

The Chair called upon John Murray, President & CEO, to give a brief opening and introduce Cathy Pappas, Director, Registration, to present.

Cathy Pappas stated the Registration Department had introduced several procedural and resource changes to address concerns raised regarding the College's response time to licensees. The registration department reviewed several methods to track response times. An add-on monitoring system was purchased, and comprehensive tracking of licensee communications began in January 2023.

Cathy Pappas reported an influx of emails is received over the weekend in addition to daily emails received during the week. She stated at the end of each week the Registration Department is at a 48-hour email response time and the renewed focus on emails had brought down response times and enhanced communication with the licensees, candidates, and applicants. She stated iMIS robust applications and email functionality is expected to further improve communication.

The Chair thanked John Murray and Cathy Pappas for their report.

CONSENT AGENDA - ICRO REPORT

The Chair opened discussion of the ICRO Report which was removed from the Consent Agenda.

Tim D'Souza referenced the recommendations the ICRO had made to improve the handling of complaints by the College.

In response, Michael Huynh, Director of Professional Conduct, stated he had scheduled a meeting with the ICRO to discuss the recommendations made and an update will be provided to the Board with the next ICRO Report to the Board scheduled for September 28, 2023.

MEETING CLOSED TO THE PUBLIC (IN-CAMERA SESSION)

14. NEXT MEETING AND ADJOURNMENT

The next meeting of the Board of Directors will be held in-person/Zoom on September 28, 2023, in Edmonton, Alberta.

Moved by Jennifer Henry, seconded by Ben Rempel:

BE IT RESOLVED THAT the meeting be and is hereby adjourned at 4:20 pm, CT.

CARRIED

Stan Belevici, RCIC
Chair

Nithiya Paheerathan
Recording Secretary

SUMMARY OF RESOLUTIONS AND ACTIONS DISCUSSED

Record of Resolutions

Resolution	Agenda Item	Topic	Motion
1	Agenda	RESOLVED THAT the Agenda for the meeting be and is hereby approved as amended.	1
2	Consent Agenda	RESOLVED THAT the five items contained in the Consent Agenda, in substantially the form presented, be and are hereby approved with immediate effect.	2
3	Draft Strategic Plan F2023-F2025	RESOLVED THAT the proposed Draft Strategic Plan in substantially the form presented to the Board, be and is hereby approved with immediate effect.	3
4	Draft Budget for Fiscal 2024	RESOLVED THAT the proposed Draft Budget for Fiscal 2024, in substantially the form presented to the Board, be and is hereby approved with immediate effect.	4
5	New-Licensee Mentoring Program Policy	RESOLVED THAT (1) the proposed New-Licensee Mentoring Program Policy, in substantially the form presented to the Board, be and is hereby approved with immediate effect; and (2) the former Supervised Practice Program Policy be and is hereby repealed; and (3) the former Supervised Practice Assessment and Grading Policy be and is hereby repealed.	5
6	Amended Corporate Credit Card Use Policy	RESOLVED THAT the proposed Amended Corporate Credit Card Use Policy, in substantially the form presented to the Board, be and is hereby approved with immediate effect.	6
7	Asset Depreciation Threshold and Disposal Policy	RESOLVED THAT the proposed Asset Depreciation Threshold and Disposal Policy, in substantially the form presented to the Board, be and is hereby approved with immediate effect.	7
8	Authorized Signing Officers	RESOLVED THAT the proposed Confirmation of Signing Officers, in substantially the form presented to the Board, be and is hereby approved with immediate effect.	8
9	Board meeting move in camera	RESOLVED THAT the meeting go in camera at 4:00 pm CT.	9
10	Board Motions passed in camera be moved to the open session and the Board resume in open session	RESOLVED THAT (1) All motions passed in camera be and are hereby moved to the open session of the meeting; and (2) The Board meeting move into open session.	10
11	Adjournment	RESOLVED THAT the meeting be and is hereby adjourned at 4:20 pm CT.	11

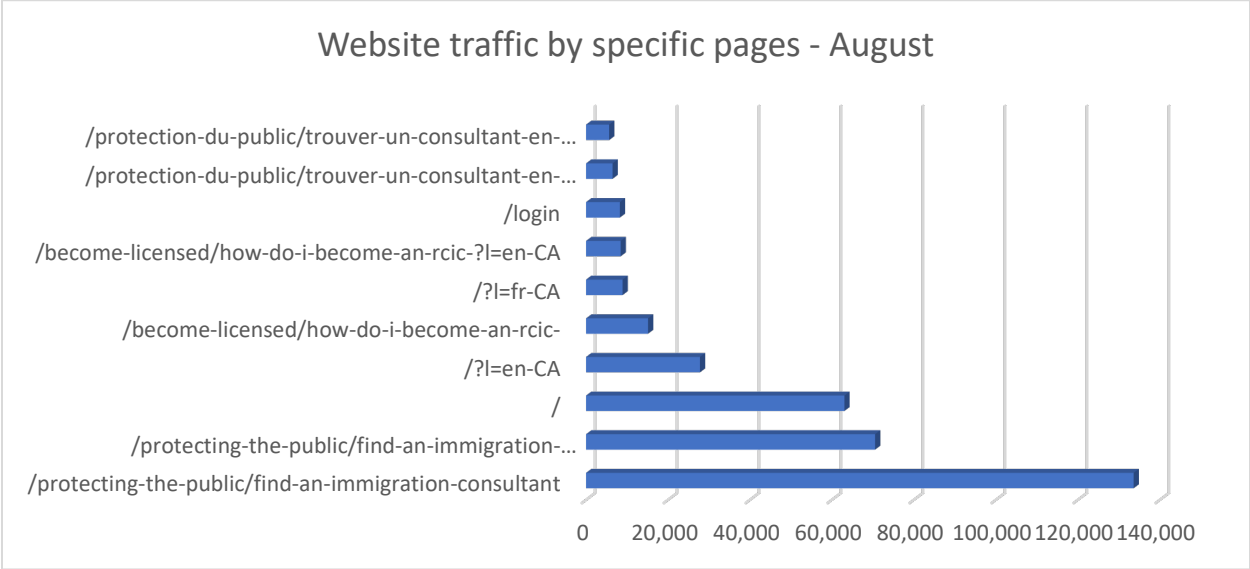
DIRECTOR DASHBOARD

STRATEGIC PLAN UPDATE

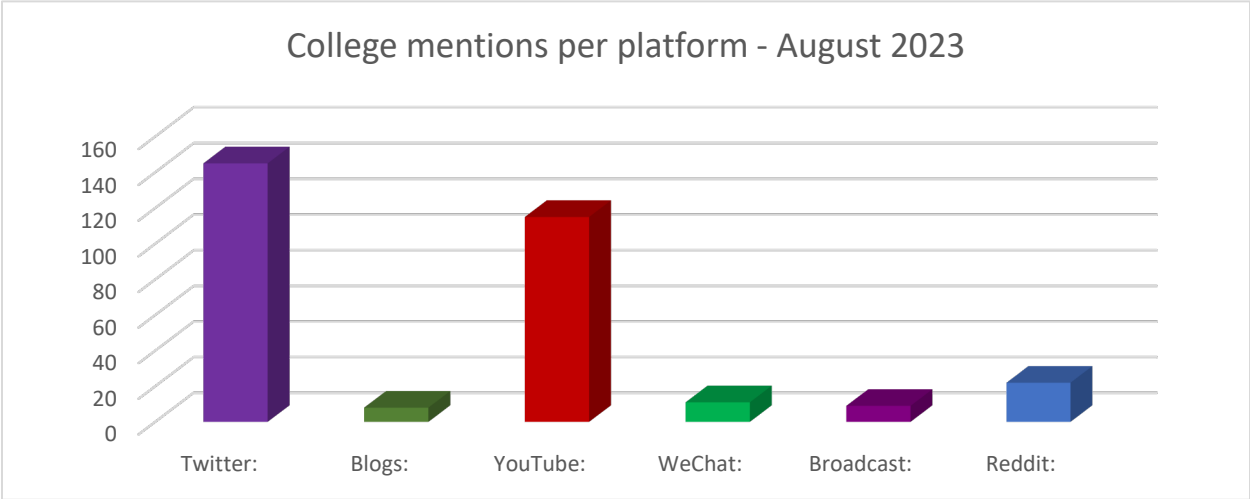
PROFESSIONAL STANDARDS & COMPLIANCE	UNAUTHORIZED PRACTITIONERS (UAPs)	STAKEHOLDER COMMUNICATION	SUSTAINABILITY
<ul style="list-style-type: none"> • QM project management framework kickoff in August. • RCIC mentoring pilot concluded, evaluation in progress. • Research Symposium scheduled October 6, 2023. • Final comments provided on all Policy Intent and Drafting Instruction documents, September 8, 2023. • Draft Policy: Leadership Accountabilities of the Chief Executive Officer to September 28th meeting for Board review. 	<ul style="list-style-type: none"> • Known UAPs list review in progress. • Partnership meetings scheduled with IRCC, Australia, CBSA, India on October 5, 2023. • Social media posts/tweets published directing public to licensee register. • RFP for 2024 Fraud Prevention Month campaign provider issued. 	<ul style="list-style-type: none"> • Implementation of agency model nearly complete. • Communications Plan re: launch of College portal (iMIS) rolled out. • CAPIC agreement to share relevant College information. • Licensee survey re: preferred communication methods under development. • In person meetings with new Minister/Staff. • New social media approach launched. • RFP issued for new global agency partner. 	<ul style="list-style-type: none"> • Employee survey completed and task teams developed. • DEI RFP completed/vendor selected. • ATIP reporting and proactive publication completed. • EMS on target. • Records Management project launched.

COMMUNICATIONS AND STAKEHOLDER RELATIONS

Traffic on the College website during August remains consistent with “find an immigration consultant” recording the most traffic.



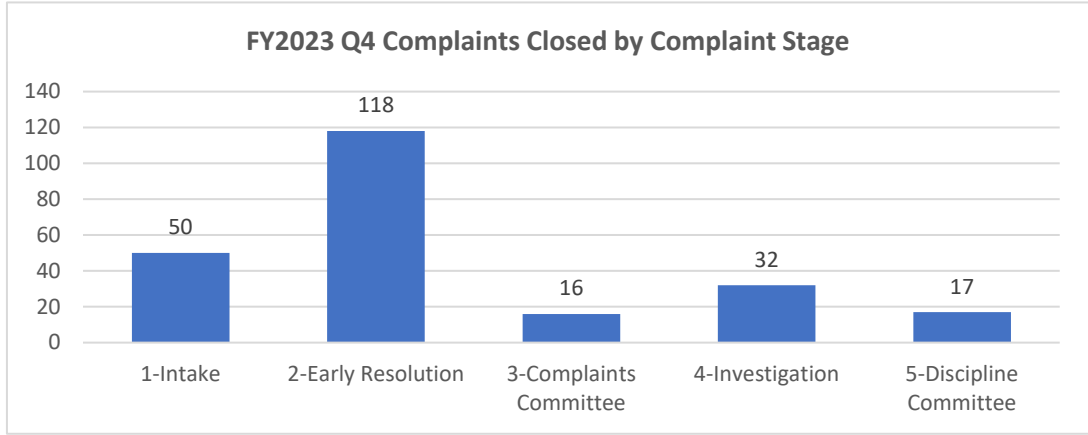
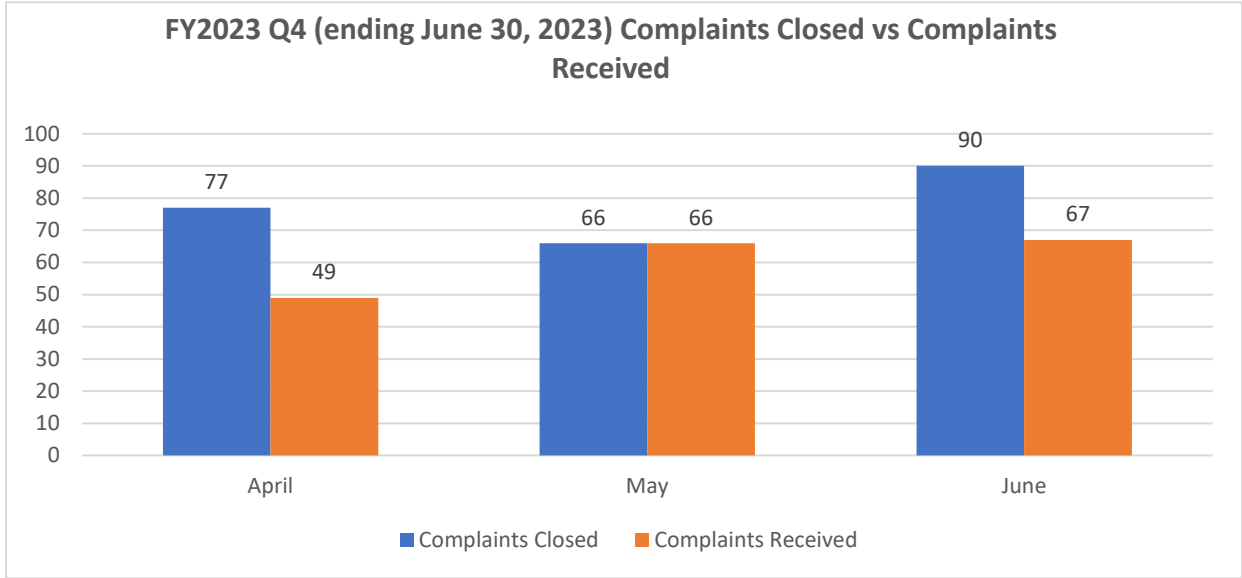
Social media mentions for August are consistent with previous months.



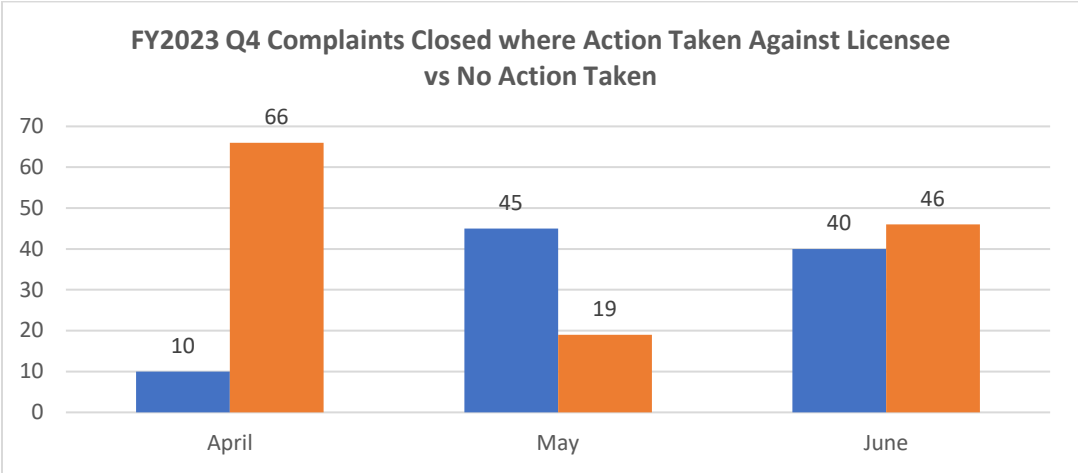
College or a licensee mentioned in articles or broadcasts from the Asian Pacific Post, Pilipino Express, El Centro, TO Times, PesaCheck, Canadian Public Affairs Channel (CPAC) and Hindustan Times among others. Multiple immigration blogs mentioned the College, some pointing readers to the College’s “Find an Immigration Consultant” webpage.

PROFESSIONAL CONDUCT

The Professional Conduct department continues to receive and close complaints.

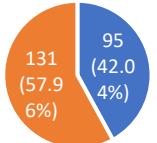


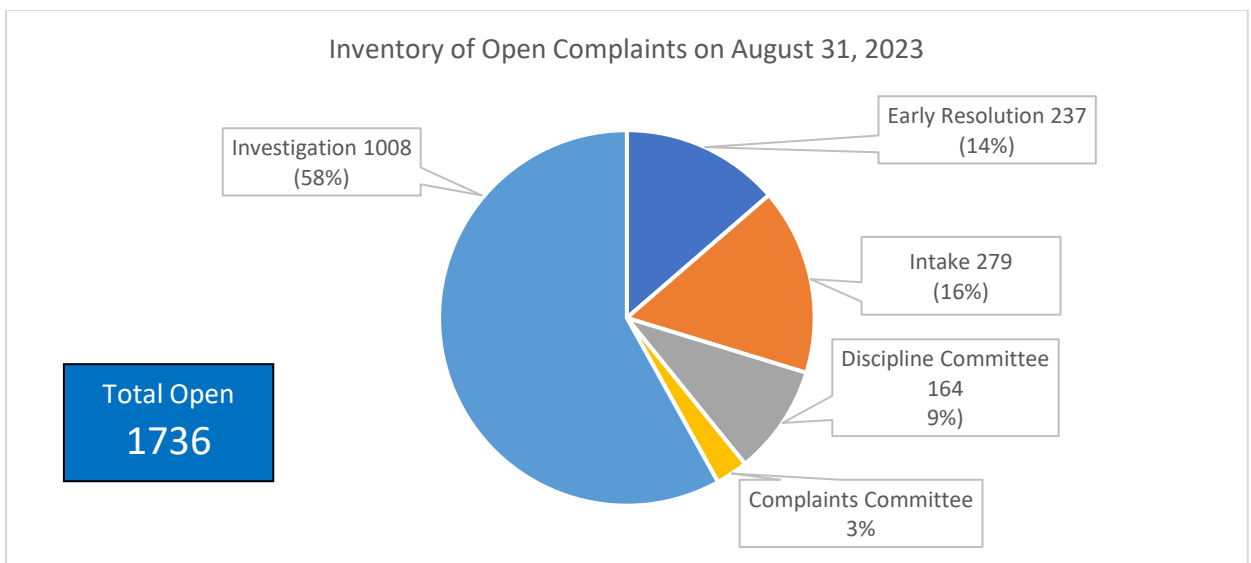
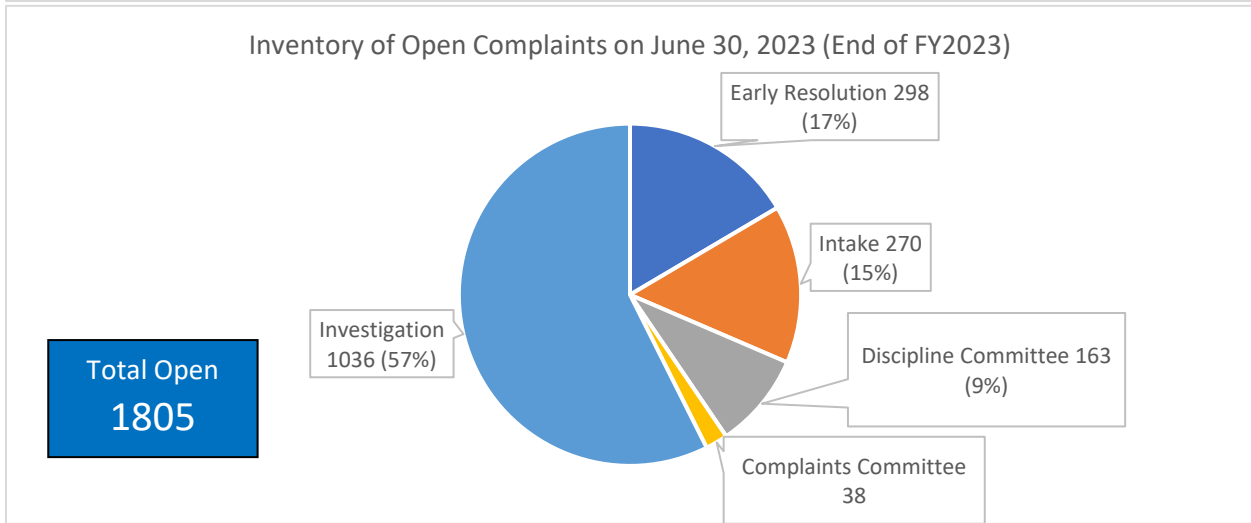
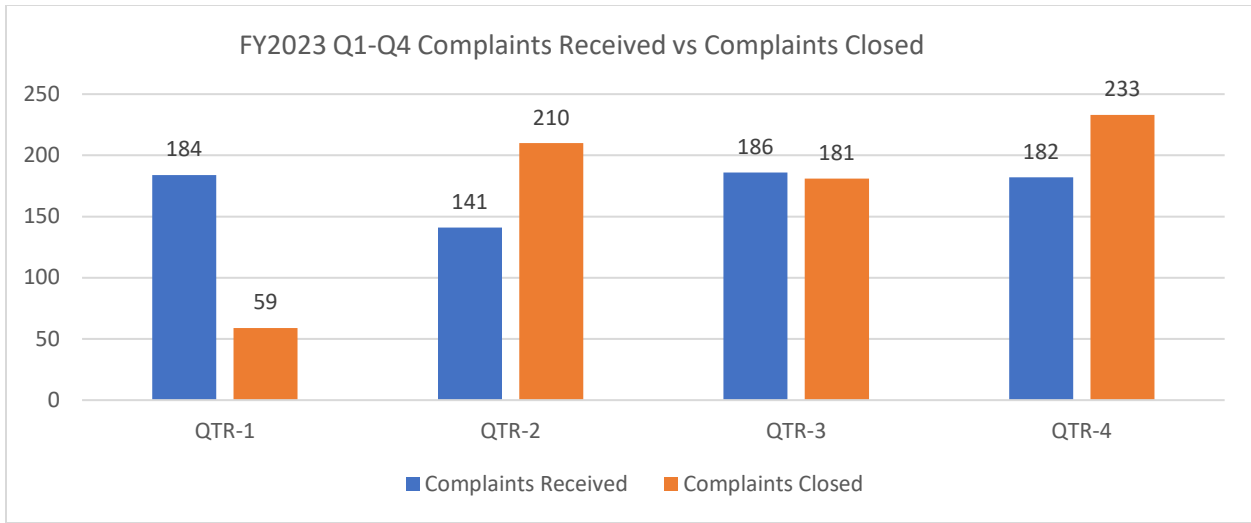
Total Closed
233



Action Taken Total
95

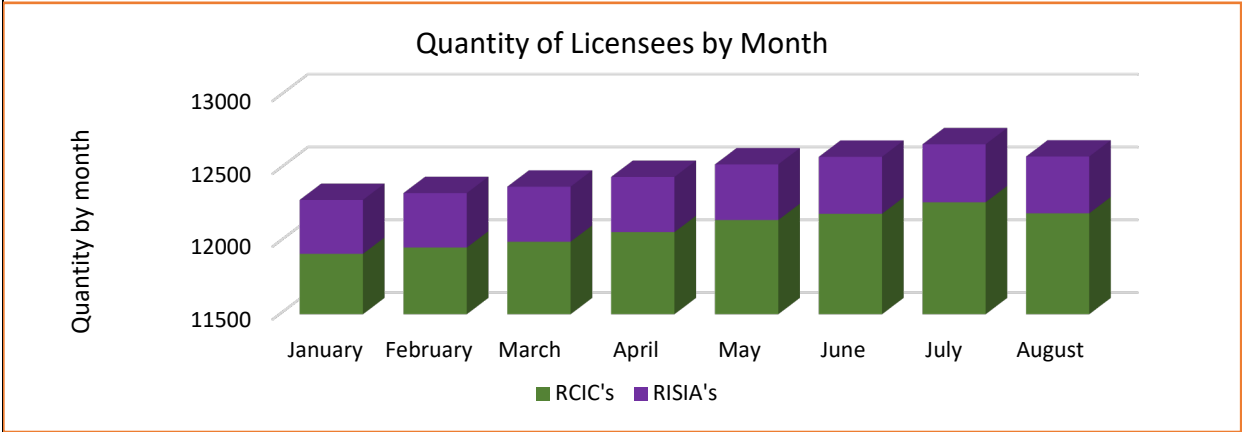
No Action Taken Total
131



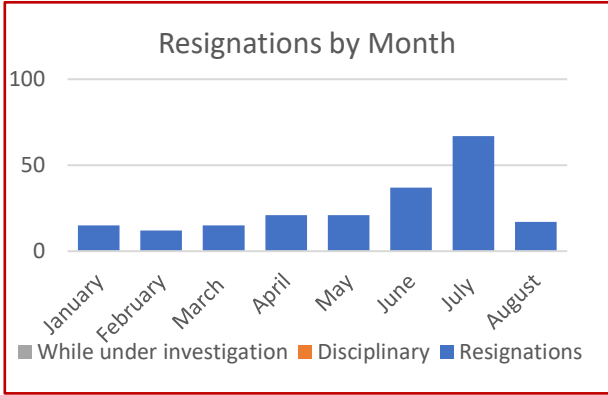


REGISTRATION

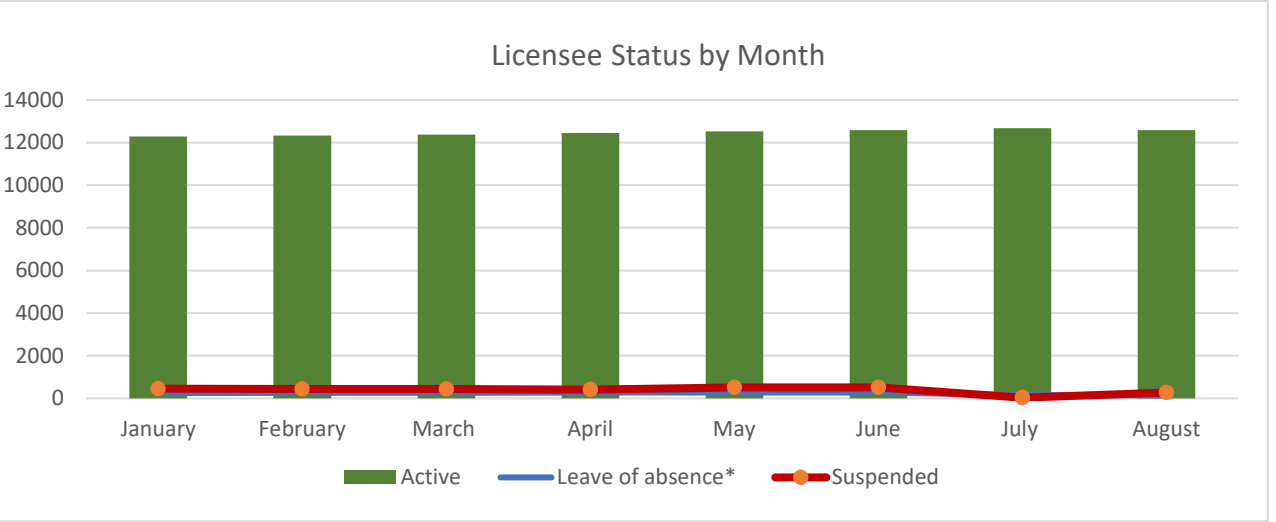
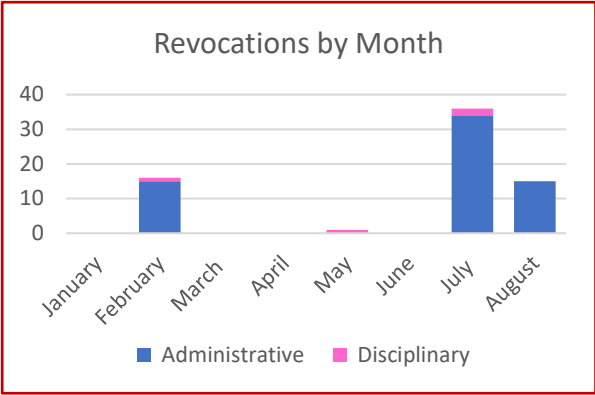
The number of licensees declined slightly (less than 1%) from the previous month but has increased from the start of the calendar year.



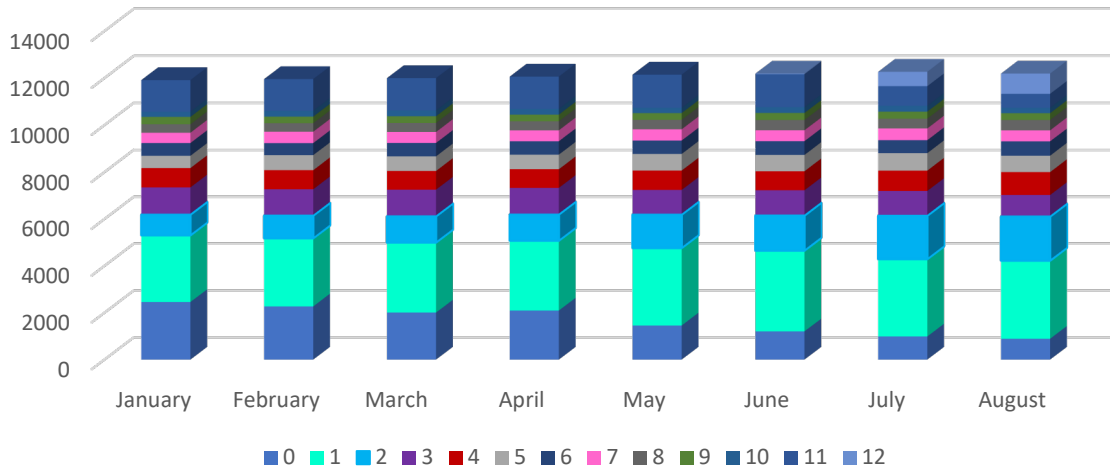
Resignations increased in July as licensees chose not to renew. Resignations in August were in line with previous months.



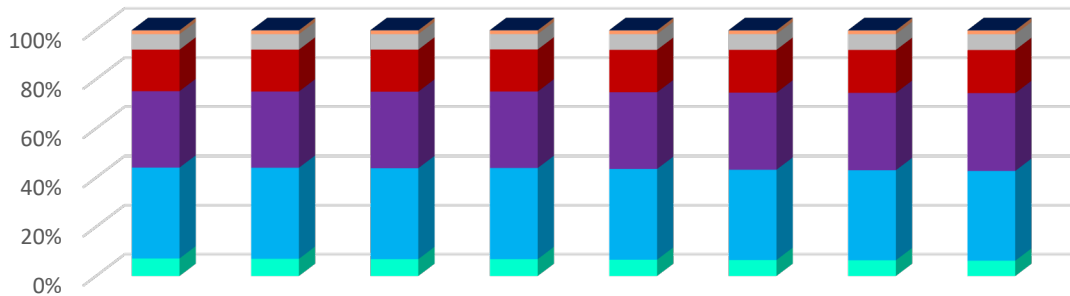
Licensees suspended more than 90 days for failure to meet obligations were revoked in July.



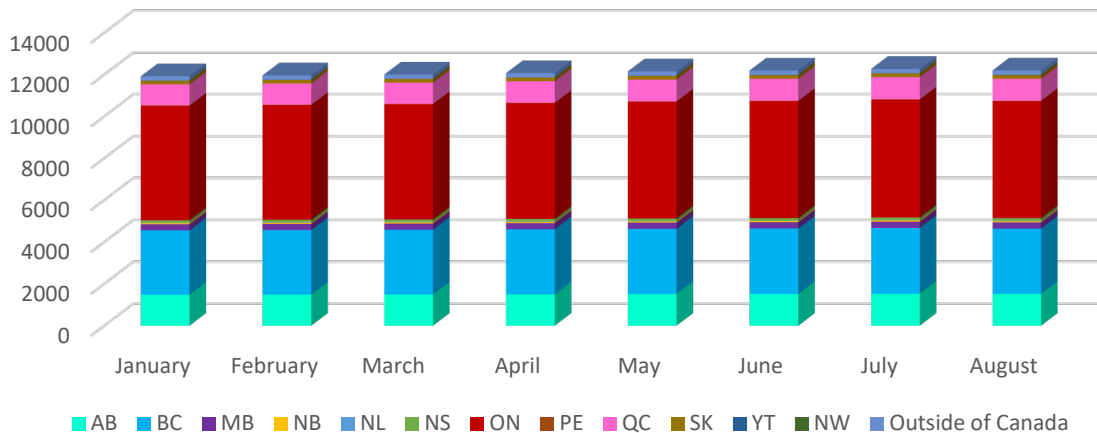
RCIC's by Years of Practice From 2011 to Present



RCICs by Age %



RCICs Location by Month



PROFESSIONAL STANDARDS, RESEARCH, EDUCATION & POLICY

<p>PGD FALL 2023 ENGLISH ENROLLMENT 1754 applied 460 offers issued 422 registered.</p> <p>PGD FALL 2023 FRENCH ENROLLMENT (to follow)</p>	<p>PGD WINTER 2023 ENGLISH ENROLLMENT 1130 applied 935 under assessment</p>
<p>RCIC'S Currently Enrolled in Specialization Program:102</p>	
<p>Specialization Exam Candidates: 139</p>	
<p>Enrolled in Mentoring Pilot: 403</p>	

HUMAN RESOURCES

Priority

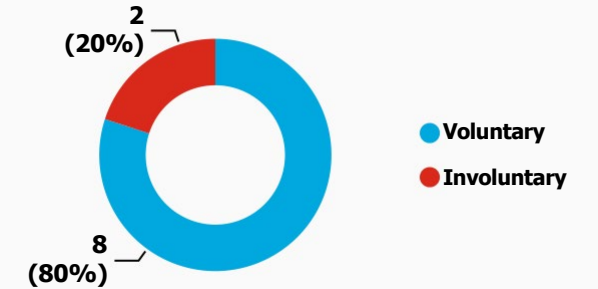


- ☐
Accessible Canada Act
 Accessibility Policy and Accessible Plan are in place.
- ☐
DEI/Employment Equity
 RFP completed and vendor selected.
- ☐
Employee Engagement
 Employees informed of results from Great Place to Work survey.
 Task Teams being developed.
- ☐
Pay Equity Act
 Data gathering and preliminary analysis is completed.
- ☐
Strategic Workforce Planning
 Implementing agency model.

Total Number of Employees (as at July, 2023)

128

Departures (FY 2023)



New Hires (FY 2023)

55

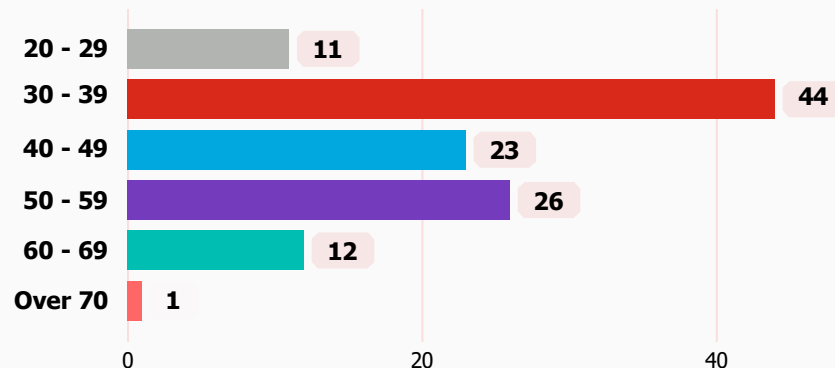
Transition to Permanent Position (FY 2023)

7

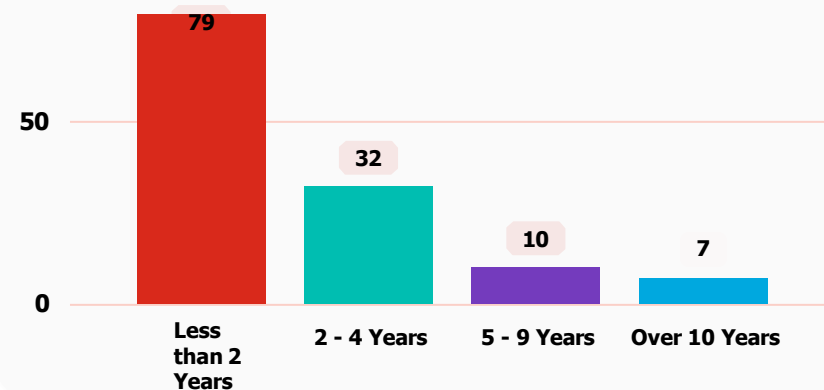
Attrition Rate (FY 2023)

6.25%

Employees by Age (as of July 1, 2023)



Employees by Years of Service (as of July 1, 2023)



MEMORANDUM

To: **Board of Directors**
From: **Ben Rempel**
Chair, Governance and Nominating Committee
Re: **Consent Agenda item – Report of the Nominating and Governance Committee**
Date: **September 28, 2023**

Summary

The Governance and Nominating Committee (GNC) met on August 16, 2023.

Requested Action

This memorandum is for the information of Directors only. Specific GNC items requiring Board approval are included on the Board meeting Agenda under items 5, 6, and 11.

Discussion/Analysis

The following topics were discussed during the GNC meeting on August 16, 2023:

Annual General Meeting

The Committee discussed the annual general meeting and recommended a motion for approval be presented to the Board at the next meeting scheduled for September 28, 2023. The proposed motion includes the setting of the date, time, location and record date for the 2023 annual general meeting of licensees.

GNC Policy Framework

The Committee reviewed the proposed Leadership Accountabilities of the Chief Executive Officer Policy and recommended a motion for approval be presented to the Board at the next meeting scheduled for September 28, 2023.

Amendments to the College of Immigration and Citizenship Consultants Act (Canada) /Regulations

Management discussed the amendments approved by the Parliament of Canada on June 22, 2023 and gave an update on the progress of the College Act Regulations.

Draft 2022-2023 Annual Report

The Committee reviewed the draft 2022-2023 Annual Report and recommended a motion for approval be presented to the Board at the next meeting scheduled for September 28, 2023.

Update on Specialization Program

Management gave an update on the number and status of licensees who were required to complete an undertaking advising clients of their inability to represent them before the IRB.

References:

- Tab G – Leadership Accountabilities of the Chief Executive Officer Policy
- Tab H – Order of Events
- Tab I – Draft Agenda
- Tab J – Record Date
- Tab K – Summary of College Act Amendments – June 22, 2023
- Tab P – Draft 2022-2023 College Annual Report

MEMORANDUM

To: **Board of Directors**
From: **Tim D’Souza**
Chair, Finance and Audit Committee
Re: **Consent Agenda Item – Report of the Finance and Audit Committee**
Date: **September 28, 2023**

Summary:

The Finance and Audit Committee (FAC) met on September 14, 2023.

Requested Action:

This memorandum is for the information of Directors only. Specific FAC items requiring Board approval are included on the Consent Agenda Tab E and Board Meeting Agenda, items 8, 9 and 10.

Discussion/Analysis:

The following topics were discussed during the FAC meeting on September 14, 2023:

Consent Agenda

- the compliance statement indicated no items of non-compliance.
- the Investment Report as of June 30, 2023

Review of the draft Audited Annual Financial Statements for year ended June 30, 2023

– Lynn Stivaletti, audit partner from Goodman Mintz LLP, presented the draft audited financial statements for the year ended June 30, 2023. The Committee accepted the draft and recommended a motion for approval be presented to the Board at the next meeting scheduled for September 28, 2023.

Review of the Financial Results for year ended June 30, 2023 – Management presented, and the Committee discussed the internal financial statements for year ended June 30, 2023.

Review of the draft FAC Workplan – Management presented the workplan for FY2024. The Committee discussed the workplan and recommended it be presented to the Board at the next meeting scheduled for September 28, 2023.

Signing Officer Policy – Management presented the amended Signing Officer Policy which reflects the addition of new signing officers. The Committee accepted the policy in substantially the form as presented and recommended a motion for approval be presented at the next meeting of the Board scheduled for September 28, 2023.

Confirmation of Authorized Signing Officers – Management presented a Confirmation of Authorized Signing Officers to be presented to the Board of Directors at the next meeting scheduled for September 28, 2023.

References:

- Tab E – Draft Annual FAC Workplan
- Tab L – Draft Audited Annual Financial Statements
Audit Findings Letter
- Tab M – Amended Signing Officer Policy
- Tab N – Amended Authorized Signing Officers

MEMORANDUM

To: **Board of Directors**

From: **Tim D’Souza**
Chair, Finance and Audit Committee

Re: **Consent Agenda item – Draft Annual FAC Workplan for 2023-2024**

Date: **September 14, 2023**

Summary:

The Board of Directors is requested to review the attached Finance and Audit Committee (FAC) Workplan.

Requested Action:

THAT:

the FAC Workplan, is being provided as information to the Board of Directors. No further action is required.

Discussion/Analysis:

Background: The FAC Terms of Reference, approved by the Board of Directors on June 10, 2022, require the FAC to produce an annual workplan for presentation to the Board of Directors by the Committee Chair. (A copy of the FAC Terms of Reference is attached to this memorandum as **Appendix A.**)

A draft FAC Workplan, for review and discussion by FAC members, is attached to this memorandum as **Appendix B.** This draft workplan was prepared to allow the FAC to achieve the objectives contemplated in the Terms of Reference:

Attachment(s):

Appendix A – FAC Terms of Reference
Appendix B - Draft FAC Workplan for 2023 – 2024

FINANCE AND AUDIT COMMITTEE

Terms of Reference

Version: 2022-001 Last Modified: May 18, 2022 Approved: June 10, 2022

Purpose

The Finance and Audit Committee (FAC) is responsible for overseeing and monitoring all significant aspects of the financial management of the College, providing support to the Board as it executes its oversight function.

Duties and Responsibilities (Scope of Work)

The Committee shall fulfill its responsibilities within the context of the following principles:

Committee members will act in accordance with applicable Board policies.

Committee members are expected to communicate among themselves in a direct, open and professional manner.

Committee decisions will be made in accordance with the following principles of good governance:

- Openness in decision-making and actions;
- Integrity based on honesty and objectivity; and
- Accountability for stewardship and performance.

The Committee shall develop an annual Work Plan responsive to its responsibilities as set out in these Terms of Reference. It will be presented to the Board by the Committee Chair.

To fulfill its responsibilities the Committee shall undertake the following:

Financial Reporting:

- a) Review the College quarterly financial statements, as prepared by management;
- b) Review the annual audit plan, annual audited financial statements and the annual Management Representation Letter and Engagement Letter provided to the Auditor and report thereon to the Board before such statements are approved by the Board.
- c) Receive from the Auditor reports pertaining to – and meet with the Auditor, as necessary, to discuss:
 - a. their audit of the annual financial statements and their Independence Letter to determine that no management restrictions have been placed on the scope and extent of the audit examination by the Auditor or the reporting of their findings to the Committee;
 - b. their assessment of the control environment and a report on any significant deviations or indications/detection of fraud and the corrective activity undertaken in respect thereto;
- d) Recommend to the Board the appointment of the Auditor, review the performance of the Auditor at least annually and recommend to the Board the remuneration and the terms of engagement of the Auditor;

Budgeting and Financial Management:

- a) Review the financial position and financial performance, of the College to ensure that appropriate and timely information concerning the College’s financial position and performance is presented to the Board;
- b) Receive from management and review the College’s operating and capital budgets to ensure that they are appropriate to fulfill the mandate of the College;
- c) Review banking arrangements, signing authorities and cash management controls as needed to ensure that they are appropriate to the needs of the College.

Investment Monitoring:

- a) Establish an investment policy for approval by the Board;
- b) review the investment policy at least annually and recommend any necessary amendments to the Board;
- c) Monitor investment transactions and results on a quarterly basis according to the investment policy and report quarterly on such investments to the Board.

Risk and Uncertainty:

The Committee shall:

- a) Review with management the College’s risk management framework, reporting to the board on any significant financial risks;
- b) Gain reasonable assurance that financial risk is being effectively managed in accordance with the risk management framework; and
- c) Annually receive and review a report from management on the adequacy of insurance coverage maintained by the College.

Internal Control and Information Systems:

- a) Review and obtain reasonable assurance that the internal control and information systems management put in place are operating effectively to produce accurate, appropriate and timely management and financial information;
- b) At the request of the President & CEO, Chair of the Board, Chair of FAC or the Chair of the Governance and Nominating Committee (GNC), undertake investigations and other actions in relation to any suspected material non-compliance with accounting, internal control or auditing standards and report on such matters to the Board;
- c) The Committee shall periodically review the expense reports of the Chair of the Board and the President & CEO (CEO) for the fiscal year just ended and report on compliance with College expense policies.

Compliance with Laws and Regulations:

- a) Review regular reports (Statutory Declarations and/or Compliance Certificates) from management with respect to the College's compliance with laws and regulations having a material impact on the financial statements including tax and financial reporting laws and regulations; legal withholding requirements; other laws and regulations which expose the members of the Board to liability;

Other Responsibilities:

- a) Investigate any matters that in the Committee's discretion, fall within the Committee's duties.

Authority and Reporting

The Committee has the authority required to carry out the "Duties and Responsibilities".

The Committee shall report its recommendations to the Board of Directors through written reports.

Competencies of Committee Members

- Knowledge of College structure, policies and culture (including its mission, vision, values, strategic plan, governance structure, role of staff and committees, programs and services)
- Experience in and understanding of financial accounting, financial reporting and Canadian GAAP/international financial reporting standards applicable to not-for-profit corporations
- Experience in risk management frameworks and their reporting.
- (Strongly preferred) Be a member in good standing of an institute or association of accountants incorporated by or under an Act of the legislature of a province."

Competencies of Committee Chair

- An understanding of corporate governance, typically acquired in a senior management role or as a corporate director; experience supported by recognized training in this area.
- Previous experience as a Director of a public-interest entity or a medium or large non- profit organization.

Composition

The Committee shall consist of a minimum of three (3) and a maximum of five (5) members.

The Committee Chair, Committee Vice-Chair, and Committee members shall be nominated by the Governance and Nominating Committee and approved by the Board. The Chair, Vice-Chair and voting members shall be members of the Board. The Committee can appoint *ad hoc* non- voting members to the Committee, as required, to assist in fulfilling its purpose. The Committee may, from time to time, invite guests to attend meetings.

The Board Chair is entitled to attend and speak at all meetings but shall not be entitled to vote unless appointed as a member of the Committee.

The CEO is entitled to attend and speak at every meeting of the Committee but shall not be entitled to vote.

The CEO shall delegate a recording secretary who shall take minutes and assist in coordinating meetings and materials for the Committee and Sub-Committees if any.

In the absence of the Committee Chair at any meeting or process of the Committee, the Vice-Chair shall assume the duties of the Chair. Any member of the Committee or Sub-Committee can be designated by the Chair or the Vice-Chair as the Chair of any meeting.

Meeting arrangements

Meeting Agendas:

The recording secretary will develop meeting agendas and supporting materials in consultation with the Committee Chair, other Board committees and management.

Meeting Materials:

The recording secretary will ensure that all meeting materials are posted and distributed to Committee members five (5) business days in advance of meeting dates. However, special consideration may be given to urgent matters.

The minutes of each meeting of the Committee shall be provided to each Committee member within five (5) business days from the meeting date.

Frequency, Calling of Committee Meetings and Quorum:

The Committee shall meet as required by its annual Work Plan. Meetings shall be held at the call of the Committee Chair or at the request of the CEO or two (2) members of the Committee.

Quorum shall be a majority of the voting members of the Committee. Each voting member will be entitled to one (1) vote and the Committee Chair will not have a second or casting vote in the case of an equality of votes. A tied vote is a failed vote.

***In Camera* Meetings:**

Committee members may, at their discretion, meet in a private session without staff members present, in accordance with applicable College governance policies.

Review

The Committee shall annually review these Terms of Reference, its Workplan and assess its own effectiveness in terms of ability to fulfill its purpose.

Effective Date

These Terms of Reference were approved by the Board of Directors on June 10, 2022, and are effective as of June 10, 2022.



Timothy D'Souza
Chair – Finance and Audit Committee



Stan Belevici
Chair – Board of Directors

Appendix B



Note:
S = Standing Item
P = Project Based

FINANCE AND AUDIT COMMITTEE WORKPLAN

Activity		S/P	Notes	Mtg 4 Sep 14/23	Mtg 1 Nov 16/23	Mtg 2 Feb xx 24	Mtg 3 May xx 24	Mtg 4 Sep xx/ 24	Mtgs 2025
Financial Reporting – Recommendation to Board									
1	Review Quarterly Financial Statements as prepared by Management	S	Reviewed Quarterly	✓	✓	✓	✓	✓	
2	Review Outlook/Forecast Q2 Q3	S	March 31, 2023		✓	✓	✓		
3	Review Annual Audit Plan	S	Date of Last Review – Feb 22, 2022 FY 2023			✓			
4	Review Engagement Letter	S	Date of Last Review – Nov 17, 2022 for FY2023			✓			
5	Review Annual Audited Financial Statements	S	Date of Last Review – Sep 9, 2022	✓					
6	Review Annual Management Representation Letter	S		✓					
7	Review Independence Letter	S		✓					
8	Review of Auditors Recommendations for Implementation	S	Reviewed Yearly	✓					
9	Recommend Appointment of Auditor (Goodman Mintz LLP Initial Appointment FY2021 - 5 Audits)	S	Appointed – Nov 17, 2022 for FY2023		✓				
10	Recommend Auditor remuneration	S			✓				
11	Review Results of Auditor’s performance Evaluation Survey	S	Date of Last Review – Nov 17, 2022 FY 2022		✓				
Budgeting and Financial Management									
1	Review Operating and Capital Budget	S	Date of Last Review - May 31, 2023 Present to Board for Approval				✓		
2	Review Banking Arrangements	S				✓			
3	Review Confirmation of Authorized Signing Officers	S	Last Reviewed – May 31, 2023			✓			
4	Review Cash Management Controls	S							

Activity		S/P	Notes	Mtg 4 Sep 14/23	Mtg 1 Nov 16/23	Mtg 2 Feb xx 24	Mtg 3 May xx 24	Mtg 4 Sep xx/ 24	Mtgs 2025
Investment Monitoring									
1	Investment Policy	S	Annual Review Date of Last Review Nov 17, 2022						✓
2	Review Quarterly Investment Results	S		✓	✓	✓	✓	✓	
Risk and Uncertainty									
1	Review Risk Response Strategies Register	S	New Register to be developed				✓		
2	Review Insurance Coverage Annually	S				✓			
Internal Control and Information Systems									
1	Review Internal control and Information systems Management	S							✓
2	Review Expense reports: Chair, Board of Directors/ President & CEO Annually	S	Date of Last Review – Feb 22, 2023						✓
Compliance with Laws and Regulations									
1	Review Compliance Certificate	S	Reviewed Quarterly	✓	✓	✓	✓	✓	
Policies									
1	Reserve Funds Framework (Policy)	S	Bi-annual Review Date of Last Review – Nov 17, 2022						✓
2	Signing Officer Policy	S	Date of Last Review – Feb 22, 2023				✓		

Activity		S/P	Notes	Mtg 4 Sep 14/23	Mtg 1 Nov 16/23	Mtg 2 Feb xx 24	Mtg 3 May xx 24	Mtg 4 Sep xx/ 24	Mtgs 2025
Finance and Audit Committee Governance (Dec 1 to Nov 30)									
1	Create Workplan for 2023/24 Session	S	Last Reviewed - September 15, 2022	✓					
2	Annual Review of Committee Evaluation	S				✓			
3	Annual Review of Terms of Reference	S				✓			
4	Annual Review of Committee Membership	S				✓			
5	Annual Review of Committee Responsibilities	S				✓			

Independent Complaints Review Officer's QUARTERLY REPORT

April 7, 2023 to July 31, 2021

Introduction

This is the quarterly report required by Section 5.2 of the Independent Complaints Review Officer ("ICRO") Regulation:

- 5.2 The ICRO shall report to the Council¹ every quarter of the calendar year:
- (a) statistics that include the number of requests for reviews received in each quarter, the number of reviews concluded in each quarter, the number of reviews still active at the end of each quarter, and the general outcomes of the concluded reviews;
 - (b) a summary of the disposition of the reviews concluded by the ICRO in each quarter, including a summary of any matters referred to the Council, and the reasons for that referral; and
 - (c) an assessment of the Council's handling of complaints, including any trends or concerns, and recommendations regarding improvement of those processes.

This quarterly report ("Report") has been produced for April 6, 2023, in time for the Council to review during its quarterly meeting.

As required, this Report is divided into a General Statistics, a Summary of Disposition of Reviews by ICRO, Assessment of the Handling of Complaints by the College, and Recommendations.

¹ Any references to the Council, and associated terminology, are to be read as references to the College, including the Complaints Committee.

Mandate of the ICRO

On receiving a request for review, my role as ICRO is to determine whether the procedures used by the Complaints Committee in its handling of the complaint were fair, and that there were no errors in fact or in law.

The mandate of the ICRO is set out under section 27 of the By-law, which states in part:

27.3

The ICRO may only review the fairness of the procedure used by the Council or the Complaints Committee to handle the complaint. The ICRO's review will be guided by the accepted principles in the rules and By-laws related to the Complaints and Discipline process. The ICRO cannot review the actual merits of any particular complaint.

27.4

The ICRO will either accept that the procedures were fair or refer the complaint back to the Complaints Committee with a recommendation for further action. During the review, if the ICRO receives fresh information the ICRO considers significant, they may refer that information back to the Complaints Committee for further consideration. Where a matter is referred back to the Complaints Committee the ICRO will direct whether the matter must be considered by a different panel than that which first reviewed the complaint.

As an integral part of my role as ICRO, I may also make recommendations to the College on how to improve its handling of complaints, including the fairness and transparency of its complaint procedure and process.

General Statistics

During this Period, I received two requests for a review plus two requests for an extension of time to submit a request for a review. I concluded two requests for review (including one review that was outstanding from the prior Quarter) and the two requests for an extension, and have one review that remains active

Requests for Review Received ²	Reviews Concluded	Active Reviews
2	2	1

² The two requests for an extension of time to submit a request for a review are not included.

General Outcome of Reviews Concluded and Requests for Extension of Time

In conducting a review, the ICRO may conclude by either accepting that the procedures were fair, or referring the complaint back to the Complaints Committee with a recommendation for further action.

The ICRO also has the discretion to extend the time for submitting a Request for Review if there are both special circumstances that warrant the granting of an extension and it can be shown that there is merit in proceeding with the ICRO review.

Two requests for reviews and two requests for extensions were completed, including one request for review received from the prior Quarter. The two review decisions confirmed that the procedures were fair, with no errors of fact and law, though recommendations were made in most cases to improve the College's handling of complaints. There is one review, received July 5, 2023, that has not been completed yet. The two requests for an extension of time were granted, for one week and for two weeks respectively, based on the circumstances of each request.

Summary of Disposition of Reviews/Requests for Extension of Time by ICRO

The following is a summary of the disposition of the reviews conducted:

1. College File No: CD.2021.301

Review Received by ICRO: March 28, 2023
Decision Issued by ICRO: April 26, 2023

Note: This Complaint was received in the last Quarter, but the decision was issued in this Quarter.

Disposition: There were no errors in fact or in law in deciding not to take further action; (i) the Complainant was offered an opportunity to participate in a mediation, but declined; and (ii) there was no procedural unfairness in proceeding by way of ER, resulting in a VRP agreement. However, recommendations were provided relating primarily to the College's processing of a Complaint that related to a business arrangement between the Complainant and the Licensee rather than with professional regulatory issues.

2. College File No: CD.2020.273

Request for Extension Received by ICRO: May 1, 2023
Matter Closed by ICRO: July 14, 2023

Disposition: The Complainant asked for an extension of time to submit a formal Request for Review. In the circumstances, an extension of time of two weeks was granted, but no Request for Review was submitted.

3. College File No: CD.2022.247

Request for Extension Received by ICRO: May 29, 2023
Matter Closed by ICRO: June 26, 2023

Disposition: The Complainant asked for an extension of time to submit a formal Request for Review. In the circumstances, an extension of time of 7 days was granted, but no Request for Review was submitted.

4. College File No: CD.2022.101

Review Received by ICRO: June 7, 2023
Decision Issued by ICRO: July 4, 2023

Disposition: There were no errors in fact or in law, and the College's decision was supported by the documentary disclosure.

5. College File No: CD.2022.024

Review Received by ICRO: July 5, 2023
Decision Issued by ICRO: TBD

Disposition: Not yet decided.

Summary of Matters Referred to the College and Reasons for Referral

No matters were referred back to the College.

Assessment of the Handling of Complaints by College and Recommendations

The College has an important role in regulating immigration and citizenship consultants in the public interest. The College protects the public by (a) establishing and administering qualification standards, standards of practice and continuing education requirements for licensees; (b) ensuring compliance with the code of professional conduct; and (c) undertaking public awareness activities.

The complaints process is part of the College's regulatory activities in ensuring compliance amongst its licensees. Prior recommendations regarding the handling of complaints have tended to focus on (i) communications with complainants about the complaints/ER process

and the College's mandate; and (ii) the appropriate balance between providing information to complainants and the confidentiality provided to the licensee as part of the ER process and agreement to a VRP.

During the period covered by this Report, I found no errors of fact or law in the disposition of the two completed reviews. I also had limited recommendations to the College on how to improve its handling of complaints, or the fairness and transparency of its complaint procedure and process.

There was only one recommendation, which was not contained in any decision, but was made directly to the Professional Conduct Department's Leadership Team. in an information meeting. The recommendation related to a complaint that pertained mainly to a business relationship with the Licensee. During the course of the College's handling of the complaint, the College mediator kept referring to a "refund", when no fees had been paid for any regulated work. The Complainant's main purpose for making the complaint was for the Licensee to pay fees that the Complainant claimed were owing to them by the Licensee pursuant to their business agreement. The College's review of the complaint did ultimately disclose some regulatory issues, but they were ancillary to the issues raised by the Complainant.

In such circumstances, the College's triage of complaints should consider whether the initial complaint raises any regulatory issues at all. If the issues raised do not involve the regulatory mandate of the College, the complainant should be so informed and advised to seek civil remedies and, if needed, to consult with a lawyer or paralegal.

Additional Note

In addition, for the information of the College and its Council, as ICRO I have developed a test for when to consider extensions of the deadline for submitting a request for review by the ICRO. The ICRO's response is to advise complainants that an extension to the mandatory deadline to submit for an ICRO review will only be considered if there are both (i) special circumstances that warrant the granting of an extension, and (ii) it can be shown that there is merit in proceeding with the ICRO review. The Complainant is also asked to review By-Law 2021-02 (in particular section 27), the Independent Complaints Review Officer Regulation, and the College's mandate in the handling of complaints and its complaints process, all of which can be found on the College's website.

This is a high threshold, as extensions will not be routinely granted, but the ICRO wants to ensure that extensions are granted in situations where the principles of natural justice and procedural fairness require it.

In the two matters where a request for an extension was requested, neither Complainant replied with reasons why the extension should be granted.

Conclusion

Any recommendations I make are in the spirit of increasing public confidence in the College, and to ensure that there is transparent adherence to the principles of natural justice and procedural fairness. An important part of the regulatory mandate of the College is to confidence of complainants that the College has considered regulatory issues raised in their complaints and addressed them in accordance with its regulatory mandate.

I also acknowledge that the College has already implemented many changes to its processes and is considering the implementation of further changes that address the concerns that I have raised as ICRO. I am confident that such changes will reduce anxieties or frustration on the part of both complainants and licensees, and increase public confidence. Transparency and clear communications about the College's regulatory mandate to act in the public interest and protect the public, rather than as advocates of individual complainants and their civil matters, is critical to fostering that confidence.

Dated this 31st day of July 2023

Independent Complaints Review Officer



Lai-King Hum (she/her/elle), ICRO

August 14, 2023

Dear Ms. Hum

On behalf of the College of Immigration and Citizenship Consultants (CICC) we would like to once again take this opportunity to thank you for your thorough reviews of the complaints referred to you to date.

The managers and supervisors of the Professional Conduct Department have been reviewing all closing letters with the intention of providing the appropriate amount of information to satisfy the complainant that the College has considered their complaint on its merits and taken appropriate action. We are encouraged that your latest report did not find any concerns in this regard.

Regarding the file involving a mediator discussing a refund related to a business-to-business dispute, we have discussed it with the staff member handling the file. In addition, we reminded the team that the term "restitution" is the more appropriate term to use, as it captures both the refund of earned fees and the return of fees that were not clearly earned.

On the related issue of the nature of complaints, we are working diligently to better screen incoming complaints to ensure they are within the scope of the College's mandate. We have been fortunate enough to hire additional staff with immigration law or RCIC experience as Complaint Coordinators and intend to leverage this knowledge for a more robust triage process. We have also revised our communication templates which are sent at the time of filing a complaint and again during our process to remind complainants of our mandate and other avenues available for restitution or civil remedies.

The criteria you have initiated to consider granting extensions is welcome and appropriate in our view.

It was our pleasure to host a virtual information session with the Professional Conduct leadership team and we hope it provided valuable insight into our processes.

Sincerely,



Michael Huynh
Director, Professional Conduct

MEMORANDUM

To: Board of Directors
From: Ben Rempel
Chair, Governance and Nominating Committee
Re: Agenda Item 5 - GNC Policy Framework – Policy Approval
Date: September 28, 2023

Summary:

The Governance and Nominating Committee (GNC) recommends Board approval of a draft Leadership Accountabilities of the Chief Executive Officer Policy.

Requested Action:

THAT: the draft Leadership Accountabilities of the Chief Executive Officer Policy in substantially the form attached hereto be and is hereby approved with immediate effect.

Discussion/Analysis:

As previously discussed, the Board of Directors seeks to adopt a “policy governance” approach to governance of the College. A key first step in establishing this approach is the articulation by the Board of the accountabilities expected of the Chief Executive Officer (CEO).

College policy staff have reviewed legislative requirements, precedents used by similar organizations (including the College of Patent Agents and Trademark Agents), met with the CEO and senior management of the College, and prepared the attached draft Leadership Accountabilities of the Chief Executive Officer Policy.

The GNC reviewed the draft policy at their meeting on August 18, 2023, and recommend its approval to the Board of Directors.

Attachment:

Appendix A - Leadership Accountabilities of the Chief Executive Officer Policy



**LEADERSHIP
ACCOUNTABILITIES OF THE
CHIEF EXECUTIVE OFFICER
POLICY**

**Version: 2023-001
For Approval by the Board of Directors [September 28], 2023**

GUIDING DOCUMENT(S): College Act, s. 28; [By-law XX]	DOCUMENT TYPE: Governance
ADMINISTRATOR(S): Corporate Secretary	DOCUMENT NUMBER:
EFFECTIVE DATE: September 29, 2023	REVISION DATE N/A

INTRODUCTION

Identifying the CEO's leadership accountabilities allows the Board to articulate its desired leadership approach, appropriate governance oversight, promote accountability, while fostering flexibility, innovation and creativity to advance the purpose of the College.

DEFINITIONS

Board: means the Board of Directors of the College.

By-laws: means the By-laws of the College and By-law means any one of them.

CEO: means the Chief Executive Officer of the College appointed by the Board pursuant to s. 28 of the College Act.

Chair: means Chair of the Board.

College: means the College of Immigration and Citizenship Consultants

College Act: means the *College of Immigration and Citizenship Consultants Act (Canada)*.

Regulations: means the regulations made pursuant to the College Act.

PURPOSE

To articulate the Board's leadership accountabilities for the CEO.

APPLICATION AND SCOPE

This policy applies to the CEO.

POLICY REQUIREMENTS

1. CEO

The CEO, under the direction of the Board, is responsible for the management and coordination of the operations, administration, finances, organization, supervision, and maintenance of all activities of the College.

- 1.1 The CEO performs all functions and duties associated with the office of chief executive officer, including:
- leading the implementation of business strategies approved by the Board through the strategic plan;
 - putting into effect all governance and licensee policies and procedures established by the Board or committees acting under its authority;
 - developing and approving all operational policies and procedures that manage the operations of the College;
 - informing, counselling and assisting the Board and any committee in the development, adoption, implementation, and advancement of the College's strategic and regulatory objectives, standards, and governance and licensee policies;
 - engaging employees and directing personnel in the ongoing administration of College programs;
 - acting as the public face of the College;
 - executing documents on behalf of the College; and
 - delegating the CEO's responsibilities as needed to fulfill their leadership accountabilities.
- 1.2 The CEO shall not cause or allow any practice, activity, decision, or organizational circumstance that is imprudent or violates the College Act, Regulations, other applicable legislation, College policies, By-laws, professional ethics or commonly accepted business and management practices.
- 1.3 The CEO will participate in the annual CEO performance review.
- 1.4 The CEO shall ensure all policies necessary for the efficient operation and management of the College are created, kept current, documented, and followed. Such policies shall follow applicable legislation, professional ethics and best business and management practices.

2. Employees

The CEO is responsible for creating a work environment that supports a positive employee culture while delivering on the College's purpose.

- 2.1 The CEO promotes working conditions for employees that are fair, dignified, and safe, and in compliance with applicable legislation, employment contracts, professional ethics and best business and management practices.
- 2.2 The CEO ensures there are current position descriptions in place for all employees containing a description of the competencies required and performance expectations.
- 2.3 The CEO ensures regular talent development reviews are conducted for all employees in accordance with College human resources policies and procedures.

3. Employment, Compensation and Benefits

The CEO provides terms of employment, total compensation for College employees, and contract workers that accord with approved budgets, reflect market best practices and do not jeopardize the public image or the fiscal integrity of the College. In particular, the CEO:

- 3.1 may not change their own compensation and benefits, or receive benefits outside of the approved compensation for the CEO; and
- 3.2 ensures total compensation included in the annual College budget does not substantially deviate from the College's compensation philosophy, as approved by the Board.

4. Backup and Succession Planning

The CEO must ensure appropriate backup, succession and transition planning is in place for the CEO and significant College functions.

5. Strategic Goals and Objectives

The CEO facilitates Board development and approval of a Strategic Plan with objectives which set the strategic direction for the Board and College.

6. Finances

The CEO presents an annual budget to the Board for approval.

The CEO provides regular written reports to the Finance and Audit Committee on the College financial situation specifically advising of material changes in assumptions or expected deviation in budgeted revenue or expenditures.

7. Financial Reporting and Accountability

The CEO ensures:

- 7.1 expenditures are made in compliance with the budget. The CEO may reallocate between items in the budget to support the College's purpose, strategic plan, unanticipated events, and government legislation, regulation and directives.
- 7.2 appropriate signing authorities and banking resolutions are kept current;
- 7.3 tax payments and other government-required remittances and other deductions are current and so certifies to the Finance and Audit Committee;
- 7.4 funds are managed to support sustainability of the College;
- 7.5 a Risk Management Framework is developed, approved by the Board, and status reports are submitted to the Board through the Finance and Audit Committee; and
- 7.6 audited annual financial statements are produced by an independent licensed audit firm and provided to the Board.

8. Litigation

- 8.1 The CEO instructs counsel on behalf of College in matters, other than matters relating to the College's professional discipline process, in which the College is a party to litigation or to judicial or quasi-judicial proceedings and is not represented by its insurer.
- 8.2 In matters where the College, its employees, Board, or committee members are named as a defendant or a responding party in litigation or in judicial or quasi-judicial proceedings, the CEO:
 - advises the Board as soon as practicable;
 - if the matter is not covered by insurance, retains, and instructs counsel for the College, its employees, Board, or committee members, and provides direction with respect to the nature and scope of College's role in the matter; and
 - reports to the Board on the status of the matter from time to time.

9. Board Support and Communication

The CEO supports the Board, committees and all who assist the College through both leadership and administrative support. In particular, the CEO ensures:

- 9.1 there is full communication with the Board on all relevant matters at Board meetings or between Board meetings, which communication contains appropriate information to allow Board members to be adequately informed of the issues and carry out their duties;
- 9.2 any written reports, required by the Board, are provided in a timely, accurate and understandable fashion;
- 9.3 the Board is informed of relevant trends, significant issues, adverse media coverage, significant internal or external changes and any other information which might reasonably impact Board policy or the reputation of the College;
- 9.4 the Board is informed if, in the CEO's opinion, the Board fails to comply with its own policies, or if there has been conduct detrimental to the relationship between the CEO and Board;
- 9.5 Board deliberations are informed by appropriate staff and external points of view on issues and options as necessary; and
- 9.6 Board communications such as Board/Committee packages are distributed no later than one week prior to Board meetings.

10. Strategic Alliances

- 10.1 The CEO develops and nurtures relationships with individuals and organizations to support the College's purpose and achieve the strategic plan.

MEMORANDUM

To: Board of Directors
From: Ben Rempel
Chair, Governance and Nominating Committee
Re: Agenda Item 6 – Annual General Meeting
Date: September 28, 2023

Summary:

The Board of Directors is asked to approve the proposed date, record date, location and agenda for the 2023 Annual General Meeting.

Requested Action:

THAT: a general meeting of licensees of the College be held on November 30, 2023, commencing at 10:00 am, ET, at the Ottawa Conference and Event Centre, 200 Coventry Road, Ottawa, ON K1K 4S3.

Discussion/Analysis:

The College Act requires the College to hold an annual general meeting of licensees within 6 months after the end of its fiscal year. The holding and conduct of licensee meetings is governed by the College Act:

Section 11 - The College must hold an annual general meeting of members within six months after the end of each of its fiscal years, at a time and place in Canada fixed by the Board.

As the end of the fiscal year is June 30th the meeting must be held before December 31st.

Transitional College By-laws limit the agenda to the following items: (Refer to Tab I)

Section 66.3 of the By-law:

- (a) the President & Chief Executive Officer's presentation of the annual report and audited annual financial statements;*
- (b) the Chair's address to the meeting;*
- (c) election of such Elected Directors as are to be elected; [NONE]*
- (d) questions from licensees to the Board; and*
- (e) any additional matter the Board adds to the agenda.*

By design, licensees of the College no longer enjoy the full rights of membership provided under other corporate legislation to “members” of not-for-profit corporations, namely the right to ratify, propose amendments to or refuse to ratify by-laws made by the Board.

The licensees’ right to participate in an election of certain Directors is also suspended until the end of the transitional period,

ss. 85(5) The directors hold office for a term that ends on the day on which the transitional period ends.

Proposed Date, Time and Location:

It is proposed to hold the College Annual General Meeting:

Date: Thursday, November 30, 2023

Time: 10:00 - 2:00 pm

Location: Ottawa

The College has secured adequate conference facilities on the proposed date at:

Ottawa Conference and Event Centre, 200 Coventry Road, Ottawa, ON K1K 4S3

Supporting event:

In addition to the AGM, it is proposed to hold:

- a “meet the Board” buffet lunch
- a Licensee Education Session,
- a formal Board meeting on the afternoon of November 30, 2023
- a Board dinner for Directors and invited guests.

A proposed order of events is attached. (Refer to Appendix H)

Attachment:

Appendix H – Order of Events

References:

Tab I – Draft Agenda

Tab J – Record Date

Appendix H

Order of Events

THURSDAY, NOVEMBER 30, 2023 TO BE HELD AT OTTAWA CONFERENCE AND EVENT CENTRE 200 COVENTRY ROAD, OTTAWA ON K1K 4S3		
	ANNUAL GENERAL MEETING	BOARD OF DIRECTORS MEETING
8:30 – 10:00 am	In-person Registration/Networking	Breakfast Prova Bar and Kitchen Located on the main floor of the hotel: Delta Hotels by Marriott, 11 Lyon Street North Ottawa <i>(Please do not charge cost to your room.)</i>
10:00 – 12:00 pm	AGM Meeting	AGM Meeting
12:00: – 1:00 pm	Buffet Lunch in AGM Room	
1:00 – 2:00 pm	Licensee Education Session: Developing your Service Agreements - A How-to Guide	Licensee Education Session: Developing your Service Agreements - A How-to Guide
2:00 – 2:30 pm	Adjournment	Break
2:45 – 5:00 pm		Board of Directors Meeting
6:00 – 9:00 pm		Board Dinner Madisons Restaurant & Bar 189 Lyon Street N. Ottawa, K1R 5C1 613-695-6262 15-minute cab ride from hotel (Taxi chits will be provided)

**Annual General Meeting
 Thursday November 30, 2023 10:00 AM – 12:00 PM EST**

PROPOSED AGENDA				
#	Time	Topic	Presenter	A/D
01	10:00 5 mins	Welcome and Meeting Introduction National Anthem	Victoria Rumble	N/A
02	10:05 2 mins	Land Acknowledgement	Victoria Rumble	N/A
03	10:07 2 mins	Introductory Comments	Victoria Rumble	N/A
04	10:09 1 min	Call to Order	Stan Belevici	N/A
05	10:10 3 mins	Proof of Notice of Meeting	Victoria Rumble	N/A
06	10:13 2 mins	Scrutineer’s Report – Declaration of Quorum	Victoria Rumble	N/A
07	10:15 5 mins	Introduction to Audience Voting Procedure	Victoria Rumble	N/A
08	10:20 5 mins	Approval of Agenda Tab A – Proposed Agenda	Stan Belevici	Approval (motion)
09	10:25 5 mins	Approval of Minutes Tab B – Minutes of IGM December 01, 2022	Stan Belevici	Approval (motion)
10	10:30 10 mins	Report of the Chair of the Board of Directors	Stan Belevici	Presentation
11	10:40 10 mins	Report of the President and Chief Executive Officer	John Murray	Presentation

#	Time	Topic	Presenter	A/D
12	10:50 10 mins	Report of the Chair of Finance and Audit Committee Tab C – Audited Financial Statements for Fiscal 2022/23	Tim D’Souza	Approval (motion)
13	10:50 5 mins	Introduction of Transitional Board of Directors	Stan Belevici	Presentation
14	10:55 60 mins	Question and Answer Period	Stan Belevici John Murray	Presentation
15	11:55 5 mins	Closing Remarks	Stan Belevici John Murray	Presentation
16	12:00	Adjournment	Stan Belevici	Approval (motion)

12:00 pm - 1:00 pm	<p>PLEASE JOIN US</p> <p>You are invited to meet the Board at a buffet lunch Lunch will be located at the back of the room</p>
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1:00 pm - 2:00 pm	<p>Licensee Education Session: Professional Conduct: Developing your Service Agreements - A How-to Guide</p>	Michael Huynh, Director, Professional Conduct
	<p>NB: The Agenda can be rearranged to include a 45-minute session on Regulations, if required</p>	

MEMORANDUM

To: **Board of Directors**
From: **Ben Rempel**
Chair, Governance and Nominating Committee
Re: **Agenda Item 6 – AGM Record Date**
Date: **September 28, 2023**

Summary

The Governance and Nominating Committee (GNC) recommends that the record date for licensees' eligibility to participate in the 2023 Annual General Meeting (AGM) be set as November 1, 2023.

Requested Action

THAT: the Record Date for the 2023 AGM be and is hereby set as November 1, 2023.

Discussion/Analysis

At its meeting held on August 18, 2023, the GNC considered and now recommends the Board of Directors set the record date for the AGM as November 1, 2023.

Transitional College By-laws require that the Board set the Record date which determines which licensees will be eligible to receive notice of and participate in the meeting. The By-law prescribes the date as close of business on the day before notice of the meeting is sent to licensees. Licensees that are in good standing on the record date are eligible to participate and vote at the meeting.

Section 68.1 of the By-law:

To be eligible to receive notice of, attend, participate and vote at a meeting of licensees, a licensees shall be In Good Standing on the record date of the meeting.

The Transitional College By-Laws state that the Board may fix a record date for licensees to be eligible to receive notice as close of business on the day before notice is sent to licensees.

Section 67.2 of the By-law:

The Directors may fix a record date for each meeting of licensees to determine which licensees are entitled to received notice of the meeting and entitled to vote

at the meeting. The record date shall be at the close of business on the day immediately preceding the day on which notice is given or such other date as set by the Board from time to time.

It is proposed the Annual General Meeting be held on November 30, 2023. In keeping with the By-laws notice must be given at least fifteen (15) days before the meeting or November 15, 2023.

Section 67.3 of the By-law:

Notice of the time, place and date of meeting of licensees shall be given at least fifteen (15) days before the date of the meeting to each licensee by sending notice by any of one of the methods set out in section 5.

It is proposed that notice be given on November 2, 2023 which is 28 days in advance satisfying the minimum 15-day requirement. If approved, the record date would be November 1, 2023.

MEMORANDUM

To: **Board of Directors**

From: **John Murray**
President & CEO

Re: **Agenda Item 7 – Amendments to the College of Immigration and Citizenship Consultants Act (Canada)/Regulations**

Date: **September 28, 2023**

Summary

Omnibus Federal Budget Legislation including requested amendments to the *College of Immigration and Citizenship Consultants Act (Canada)* (College Act) was passed by parliament, received Royal Assent and became effective as of June 22, 2023.

Requested Action

THAT: For the information of Directors. No action required.

Discussion/Analysis

Since May 1, 2019, the College has submitted several proposed amendments to the College Act. These amendments included key provisions necessary for the efficient functioning of the College. On June 22, 2023, parliament approved a number of the requested amendments.

A copy of the amended College Act is attached to this memorandum as Appendix A. A black-lined version is attached as Appendix B, and a summary of the amendments is attached as Appendix C.

Attachments:

Appendix A – Amended College Act
Appendix B – Amended College Act – Black-Lined
Appendix C – Summary of College Act Amendments



CANADA

CONSOLIDATION

CODIFICATION

College of Immigration and Citizenship Consultants Act

Loi sur le Collège des consultants en immigration et en citoyenneté

S.C. 2019, c. 29, s. 292

L.C. 2019, ch. 29, art. 292

NOTE

[Enacted by section 292 of chapter 29 of the
Statutes of Canada, 2019, in force December 9,
2020, *see* SI/2020-73.]

NOTE

[Édictée par l'article 292 du chapitre 29 des Lois du
Canada (2019), en vigueur le 9 décembre 2020, *voir*
TR/2020-73.]

Current to September 13, 2023

À jour au 13 septembre 2023

Last amended on June 22, 2023

Dernière modification le 22 juin 2023

OFFICIAL STATUS OF CONSOLIDATIONS

Subsections 31(1) and (2) of the *Legislation Revision and Consolidation Act*, in force on June 1, 2009, provide as follows:

Published consolidation is evidence

31 (1) Every copy of a consolidated statute or consolidated regulation published by the Minister under this Act in either print or electronic form is evidence of that statute or regulation and of its contents and every copy purporting to be published by the Minister is deemed to be so published, unless the contrary is shown.

Inconsistencies in Acts

(2) In the event of an inconsistency between a consolidated statute published by the Minister under this Act and the original statute or a subsequent amendment as certified by the Clerk of the Parliaments under the *Publication of Statutes Act*, the original statute or amendment prevails to the extent of the inconsistency.

LAYOUT

The notes that appeared in the left or right margins are now in boldface text directly above the provisions to which they relate. They form no part of the enactment, but are inserted for convenience of reference only.

NOTE

This consolidation is current to September 13, 2023. The last amendments came into force on June 22, 2023. Any amendments that were not in force as of September 13, 2023 are set out at the end of this document under the heading “Amendments Not in Force”.

CARACTÈRE OFFICIEL DES CODIFICATIONS

Les paragraphes 31(1) et (2) de la *Loi sur la révision et la codification des textes législatifs*, en vigueur le 1^{er} juin 2009, prévoient ce qui suit :

Codifications comme élément de preuve

31 (1) Tout exemplaire d'une loi codifiée ou d'un règlement codifié, publié par le ministre en vertu de la présente loi sur support papier ou sur support électronique, fait foi de cette loi ou de ce règlement et de son contenu. Tout exemplaire donné comme publié par le ministre est réputé avoir été ainsi publié, sauf preuve contraire.

Incompatibilité – lois

(2) Les dispositions de la loi d'origine avec ses modifications subséquentes par le greffier des Parlements en vertu de la *Loi sur la publication des lois* l'emportent sur les dispositions incompatibles de la loi codifiée publiée par le ministre en vertu de la présente loi.

MISE EN PAGE

Les notes apparaissant auparavant dans les marges de droite ou de gauche se retrouvent maintenant en caractères gras juste au-dessus de la disposition à laquelle elles se rattachent. Elles ne font pas partie du texte, n'y figurant qu'à titre de repère ou d'information.

NOTE

Cette codification est à jour au 13 septembre 2023. Les dernières modifications sont entrées en vigueur le 22 juin 2023. Toutes modifications qui n'étaient pas en vigueur au 13 septembre 2023 sont énoncées à la fin de ce document sous le titre « Modifications non en vigueur ».

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S.C. 2019, c. 29, s. 292

L.C. 2019, ch. 29, art. 292

An Act respecting the College of Immigration and Citizenship Consultants

Loi concernant le Collège des consultants en immigration et en citoyenneté

[Assented to 21st June 2019]

[Sanctionnée le 21 juin 2019]

Short Title

Titre abrégé

Short title

1 This Act may be cited as the *College of Immigration and Citizenship Consultants Act*.

Titre abrégé

1 *Loi sur le Collège des consultants en immigration et en citoyenneté*.

Interpretation and Application

Définitions et application

Definitions

2 The following definitions apply in this Act.

Définitions

2 Les définitions qui suivent s'appliquent à la présente loi.

Board means the board of directors referred to in subsection 17(1). (*conseil*)

Collège Le Collège des consultants en immigration et en citoyenneté prorogé au titre de l'article 84 ou constitué au titre de l'article 86. (*College*)

College means the College of Immigration and Citizenship Consultants continued under section 84 or established under section 86. (*Collège*)

conseil Le conseil d'administration visé au paragraphe 17(1). (*Board*)

immigration and citizenship consultant means a person — other than a person referred to in paragraph 21.1(2)(a) or (b) or subsection 21.1(3) or (4) of the *Citizenship Act* or paragraph 91(2)(a) or (b) or subsection 91(3) or (4) of the *Immigration and Refugee Protection Act* — who, directly or indirectly, represents or advises persons for consideration — or offers to do so — in connection with a proceeding or application under the *Citizenship Act*, the submission of an expression of interest under subsection 10.1(3) of the *Immigration and Refugee Protection Act* or a proceeding or application under that Act. (*consultant en immigration et en citoyenneté*)

consultant en immigration et en citoyenneté Qui-conque, de façon directe ou indirecte, représente ou conseille des personnes — ou offre de le faire —, moyennant rétribution, relativement à une demande ou à une instance prévue par *Loi sur la citoyenneté* ou à la soumission d'une déclaration d'intérêt faite en application du paragraphe 10.1(3) de la *Loi sur l'immigration et la protection des réfugiés* ou encore à une demande ou à une instance prévue par cette loi, sauf s'il est visé par les alinéas 21.1(2)a) ou b) ou les paragraphes 21.1(3) ou (4) de la *Loi sur la citoyenneté* ou les alinéas 91(2)a) ou b) ou les paragraphes 91(3) ou (4) de la *Loi sur l'immigration et la protection des réfugiés*. (*immigration and citizenship consultant*)

licence means a licence issued under this Act. (*permis*)

ministre Le ministre fédéral désigné en vertu de l'article 3. (*Minister*)

Minister means the federal minister designated under section 3. (*ministre*)

prescribed means prescribed by the regulations. (*Version anglaise seulement*)

privileged means subject to a privilege under the law of evidence, litigation privilege, solicitor-client privilege or the professional secrecy of advocates and notaries. (*protégé*)

Registrar means the Registrar of the College appointed under section 30. (*registraire*)

Designation of Minister

3 The Governor in Council may, by order, designate any federal minister to be the Minister referred to in this Act.

Organization

College

Purpose

4 The purpose of the College is to regulate immigration and citizenship consultants in the public interest and protect the public, including by

(a) establishing and administering qualification standards, standards of practice and continuing education requirements for licensees;

(a.1) establishing and providing training and development programs for licensees;

(b) ensuring compliance with the code of professional conduct; and

(c) undertaking public awareness activities.

2019, c. 29, s. 292 "4"; 2023, c. 26, s. 287.

Head office

5 The College's head office is to be at the place in Canada that is designated in the College's by-laws.

Capacity

6 (1) In carrying out its purpose, the College has the capacity and the rights, powers and privileges of a natural person.

permis Permis délivré en vertu de la présente loi. (*licence*)

protégé Se dit du renseignement qui est protégé par toute immunité reconnue par le droit de la preuve, par le privilège relatif au litige ou par le secret professionnel de l'avocat ou du notaire. (*privilegéd*)

registraire Le registraire du Collège, nommé en vertu de l'article 30. (*Registrar*)

Désignation du ministre

3 Le gouverneur en conseil peut, par décret, désigner le ministre fédéral visé par le terme « ministre » figurant dans la présente loi.

Organisation

Collège

Mission

4 Le Collège a pour mission, d'une part, de régir les consultants en immigration et en citoyenneté dans l'intérêt public et, d'autre part, de protéger le public, notamment :

(a) en établissant et en appliquant des qualifications, des normes de pratique et des exigences en matière de formation continue pour les titulaires de permis;

(a.1) en élaborant et en mettant en œuvre des programmes de formation et de perfectionnement pour les titulaires de permis;

(b) en veillant à ce que le code de déontologie soit respecté;

(c) en menant des campagnes de sensibilisation auprès du public.

2019, ch. 29, art. 292 « 4 »; 2023, ch. 26, art. 287.

Siège

5 Le Collège a son siège au Canada, au lieu fixé dans ses règlements administratifs.

Capacité

6 (1) Pour l'accomplissement de sa mission, le Collège dispose de la capacité et des droits, pouvoirs et privilèges d'une personne physique.

Extraterritorial capacity

(2) For greater certainty, the College may exercise the rights, powers and privileges referred to in subsection (1) in any jurisdiction outside Canada to the extent that the laws of that jurisdiction permit.

Status

7 The College is not an agent of Her Majesty in right of Canada, and the College's directors, the members of its committees, the Registrar, the investigators and any officers, employees and agents and mandataries of the College are not part of the federal public administration.

Canada Not-for-profit Corporations Act

8 The *Canada Not-for-profit Corporations Act* does not apply to the College.

Official Languages Act

9 The *Official Languages Act* applies to the College.

Members

10 The members of the College are the licensees.

Annual general meeting

11 The College must hold an annual general meeting of members within six months after the end of each of its fiscal years, at a time and place in Canada fixed by the Board.

Notice

12 The College must give members notice of the time and place of the annual general meeting in accordance with the by-laws.

Compensation fund

13 The College must establish a fund to compensate persons who have been adversely affected by the conduct or activities of a licensee.

Public records

14 (1) The College must prepare and maintain, at its head office or at any other place in Canada designated by the Board, records that are made available to the public on the College's website and in any other manner that the College considers appropriate and that contain

- (a)** its by-laws, and amendments to them;
- (b)** the minutes of the Board's public meetings;
- (c)** a register of directors;
- (d)** a register of officers; and

Capacité extra-territoriale

(2) Il est entendu que le Collège peut exercer les droits, pouvoirs et privilèges visés au paragraphe (1) à l'étranger, dans les limites du droit applicable en l'espèce.

Statut

7 Le Collège n'est pas un mandataire de Sa Majesté du chef du Canada et les administrateurs, les membres des comités, le registraire, les enquêteurs, les dirigeants, les employés et les mandataires du Collège ne font pas partie de l'administration publique fédérale.

Loi canadienne sur les organisations à but non lucratif

8 La *Loi canadienne sur les organisations à but non lucratif* ne s'applique pas au Collège.

Loi sur les langues officielles

9 La *Loi sur les langues officielles* s'applique au Collège.

Membres

10 Les membres du Collège sont les titulaires de permis.

Assemblée générale annuelle

11 Le Collège tient une assemblée générale annuelle des membres dans les six mois suivant la fin de chacun de ses exercices, en un lieu au Canada, à la date et à l'heure fixés par le conseil.

Avis

12 Le Collège avise les membres des date, heure et lieu de l'assemblée générale annuelle conformément aux règlements administratifs.

Fonds d'indemnisation

13 Le Collège établit un fonds d'indemnisation des personnes ayant été lésées par la conduite ou les actes de titulaires de permis.

Livres rendus publics

14 (1) Le Collège tient, à son siège ou en tout autre lieu au Canada désigné par le conseil, des livres qu'il rend publics sur son site Web et de toute autre manière qu'il estime indiquée, où figurent :

- a)** les règlements administratifs et leurs modifications;
- b)** les procès-verbaux des réunions publiques du conseil;
- c)** le registre des administrateurs;

(e) its audited annual financial statements as approved by the Board.

Accounting records and financial statements

(2) The College must prepare and maintain adequate accounting records and annual financial statements.

Retention period

(3) Subject to any other Act of Parliament or of the legislature of a province that provides for a longer retention period, the College must retain, for the prescribed period, the accounting records and audited annual financial statements as approved by the Board.

Annual report

15 (1) The College must submit to the Minister, within 120 days after the end of each of its fiscal years, a report on the College's activities during the preceding fiscal year.

Tabling report

(2) The Minister must cause a copy of the report to be tabled in each House of Parliament on any of the first 15 days on which that House is sitting after the day on which the Minister receives it.

2019, c. 29, s. 292 "15"; 2023, c. 26, s. 288.

Board of Directors

Duties and powers of Board

16 (1) The Board must manage, or supervise the management of, the College's activities and affairs and may, for those purposes, exercise all of the powers conferred on the College under this Act.

Delegation

(2) The Board may delegate any of the powers, duties and functions conferred on it under this Act, except the powers

- (a) to amend or repeal regulations;
- (b) to make by-laws; and
- (c) to approve audited annual financial statements.

Composition

17 (1) The College has a board of directors composed of at least seven directors, including the Chairperson.

d) le registre des dirigeants;

e) les états financiers annuels vérifiés, approuvés par le conseil.

Livres comptables et états financiers

(2) Le Collège tient des livres comptables adéquats et dresse des états financiers annuels.

Période de conservation

(3) Sous réserve de toute autre loi fédérale et de toute loi provinciale prévoyant une période de conservation plus longue, le Collège est tenu de conserver les livres comptables et les états financiers annuels vérifiés, approuvés par le conseil, pendant la période réglementaire.

Rapport annuel

15 (1) Le Collège présente au ministre, dans les cent vingt jours suivant la fin de chacun de ses exercices, un rapport de ses activités pour l'exercice précédent.

Dépôt du rapport

(2) Le ministre fait déposer un exemplaire du rapport devant chaque chambre du Parlement dans les quinze premiers jours de séance de celle-ci suivant sa réception.

2019, ch. 29, art. 292 « 15 »; 2023, ch. 26, art. 288.

Conseil d'administration

Attributions

16 (1) Le conseil gère les activités et les affaires internes du Collège ou en surveille la gestion et, à cette fin, il dispose de tous les pouvoirs conférés au Collège sous le régime de la présente loi.

Délégation

(2) Le conseil peut déléguer les attributions qui lui sont conférées sous le régime de la présente loi, sauf :

- a) le pouvoir de modifier ou d'abroger un règlement;
- b) le pouvoir de prendre des règlements administratifs;
- c) le pouvoir d'approuver les états financiers annuels vérifiés.

Composition

17 (1) Le conseil d'administration du Collège se compose d'au moins sept administrateurs, dont le président.

Order fixing number of directors

(2) The Minister may, by order, fix the number of directors.

Appointed directors

(3) Subject to subsection (4), the Minister may, by order, fix the number of directors that are to be appointed to the Board and appoint those directors.

Maximum number of appointed directors

(4) The number of appointed directors fixed under subsection (3) must not be greater than the minimum number that is required to constitute a majority of directors on the Board.

Elected directors

(5) The remaining directors are to be licensees elected in accordance with the by-laws.

Mailing address

18 Each director must provide the College with their mailing address and with notice of any change in that address.

Term

19 (1) Each director is to be appointed or elected for a term of not more than three years, and may be reappointed or — subject to the by-laws — re-elected for subsequent terms of not more than three years each.

Determination of term

(2) The length of a director's term is to be

- (a) set out by the Minister in the order appointing the director, if the director is appointed; or
- (b) determined in accordance with the by-laws, if the director is elected.

Staggered terms

(3) For greater certainty, it is not necessary that all directors hold office for terms that begin or end on the same day.

Continuation in office — appointed directors

(4) Despite subsection (1) and subject to section 23, an appointed director continues to hold office until they are reappointed or their successor is appointed.

Ineligibility

20 An individual is not eligible to be appointed or elected as a director if they

Arrêté fixant le nombre d'administrateurs

(2) Le ministre peut, par arrêté, fixer le nombre d'administrateurs.

Administrateurs nommés

(3) Sous réserve du paragraphe (4), le ministre peut, par arrêté, fixer le nombre d'administrateurs à nommer et procéder à leur nomination.

Nombre maximal d'administrateurs nommés

(4) Le nombre d'administrateurs fixé en vertu du paragraphe (3) ne peut être supérieur au nombre d'administrateurs nécessaires pour former la majorité.

Administrateurs élus

(5) Les autres administrateurs sont des titulaires de permis élus conformément aux règlements administratifs.

Adresse postale

18 Chaque administrateur avise le Collège de son adresse postale et de tout changement de cette adresse.

Mandat

19 (1) Le mandat de l'administrateur est d'au plus trois ans et peut être reconduit — sous réserve des règlements administratifs applicables à l'administrateur élu — pour une durée maximale de trois ans.

Durée

(2) La durée du mandat :

- a) s'agissant d'un administrateur nommé, est fixée par le ministre dans l'arrêté de nomination;
- b) s'agissant d'un administrateur élu, est déterminée conformément aux règlements administratifs.

Chevauchement des mandats

(3) Il est entendu qu'il n'est pas nécessaire que les mandats des administrateurs commencent ou se terminent le même jour.

Prolongation du mandat : administrateur nommé

(4) Malgré le paragraphe (1) et sous réserve de l'article 23, le mandat de l'administrateur nommé se prolonge jusqu'à sa reconduction ou jusqu'à la nomination de son remplaçant.

Inadmissibilité

20 Ne peut être nommée ni élue administrateur la personne physique :

- (a) are less than 18 years of age;
- (b) are neither a Canadian citizen nor a *permanent resident*, as defined in subsection 2(1) of the *Immigration and Refugee Protection Act*;
- (c) have the status of bankrupt;
- (d) in the case of an appointment to the Board,
 - (i) are a licensee, or
 - (ii) are employed in any capacity in the federal public administration;
- (e) in the case of election to the Board, have a licence that is suspended; or
- (f) are ineligible under any other criteria set out in the regulations.

Validity of acts of directors and officers

21 An act of a director or an officer is valid despite their ineligibility or an irregularity in their election or appointment.

Removal — appointed directors

22 (1) An appointed director holds office during good behaviour and may be removed for cause by the Minister.

Removal — elected directors

(2) An elected director may be removed in accordance with the by-laws.

Ceases to be director

23 A director ceases to be a director if

- (a) they die;
- (b) they resign;
- (c) they are removed from office under section 22; or
- (d) any prescribed circumstance applies.

Remuneration and expenses

24 The College must pay to the directors the remuneration and expenses that are determined in accordance with the by-laws.

Chairperson

25 (1) The Chairperson is to be elected by the Board from among the directors in accordance with the by-laws.

- a) qui est âgée de moins de dix-huit ans;
- b) qui n'est ni un citoyen canadien ni un *résident permanent*, au sens du paragraphe 2(1) de la *Loi sur l'immigration et la protection des réfugiés*;
- c) qui a le statut de failli;
- d) dans le cas d'une nomination :
 - (i) qui est titulaire d'un permis,
 - (ii) qui occupe un emploi au sein de l'administration publique fédérale;
- e) dans le cas d'une élection, dont le permis est suspendu;
- f) qui est inadmissible selon un autre critère prévu par règlement.

Validité des actes

21 Les actes des administrateurs ou des dirigeants sont valides sans égard à leur inadmissibilité ou à l'irrégularité de leur élection ou de leur nomination.

Révocation des administrateurs nommés

22 (1) L'administrateur nommé occupe son poste à titre inamovible, sous réserve de révocation motivée de la part du ministre.

Révocation des administrateurs élus

(2) L'administrateur élu peut être révoqué conformément aux règlements administratifs.

Fin du mandat de l'administrateur

23 L'administrateur cesse d'occuper son poste dans les situations suivantes :

- a) il décède;
- b) il démissionne;
- c) il est révoqué au titre de l'article 22;
- d) toute autre situation prévue par règlement.

Rémunération et indemnités

24 Le Collège verse à l'administrateur la rémunération et les indemnités déterminées conformément aux règlements administratifs.

Président

25 (1) Le conseil élit son président parmi les administrateurs conformément aux règlements administratifs.

Duties

(2) The Chairperson must preside over the Board's meetings and perform any other duties that are assigned to the Chairperson by the by-laws.

Removal

(3) The Board may remove the Chairperson in accordance with the by-laws.

Meetings

26 (1) The Board must hold a meeting at least once every calendar year.

Quorum

(2) A majority of the number of directors fixed by the Minister under subsection 17(2) constitutes a quorum at any meeting of the Board.

Notice of meeting

(3) The Chairperson of the Board must give notice of the time and place of meetings of the Board to the directors and any observer designated under section 76.

Public meetings

(4) Subject to the by-laws, meetings of the Board are to be open to the public.

Observer — *in camera* meetings

(5) An observer designated under section 76 is entitled to attend meetings of the Board that are held *in camera*.

Telecommunications

(6) Subject to the by-laws, a director may participate in, and any observer designated under section 76 may observe, a meeting of the Board by telephone or by an electronic or other communication facility that permits them to communicate adequately with each other during the meeting. A director so participating in a meeting is deemed for the purposes of this Act to be present at that meeting.

Validity of signed resolutions

27 (1) A resolution in writing, signed by all the directors entitled to vote on that resolution at a meeting of the Board, is as valid as if it had been passed at a meeting of the Board.

Filing resolution

(2) Subject to the by-laws made under paragraph 80(1)(z), a copy of every resolution referred to in subsection (1) is to be kept with the minutes of the public meetings of directors.

Fonctions

(2) Le président préside les réunions du conseil et assume toute autre fonction qui lui est conférée par règlement administratif.

Révocation

(3) Le conseil peut révoquer le président conformément aux règlements administratifs.

Réunions

26 (1) Le conseil tient au moins une réunion par année civile.

Quorum

(2) La majorité du nombre d'administrateurs fixé par le ministre au titre du paragraphe 17(2) constitue le quorum.

Avis de réunion

(3) Le président du conseil avise les administrateurs et tout observateur nommé au titre de l'article 76 de la date, de l'heure et du lieu de chaque réunion du conseil.

Réunions publiques

(4) Sous réserve des règlements administratifs, les réunions du conseil sont publiques.

Observateur : réunions à huis clos

(5) L'observateur nommé au titre de l'article 76 a le droit d'être présent aux réunions du conseil tenues à huis clos.

Moyen de communication à distance

(6) Sous réserve des règlements administratifs, tout administrateur peut participer à une réunion du conseil et l'observateur nommé au titre de l'article 76 peut observer la réunion par tout moyen de communication — téléphonique, électronique ou autre — permettant à tous de communiquer adéquatement entre eux; l'administrateur est alors réputé, pour l'application de la présente loi, avoir été présent à la réunion.

Résolutions de valeur égale

27 (1) Les résolutions écrites qui sont signées par tous les administrateurs habiles à voter sur celles-ci lors des réunions du conseil ont la même valeur que si elles y avaient été adoptées.

Dépôt de la résolution

(2) Sous réserve des règlements administratifs pris au titre de l'alinéa 80(1)z), un exemplaire de chacune de ces résolutions est conservé avec les procès-verbaux des réunions publiques du conseil.

Chief Executive Officer

28 The Board may appoint a Chief Executive Officer, who is to exercise the powers and perform the duties and functions that are delegated to him or her by the Board.

Committees

Complaints Committee and Discipline Committee

29 (1) Two committees of the College are established, to be known as the Complaints Committee and the Discipline Committee.

Appointment

(2) The members of each committee are to be appointed by the Board in accordance with the regulations.

Term

(3) The members of the Discipline Committee are to hold office for a term of not more than five years. The members may be reappointed for subsequent terms of not more than five years each.

Acting after expiry of term

(4) A member of the Discipline Committee whose term expires may, in accordance with the rules referred to in section 59, conclude any proceeding that the member has begun.

Removal

(5) The members of the Discipline Committee hold office during good behaviour and may be removed for cause by the Board.

Limitation

(6) An individual is not permitted to be a member of the Complaints Committee and the Discipline Committee at the same time.

Other committees

(7) The Board may establish other committees of the College.

Registrar

Appointment

30 (1) The Board is to appoint a Registrar of the College for a term of not more than five years. The Registrar may be reappointed for subsequent terms of not more than five years each.

Premier dirigeant

28 Le conseil peut nommer un premier dirigeant, lequel exerce les attributions qui lui sont déléguées par le conseil.

Comités

Comité des plaintes et comité de discipline

29 (1) Sont constitués deux comités du Collège : le comité des plaintes et le comité de discipline.

Nomination

(2) Le conseil en nomme les membres conformément aux règlements.

Mandat

(3) Les membres du comité de discipline sont nommés pour un mandat maximal de cinq ans, lequel peut être reconduit pour une durée maximale de cinq ans.

Prolongation du mandat

(4) Le membre du comité de discipline dont le mandat est échu peut, conformément aux règles visées à l'article 59, terminer les affaires dont il est saisi.

Révocation

(5) Les membres du comité de discipline occupent leur poste à titre inamovible, sous réserve de révocation motivée de la part du conseil.

Restriction

(6) Nul ne peut cumuler la qualité de membre du comité des plaintes et de membre du comité de discipline.

Autres comités

(7) Le conseil peut constituer d'autres comités du Collège.

Registraire

Nomination

30 (1) Le conseil nomme le registraire du Collège pour un mandat maximal de cinq ans, lequel peut être reconduit pour une durée maximale de cinq ans.

Removal

(2) The Registrar holds office during good behaviour and may be removed for cause by the Board.

Role

(3) The Registrar is responsible for issuing licences, establishing and maintaining a register of licensees and verifying compliance or preventing non-compliance with this Act by licensees.

Register available to public

31 (1) The register of licensees must be made available to the public on the College's website in a searchable format and, subject to the regulations, in any other manner that the Registrar considers appropriate.

Updated information

(2) The Registrar must ensure that the information included in the register is updated in a timely manner.

Notice to Minister

32 The Registrar must, within the prescribed period and in the prescribed form and manner, provide notice to the Minister in the following circumstances:

- (a)** a licence is suspended;
- (b)** a licence is revoked;
- (c)** a licence is surrendered; and
- (d)** any other prescribed circumstance.

Licence

33 (1) On application, the Registrar must issue to an individual who, in the Registrar's opinion, meets the eligibility requirements set out in the by-laws for the class of licence for which the individual applied, a licence of that class.

Conditions

(2) A licence issued under this section is subject to any conditions or restrictions imposed under this Act.

Application

(3) An application for a licence must be made in the form and manner specified by the Registrar and must contain the information specified by the Registrar.

Révocation

(2) Le registraire occupe son poste à titre inamovible, sous réserve de révocation motivée de la part du conseil.

Rôle

(3) Le registraire est responsable de la délivrance des permis, de l'établissement et de la tenue du registre des titulaires de permis et de la vérification du respect et de la prévention du non-respect de la présente loi par les titulaires de permis.

Registre public

31 (1) Le registre des titulaires de permis est rendu public sur le site Web du Collège dans un format qui se prête à des recherches et, sous réserve des règlements, de toute autre manière que le registraire estime indiquée.

Mise à jour des renseignements

(2) Le registraire veille à la mise à jour en temps opportun des renseignements contenus dans le registre.

Avis au ministre

32 Le registraire donne avis au ministre, selon les modalités de temps ou autres fixées par règlement, des faits suivants :

- a)** la suspension d'un permis;
- b)** la révocation d'un permis;
- c)** la remise d'un permis;
- d)** tout autre fait prévu par règlement.

Permis

33 (1) Sur demande, le registraire délivre à la personne physique qui, selon lui, remplit les conditions d'admissibilité prévues par règlement administratif pour la catégorie de permis visée, un permis de cette catégorie.

Conditions

(2) Le permis délivré en vertu du présent article est assujéti à toute condition ou restriction imposée sous le régime de la présente loi.

Modalités de présentation des demandes

(3) Les demandes de permis sont présentées de la manière et selon la forme précisées par le registraire et contiennent les renseignements précisés par lui.

Surrender of licence

34 The Registrar may, in accordance with the by-laws, approve the surrender of a licence on application by a licensee made in accordance with the by-laws.

Powers of Registrar – verification

35 (1) Subject to the regulations, the Registrar may, for a purpose related to verifying compliance or preventing non-compliance with this Act by licensees,

(a) subject to subsection (2), enter a licensee's business premises, without notice, at any reasonable time and require the production of any document or other thing that is relevant, and examine or copy the document or thing; and

(b) require the licensee, or a business partner or employee of the licensee or any person employed by the same employer as the licensee, to provide any information that is relevant.

Dwelling-house

(2) If the licensee's business premises are in a dwelling-house, the Registrar may enter them only with the occupant's consent.

Privileged information

36 Subject to the regulations, the powers set out in section 35 must not be exercised in respect of privileged information.

Referral to Complaints Committee

37 If the Registrar is of the opinion that there may be reasonable grounds to suspect that a licensee has committed professional misconduct or was incompetent, the Registrar may, subject to the regulations, initiate a complaint and refer it to the Complaints Committee for consideration.

Decision of Registrar

38 If the Registrar determines that a licensee has contravened a provision of this Act, of the regulations or of the by-laws, the Registrar may, in his or her decision, in the prescribed circumstances,

(a) suspend the licensee's licence;

(b) revoke the licensee's suspended licence; or

(c) take or require any other action set out in the regulations.

Remise du permis

34 Sur demande d'un titulaire de permis faite conformément aux règlements administratifs, le registraire peut, conformément à ceux-ci, approuver la remise du permis.

Exercice du pouvoir de vérification

35 (1) Sous réserve des règlements, le registraire peut, à toute fin liée à la vérification du respect ou à la prévention du non-respect de la présente loi par les titulaires de permis :

a) sous réserve du paragraphe (2), entrer sans préavis à toute heure convenable dans le lieu de travail d'un titulaire de permis et exiger la production de tout document ou autre objet qui est pertinent, l'examiner ou le reproduire;

b) exiger que le titulaire de permis, un associé du titulaire, une personne employée par le titulaire ou toute personne employée par le même employeur que le titulaire fournisse tout renseignement pertinent.

Maison d'habitation

(2) Si le lieu de travail du titulaire de permis est situé dans une maison d'habitation, le registraire ne peut y entrer sans le consentement de l'occupant.

Renseignements protégés

36 Sous réserve des règlements, les pouvoirs prévus à l'article 35 ne peuvent être exercés à l'égard de renseignements protégés.

Renvoi devant le comité des plaintes

37 S'il est d'avis qu'il pourrait y avoir des motifs raisonnables de soupçonner qu'un titulaire de permis a commis un manquement professionnel ou a fait preuve d'incompétence, le registraire peut, sous réserve des règlements, prendre l'initiative d'une plainte et la renvoyer devant le comité des plaintes pour étude.

Décision du registraire

38 S'il conclut qu'un titulaire de permis a contrevenu à une disposition de la présente loi, des règlements ou des règlements administratifs, le registraire peut, dans sa décision, dans les circonstances réglementaires :

a) suspendre le permis du titulaire;

b) révoquer le permis suspendu du titulaire;

c) prendre ou imposer toute autre mesure prévue par règlement.

Compliance with decision

39 A licensee who is the subject of a decision made under section 38 must comply with it.

Filing decision in Federal Court

39.1 (1) The College may file in the Federal Court a certified copy of a decision made under section 38.

Effect of filing

(2) On the certified copy being filed, the decision becomes and may be enforced as an order of the Federal Court.

2023, c. 26, s. 289.

Notice to licensees — revocation or suspension

40 (1) The Registrar must notify all licensees of every decision made under subsection 69(3) to revoke or suspend a licence.

Notice to licensees — dismissal of complaint

(2) The Registrar must, if requested by the licensee who was the subject of a complaint that was dismissed by the Discipline Committee, notify all licensees of the dismissal.

Delegation

41 Subject to the regulations, the Registrar may delegate any of the powers, duties and functions conferred on the Registrar under this Act.

Licensees

Professional liability insurance

42 (1) Subject to subsection (2), a licensee must be insured against professional liability.

Exemption

(2) A licensee may be exempted by the by-laws from the application of subsection (1).

Professional Conduct

Code of professional conduct

43 (1) The Minister must, by regulation, establish a code of professional conduct for licensees.

Respect des décisions

39 Le titulaire de permis visé par une décision rendue en vertu de l'article 38 est tenu de s'y conformer.

Dépôt de la décision à la Cour fédérale

39.1 (1) Le Collège peut déposer à la Cour fédérale une copie certifiée conforme d'une décision rendue au titre de l'article 38.

Effet du dépôt

(2) Dès le dépôt à la Cour fédérale de la copie certifiée conforme, la décision est assimilée à une ordonnance rendue par celle-ci et peut être exécutée comme telle.

2023, ch. 26, art. 289.

Avis aux titulaires de permis : révocation ou suspension

40 (1) Le registraire avise tous les titulaires de permis d'une décision rendue au titre du paragraphe 69(3) révoquant ou suspendant un permis.

Avis aux titulaires de permis : rejet d'une plainte

(2) Sur demande du titulaire de permis qui faisait l'objet d'une plainte ayant été rejetée par le comité de discipline, le registraire avise tous les titulaires de permis du rejet de la plainte.

Délégation

41 Sous réserve des règlements, le registraire peut déléguer les attributions qui lui sont conférées sous le régime de la présente loi.

Titulaires de permis

Assurance responsabilité professionnelle

42 (1) Sous réserve du paragraphe (2), tout titulaire de permis est tenu de souscrire à une assurance responsabilité professionnelle.

Exemption

(2) Un titulaire de permis peut être exempté, par règlement administratif, de l'application du paragraphe (1).

Déontologie

Code de déontologie

43 (1) Le ministre établit, par règlement, le code de déontologie des titulaires de permis.

Amendment or repeal

(2) Only the Board may, by regulation and with the Minister's prior written approval, amend or repeal the regulations establishing the code.

Standards of professional conduct and competence

44 A licensee must meet the standards of professional conduct and competence that are established by the code of professional conduct. A licensee who fails to meet those standards commits professional misconduct or is incompetent.

Complaints

Complaint to the College

45 Any person may, in accordance with the by-laws, make a complaint to the College in respect of a licensee or former licensee.

Referral to Complaints Committee

46 The College may refer a complaint to the Complaints Committee if, in the College's opinion, the complaint relates to professional misconduct by, or the incompetence of, a licensee.

Referral to another body

47 The College may, in the prescribed circumstances, refer a complaint to another body that has a statutory duty to regulate a profession.

Consideration and investigation of complaints

48 (1) The Complaints Committee must consider all complaints referred to it by the College or the Registrar and may, if the Committee has reasonable grounds to suspect that a licensee committed professional misconduct or was incompetent, conduct an investigation into the licensee's conduct and activities.

Consideration and investigation on Committee's initiative

(2) If the Complaints Committee has reasonable grounds to suspect that a licensee committed professional misconduct or was incompetent, it must initiate a complaint and consider it, and may conduct an investigation into the licensee's conduct and activities.

Jurisdiction — former licensees

49 For greater certainty, the Complaints Committee has jurisdiction to consider a complaint and conduct an investigation in respect of a former licensee.

Modifications ou abrogation

(2) Seul le conseil peut, par règlement et sur autorisation écrite préalable du ministre, modifier ou abroger le règlement établissant le code.

Normes de conduite professionnelle et de compétence

44 Tout titulaire de permis est tenu de respecter les normes de conduite professionnelle et de compétence prévues au code de déontologie. À défaut de le faire, il commet un manquement professionnel ou fait preuve d'incompétence.

Plaintes

Plainte auprès du Collège

45 Quiconque peut, conformément aux règlements administratifs, déposer une plainte auprès du Collège à l'égard d'un titulaire de permis ou d'un ancien titulaire de permis.

Renvoi devant le comité des plaintes

46 Le Collège peut renvoyer une plainte devant le comité des plaintes s'il est d'avis qu'elle porte sur un manquement professionnel ou sur l'incompétence d'un titulaire de permis.

Renvoi à un autre organisme

47 Le Collège peut, dans les circonstances réglementaires, renvoyer la plainte à un autre organisme ayant l'obligation légale de réglementer une profession.

Étude des plaintes et enquêtes

48 (1) Le comité des plaintes étudie les plaintes qui lui sont renvoyées par le Collège ou par le registraire et peut, s'il a des motifs raisonnables de soupçonner qu'un titulaire de permis a commis un manquement professionnel ou a fait preuve d'incompétence, mener une enquête sur la conduite et les actes du titulaire.

Étude et enquête à l'initiative du comité

(2) S'il a des motifs raisonnables de soupçonner qu'un titulaire de permis a commis un manquement professionnel ou a fait preuve d'incompétence, le comité des plaintes prend l'initiative d'une plainte et l'étudie; il peut en outre mener une enquête sur la conduite et les actes du titulaire.

Compétence : anciens titulaires

49 Il est entendu que le comité des plaintes a compétence pour étudier des plaintes et mener des enquêtes à l'égard d'anciens titulaires de permis.

Investigations

Investigator

50 (1) The Complaints Committee may designate an individual as an investigator to conduct an investigation under the Committee's direction.

Revocation

(2) The Complaints Committee may revoke the designation.

Power to require information and documents

51 (1) An investigator may, for the purpose of investigating a licensee's conduct and activities, require any person

(a) to provide any information that, in the investigator's opinion, the person may be able to provide in relation to the matter being investigated; and

(b) to produce, for examination or copying by the investigator, any document or other thing that, in the investigator's opinion, relates to the matter being investigated and that may be in the possession or under the control of that person.

Authority to enter

(2) Subject to subsection 52(1), an investigator may, for that purpose, enter a place in which they have reasonable grounds to believe that an activity regulated under this Act is conducted or any document or other thing relevant to the investigation is located.

Other powers

(3) The investigator may, for that purpose,

(a) examine anything in the place;

(b) remove the thing for examination or copying;

(c) use any copying equipment in the place, or cause it to be used;

(d) open or order any person to open any container or package found in the place;

(e) use any means of communication in the place, or cause it to be used;

(f) use any computer system or other device in the place, or cause it to be used, to examine data contained in or available to it;

Enquêtes

Enquêteur

50 (1) Le comité des plaintes peut désigner une personne physique pour mener, sous sa direction, une enquête.

Révocation

(2) Le comité des plaintes peut révoquer la désignation.

Pouvoir d'exiger des documents et des renseignements

51 (1) L'enquêteur peut, aux fins de son enquête sur la conduite et les actes d'un titulaire de permis, enjoindre à toute personne :

a) de fournir tous renseignements qu'elle est, de l'avis de l'enquêteur, en mesure de lui fournir au sujet de l'enquête;

b) de produire, pour examen ou reproduction par l'enquêteur, les documents ou autres choses qui, selon l'enquêteur, sont liés à l'enquête et qui pourraient être en la possession de cette personne ou sous son contrôle.

Droit de pénétrer dans un lieu

(2) Sous réserve du paragraphe 52(1), l'enquêteur peut, à ces mêmes fins, entrer dans tout lieu s'il a des motifs raisonnables de croire qu'une activité régie par la présente loi y est exercée ou que s'y trouve tout document ou autre objet qui est lié à cette enquête.

Autres pouvoirs

(3) L'enquêteur peut, à ces mêmes fins :

a) examiner toute chose se trouvant dans le lieu;

b) emporter une telle chose pour examen ou reproduction;

c) faire usage, directement ou indirectement, du matériel de reproduction se trouvant dans le lieu;

d) ouvrir ou ordonner à quiconque d'ouvrir tout contenant ou emballage se trouvant dans le lieu;

e) faire usage, directement ou indirectement, de tout moyen de communication se trouvant dans le lieu;

f) faire usage, directement ou indirectement, de tout système informatique ou autre dispositif se trouvant

(g) prepare a document, or cause one to be prepared, based on the data; and

(h) take photographs or make recordings or make a copy of anything in the place.

Duty to assist

(4) The owner or person in charge of the place and every person in the place must give all assistance that is reasonably required to enable the investigator to perform their functions under subsections (2) and (3) and must provide any documents or information, and access to any data, that are reasonably required for that purpose.

Warrant to enter dwelling-house

52 (1) If the place is a dwelling-house, the investigator may enter it without the occupant's consent only under the authority of a warrant issued under subsection (2).

Authority to issue warrant

(2) On *ex parte* application, a justice of the peace may issue a warrant authorizing the investigator to enter a dwelling-house, subject to any conditions specified in the warrant, if the justice is satisfied by information on oath that

(a) the dwelling-house is a place referred to in subsection 51(2);

(b) entry to the dwelling-house is necessary for the purposes of the investigation; and

(c) entry was refused by the occupant or there are reasonable grounds to believe that entry will be refused by, or that consent to entry cannot be obtained from, the occupant.

Use of force

53 In executing a warrant to enter a dwelling-house, an investigator may use force only if the use of force has been specifically authorized in the warrant and they are accompanied by a peace officer.

Privileged information

54 Subject to the regulations, the powers set out in section 51 must not be exercised in respect of privileged information.

dans le lieu pour examiner les données qu'il contient ou auxquelles il donne accès;

g) établir ou faire établir tout document à partir de ces données;

h) prendre des photographies, effectuer des enregistrements et reproduire toute chose se trouvant dans le lieu.

Assistance à l'enquêteur

(4) Le propriétaire ou le responsable du lieu, et quiconque s'y trouve, sont tenus de prêter à l'enquêteur toute l'assistance qu'il peut valablement exiger pour lui permettre d'exercer ses attributions au titre des paragraphes (2) et (3), et de lui fournir les documents, les renseignements et l'accès aux données qu'il peut valablement exiger.

Maison d'habitation

52 (1) Dans le cas d'une maison d'habitation, l'enquêteur ne peut entrer dans le lieu sans le consentement de l'occupant que s'il est muni d'un mandat décerné en vertu du paragraphe (2).

Mandat

(2) Sur demande *ex parte*, le juge de paix peut décerner un mandat autorisant l'enquêteur qui y est nommé à entrer dans une maison d'habitation, sous réserve de toute condition précisée dans le mandat, s'il est convaincu sur la foi d'une dénonciation sous serment que les conditions suivantes sont réunies :

a) la maison d'habitation est un lieu visé au paragraphe 51(2);

b) l'entrée est nécessaire à l'enquête;

c) soit l'occupant a refusé l'entrée à l'enquêteur, soit il y a des motifs raisonnables de croire que tel sera le cas ou qu'il sera impossible d'obtenir le consentement de l'occupant.

Usage de la force

53 L'enquêteur ne peut recourir à la force dans l'exécution d'un mandat autorisant l'entrée dans une maison d'habitation que si le mandat en autorise expressément l'usage et qu'il est accompagné d'un agent de la paix.

Renseignements protégés

54 Sous réserve des règlements, les pouvoirs prévus à l'article 51 ne peuvent être exercés à l'égard de renseignements protégés.

Obstruction and false statements

55 It is prohibited to obstruct or hinder, or make a false or misleading statement either orally or in writing, to an investigator who is performing their functions.

Immunity

Responsibility for damages — directors and others

56 No action or other proceeding for damages lies or may be instituted against any of the following persons for anything done or omitted to be done in good faith in the exercise or purported exercise of any power, or in the performance or purported performance of any duty or function, conferred on that person under the Act:

- (a) a current or former director of the Board;
- (b) a current or former member of a committee of the College;
- (c) the Registrar or a former Registrar;
- (d) a current or former investigator;
- (e) a current or former officer, employee, agent or mandatary of the College; and
- (f) a person who is or has been engaged by the College.

2019, c. 29, s. 292 "56"; 2023, c. 26, s. 290.

Decision of Complaints Committee

Referral to Discipline Committee

57 (1) The Complaints Committee may, subject to the regulations, refer a complaint, in whole or in part, to the Discipline Committee.

Measures if not referred to Discipline Committee

(2) If the Complaints Committee does not refer the complaint, in whole or in part, to the Discipline Committee, the Complaints Committee must

- (a) notify the complainant, if any, and the licensee that the complaint was not referred, and provide them with the reasons for the decision;

Entrave et fausses déclarations

55 Il est interdit d'entraver l'action de l'enquêteur qui agit dans l'exercice de ses attributions ou de lui faire, oralement ou par écrit, une déclaration fausse ou trompeuse.

Immunité

Responsabilité pour dommages-intérêts : administrateurs et autres

56 Aucune action ni autre procédure en dommages-intérêts ne peut être intentée contre une personne qui est ou a été administrateur, membre d'un comité, registraire, enquêteur, dirigeant, employé ou mandataire du Collège, ou qui est ou a été engagée par le Collège, pour les actes ou omissions commis de bonne foi dans l'exercice effectif ou censé tel des attributions qui lui ont été conférées sous le régime de la présente loi.

2019, ch. 29, art. 292 « 56 »; 2023, ch. 26, art. 290.

Décision du comité des plaintes

Renvoi devant le comité de discipline

57 (1) Le comité des plaintes peut, sous réserve des règlements, renvoyer une plainte, en tout ou en partie, devant le comité de discipline.

Mesures de rechange

(2) S'il ne renvoie pas la plainte, en tout ou en partie, devant le comité de discipline, le comité des plaintes est tenu de prendre l'une ou l'autre des mesures suivantes :

- a) aviser le plaignant, le cas échéant, et le titulaire de permis concerné que la plainte n'a pas été renvoyée devant le comité de discipline et leur faire part des motifs de sa décision;
- b) exiger du titulaire de permis qu'il se présente devant lui pour recevoir un avertissement, aviser le plaignant, le cas échéant, qu'il a pris cette mesure et faire

(b) require the licensee to appear before the Complaints Committee to be cautioned, notify the complainant, if any, of the decision and provide the licensee and the complainant with the reasons for the decision; or

(c) refer the complaint to a process of dispute resolution, on any conditions specified by the Complaints Committee, if the licensee consents.

If dispute resolution not successful

(3) If the complaint is referred to a process of dispute resolution and, at the conclusion of the process, the matter is not resolved to the satisfaction of the Complaints Committee, that Committee continues to be seized of the matter.

2019, c. 29, s. 292 "57"; 2023, c. 26, s. 291.

Disciplinary Proceedings

Complaints referred by Complaints Committee

58 The Discipline Committee must hear and determine all complaints referred to it by the Complaints Committee.

Rules of procedure

59 The Discipline Committee may make rules respecting the practice and procedure before it, including rules governing panels, and rules for carrying out its work and for the management of its internal affairs.

Panel of Discipline Committee

60 (1) Any panel of the Discipline Committee established in accordance with the rules referred to in section 59 has all of the powers, and must perform all of the duties and functions, of the Discipline Committee.

Decision of panel

(2) A decision of a panel is a decision of the Discipline Committee.

Parties

61 The Complaints Committee and the licensee are parties to the proceeding.

Right of parties to make submissions

62 The parties to the proceeding are entitled to make oral and written submissions to the Discipline Committee.

part des motifs de sa décision au titulaire et au plaignant;

c) renvoyer la plainte à un processus de règlement des différends, aux conditions fixées par le comité, si le titulaire de permis y consent.

Échec du règlement des différends

(3) Si la plainte fait l'objet d'un processus de règlement des différends et qu'à l'issue du processus, elle n'est pas réglée à la satisfaction du comité des plaintes, ce dernier continue d'en être saisi.

2019, ch. 29, art. 292 « 57 »; 2023, ch. 26, art. 291.

Instances disciplinaires

Plaintes renvoyées par le comité des plaintes

58 Le comité de discipline instruit toute plainte qui lui est renvoyée par le comité des plaintes et en décide.

Règles de procédure

59 Le comité de discipline peut établir des règles de pratique et de procédure, notamment des règles régissant les formations, et des règles concernant la conduite de ses travaux et la gestion de ses affaires internes.

Formation du comité de discipline

60 (1) Toute formation constituée conformément aux règles visées à l'article 59 exerce toutes les attributions du comité de discipline.

Décision d'une formation

(2) La décision d'une formation vaut décision du comité de discipline.

Parties à l'instance

61 Sont parties à l'instance le comité des plaintes et le titulaire de permis.

Droit de présenter des observations

62 Les parties à l'instance ont le droit de présenter des observations orales et écrites au comité de discipline.

Submissions — other persons

63 The Discipline Committee may provide an opportunity for any other person to make oral and written submissions to it.

Public hearings

64 Subject to the regulations, the by-laws and the rules referred to in section 59, any oral hearings of the Discipline Committee are open to the public.

Jurisdiction — former licensees

65 For greater certainty, the Discipline Committee has jurisdiction to hear and determine a complaint in respect of a former licensee.

Powers of Discipline Committee

66 The Discipline Committee has the power

(a) to summon and enforce the appearance of persons and compel them to give oral or written evidence on oath and to produce any document or other thing that the Committee considers necessary to decide the matter, in the same manner and to the same extent as a superior court of record;

(b) to administer oaths; and

(c) to accept any evidence, whether admissible in a court of law or not.

Privileged information

67 Subject to the regulations, the Discipline Committee must not admit or accept as evidence any privileged information.

Powers before decision

68 (1) Before making a decision under section 69, the Discipline Committee may decide to take any action referred to in paragraph 69(3)(a) or (b) if the Discipline Committee is satisfied that it is necessary for the protection of the public.

Action is provisional

(2) Any action taken under subsection (1) is provisional and ceases to have effect when the decision in respect of the complaint is made under section 69, unless the action is confirmed in the decision.

Decision on complaint

69 (1) After the hearing of a complaint, the Discipline Committee must determine whether the licensee has committed professional misconduct or was incompetent.

Observations : autres personnes

63 Le comité de discipline peut donner la possibilité à toute autre personne de lui présenter des observations orales et écrites.

Audiences publiques

64 Sous réserve des règlements, des règlements administratifs et des règles visées à l'article 59, les audiences du comité de discipline sont publiques.

Compétence : anciens titulaires

65 Il est entendu que le comité de discipline a compétence pour instruire des plaintes et en décider à l'égard d'anciens titulaires de permis.

Pouvoirs du comité de discipline

66 Le comité de discipline dispose des pouvoirs suivants :

a) assigner et contraindre des témoins à comparaître devant lui, à déposer, verbalement ou par écrit, sous serment et à produire les documents ou autres objets qu'il estime nécessaires pour lui permettre de rendre une décision, au même titre qu'une cour supérieure d'archives;

b) faire prêter serment;

c) recevoir des éléments de preuve, qu'ils soient admissibles ou non en justice.

Renseignements protégés

67 Sous réserve des règlements, le comité de discipline ne peut admettre en preuve des renseignements protégés.

Pouvoirs prédécisionnels

68 (1) Le comité de discipline peut, avant de rendre une décision aux termes de l'article 69, prendre l'une ou l'autre des mesures visées aux alinéas 69(3)a) et b) s'il est convaincu que cela est nécessaire pour la protection du public.

Mesures provisoires

(2) Toute mesure prise en vertu du paragraphe (1) est provisoire et cesse d'avoir effet lorsque le comité de discipline rend une décision aux termes de l'article 69 sans y confirmer la mesure.

Décision sur la plainte

69 (1) Après l'instruction de la plainte, le comité de discipline décide si le titulaire de permis a commis un manquement professionnel ou a fait preuve d'incompétence.

Dismissal of complaint

(2) If the Discipline Committee determines that the licensee did not commit professional misconduct or was not incompetent, the Committee must dismiss the complaint.

Professional misconduct or incompetence

(3) If the Discipline Committee determines that the licensee has committed professional misconduct or was incompetent, the Committee may, in its decision, take or require one or more of the following actions as well as any other action set out in the regulations:

- (a)** impose conditions or restrictions on the licensee's licence;
- (b)** suspend the licensee's licence for not more than the prescribed period or until specified conditions are met, or both;
- (c)** revoke the licensee's licence; or
- (d)** require the licensee to pay a penalty of not more than the prescribed amount to the College.
- (e)** [Repealed, 2023, c. 26, s. 292]

Decision and reasons in writing

(4) The Discipline Committee must give its decision and the reasons for it in writing.

Decision and reasons available to public

(5) Subject to the regulations, the decision and the reasons for it must be made available to the public on the College's website and in any other manner that the College considers appropriate.

Notice to Registrar

(6) The Discipline Committee must provide a copy of its decision to the Registrar.

Payment into compensation fund

(7) If a decision made by the Discipline Committee under subsection (3) requires that a licensee pay a penalty to the College, the amount of the penalty is to be paid into the compensation fund referred to in section 13.

2019, c. 29, s. 292 "69"; 2023, c. 26, s. 292.

Compliance with decision

70 Any person who is the subject of a decision made under subsection 68(1) or 69(3) must comply with it.

Rejet de la plainte

(2) S'il conclut que le titulaire de permis n'a pas commis de manquement professionnel ou n'a pas fait preuve d'incompétence, le comité de discipline rejette la plainte.

Manquement professionnel ou incompétence

(3) S'il conclut que le titulaire de permis a commis un manquement professionnel ou a fait preuve d'incompétence, le comité de discipline peut, dans sa décision, prendre ou imposer une ou plusieurs des mesures ci-après ou toute autre mesure prévue par règlement :

- a)** assujettir à des conditions ou à des restrictions le permis du titulaire;
- b)** suspendre le permis du titulaire pour une durée maximale prévue par règlement ou jusqu'à ce que les conditions précisées soient remplies, ou les deux;
- c)** révoquer le permis du titulaire;
- d)** exiger du titulaire qu'il verse au Collège une somme, à titre de sanction, pouvant atteindre le montant maximal prévu par règlement.
- e)** [Abrogé, 2023, ch. 26, art. 292]

Décision et motifs écrits

(4) Le comité de discipline rend ses décisions par écrit, motifs à l'appui.

Décision et motifs rendus publics

(5) Sous réserve des règlements, les décisions et les motifs du comité de discipline sont rendus publics sur le site Web du Collège et de toute autre manière que le Collège estime indiquée.

Avis au registraire

(6) Le comité de discipline fournit au registraire une copie de ses décisions.

Versement au fonds d'indemnisation

(7) Toute somme devant être versée au Collège en application d'une décision rendue au titre du paragraphe (3) est versée au fonds d'indemnisation visé à l'article 13.

2019, ch. 29, art. 292 « 69 »; 2023, ch. 26, art. 292.

Respect des décisions

70 Quiconque est visé par une décision rendue en vertu des paragraphes 68(1) ou 69(3) est tenu de s'y conformer.

Filing decision in Federal Court

70.1 (1) The College may file in the Federal Court a certified copy of a decision made under subsection 69(3).

Effect of filing

(2) On the certified copy being filed, the decision becomes and may be enforced as an order of the Federal Court.

2023, c. 26, s. 293.

Judicial Review

Respondent – College

71 (1) If an application is made for judicial review of a decision of the College, including its committees, the College is the respondent in respect of the application.

Respondent – committee

(2) However, if the College makes an application for judicial review of a decision of its committees, the committee is the respondent.

2019, c. 29, s. 292 “71”; 2023, c. 26, s. 294.

Non-application of certain Acts

72 For the purposes of judicial review, a decision of the College, including of its committees, is not a matter under the *Citizenship Act* or the *Immigration and Refugee Protection Act*.

Minister – judicial review

73 If the Minister is a complainant, he or she may make an application to the Federal Court for judicial review of any decision of the College, including of its committees, relating to the complaint.

Powers of College

Administration of Licensee’s Property

Order

73.1 (1) If a licensee is not able to perform their activities as an immigration and citizenship consultant for any prescribed reason, the College may, in order to carry out its purpose, including to ensure the continuation of services to a licensee’s client, apply, without notice, to a court of competent jurisdiction, including the Federal Court, for an order authorizing the College or a person appointed by the court to administer any property in

Dépôt de la décision à la Cour fédérale

70.1 (1) Le Collège peut déposer à la Cour fédérale une copie certifiée conforme d’une décision rendue au titre du paragraphe 69(3).

Effet du dépôt

(2) Dès le dépôt à la Cour fédérale de la copie certifiée conforme, la décision est assimilée à une ordonnance rendue par celle-ci et peut être exécutée comme telle.

2023, ch. 26, art. 293.

Contrôle judiciaire

Intimé : Collège

71 (1) Lorsqu’une demande de contrôle judiciaire d’une décision du Collège, y compris de ses comités, est présentée, le Collège agit à titre d’intimé.

Intimé : comité

(2) Lorsque le Collège présente une demande de contrôle judiciaire d’une décision rendue par l’un de ses comités, le comité agit à titre d’intimé.

2019, ch. 29, art. 292 « 71 »; 2023, ch. 26, art. 294.

Non-application de certaines lois

72 Les décisions du Collège, y compris celles de ses comités, ne sont pas des questions visées par la *Loi sur la citoyenneté* ni des mesures visées par la *Loi sur l’immigration et la protection des réfugiés* à des fins de contrôle judiciaire.

Ministre : contrôle judiciaire

73 S’il est un plaignant, le ministre peut présenter à la Cour fédérale une demande de contrôle judiciaire de toute décision du Collège, y compris de ses comités, relativement à la plainte.

Pouvoirs du Collège

Administration des biens des titulaires de permis

Ordonnance

73.1 (1) Lorsqu’un titulaire de permis n’est pas en mesure d’exercer ses fonctions à titre de consultant en immigration et en citoyenneté pour toute raison prévue par règlement, le Collège peut, dans le but d’exercer sa mission, notamment afin d’assurer le maintien des services aux clients d’un titulaire de permis, demander à tout tribunal compétent, y compris la Cour fédérale, sans préavis, de rendre une ordonnance autorisant le Collège ou

relation to those activities that is or should be in the licensee's possession or under their control.

Content of order

(2) If the court concludes that it is necessary to ensure the continuation of services to the licensee's clients or to otherwise permit the College to carry out its purpose, it may, for the purposes of subsection (1),

(a) authorize the College or person appointed by the court to

(i) enter a place, including a vehicle, in which the College or person has reasonable grounds to believe property referred to in subsection (1) is located,

(ii) examine anything in the place,

(iii) open or order any person to open any container or package found in the place,

(iv) require the owner or person in charge of the place and any person in the place to give all assistance that is reasonably required to enable the College or person appointed by the court to execute the order and to provide any property referred to in subsection (1) or any information, and access to any data, that are reasonably required for that purpose, and

(v) seize any document or other thing related to a client's files and transfer it to the client or a licensee or person referred to in paragraph 21.1(2)(a) or (b) or subsection 21.1(3) or (4) of the *Citizenship Act* or paragraph 91(2)(a) or (b) or subsection 91(3) or (4) of the *Immigration and Refugee Protection Act*;

(b) order that any property referred to in subsection (1) is not to be dealt with by any person without leave of the court or is to be held in trust by the College or person appointed by the court;

(c) require the licensee to account to the College or person appointed by the court for any property referred to in subsection (1);

(d) provide for the compensation of the College or person appointed by the court for administering the licensee's property and the reimbursement of any expenses the College or person incurs in doing so; and

(e) provide for any other matter that it considers appropriate in the circumstances, including imposing conditions on the manner in which the College or person appointed by the court is to execute the order.

une personne nommée par le tribunal à administrer tout ou partie des biens relatifs à ces fonctions qui sont ou qui devraient être en la possession ou sous le contrôle du titulaire de permis.

Contenu de l'ordonnance

(2) Si le tribunal conclut que cela est nécessaire pour assurer le maintien des services aux clients du titulaire de permis ou pour exécuter sa mission, il peut, pour l'application du paragraphe (1) :

a) autoriser le Collège ou la personne nommée par le tribunal à prendre les mesures suivantes :

(i) entrer dans un lieu — y compris un véhicule — où le Collège ou la personne nommée par le tribunal a des motifs raisonnables de croire que des biens visés au paragraphe (1) se trouvent,

(ii) examiner toute chose s'y trouvant,

(iii) ouvrir ou ordonner à quiconque d'ouvrir tout contenant ou emballage s'y trouvant,

(iv) exiger du propriétaire ou du responsable du lieu, et de quiconque s'y trouve, de lui prêter toute l'assistance que le Collège ou la personne nommée par le tribunal peut valablement exiger pour lui permettre d'exécuter l'ordonnance et de lui fournir les biens, les renseignements et l'accès aux données qu'il ou elle peut valablement exiger,

(v) saisir tout document ou autre chose liée au dossier d'un client et le transférer au client, à un titulaire de permis ou à une personne visée aux alinéas 21.1(2)a) ou b) ou aux paragraphes 21.1(3) ou (4) de la *Loi sur la citoyenneté* ou aux alinéas 91(2)a) ou b) ou aux paragraphes 91(3) ou (4) de la *Loi sur l'immigration et la protection des réfugiés*;

b) ordonner que le bien visé au paragraphe (1) ne puisse pas faire l'objet d'opérations sans l'autorisation du tribunal ou qu'il soit détenu en fiducie ou en fidéicommissé par le Collège ou par une personne nommée par le tribunal;

c) enjoindre au titulaire de permis de rendre compte au Collège ou à la personne nommée par le tribunal de ces biens;

d) prévoir la rémunération du Collège ou de la personne nommée par le tribunal pour son administration des biens du titulaire de permis et le remboursement des dépenses engagées à cette fin;

e) traiter de toute autre question que le tribunal juge indiquée dans les circonstances, notamment pour

Additional authority

(3) The court may also authorize the College or person appointed by the court to seize and detain any property referred to in subsection (1) found in the place and transfer it to any person for the purpose of carrying on the licensee's business operations or winding up their practice.

Former licensee

(4) For greater certainty, the College has jurisdiction to apply for an order referred to in subsection (1) in respect of a former licensee.

2023, c. 26, s. 295.

Limitation or prescription

73.2 The College is not permitted to make an application under subsection 73.1(1) after the sixth anniversary of the day on which a licensee ceases to be a licensee.

2023, c. 26, s. 295.

Application

73.3 Sections 52 and 53 apply in respect of an order issued under subsection 73.1(1) with any adaptations that may be necessary.

2023, c. 26, s. 295.

Obstruction and false statements

73.4 It is prohibited to obstruct or hinder, or make a false or misleading statement either orally or in writing, to the College or person appointed by the Court when the College or person is executing an order issued under subsection 73.1(1).

2023, c. 26, s. 295.

Information-sharing Agreement or Arrangement

Information sharing

73.5 (1) The College may enter into an agreement or arrangement with any entity, including a *government institution*, as defined in section 3 of the *Access to Information Act*, or an institution of a government of a province or foreign state, for the sharing of information for the purpose of assisting in the administration and enforcement of this Act, or any other Act of Parliament or of a province or any other law, as it relates to immigration and citizenship consultants.

préciser les conditions suivant lesquelles le Collège ou la personne nommée par le tribunal doit exécuter l'ordonnance.

Autres pouvoirs

(3) Le tribunal peut aussi autoriser le Collège ou la personne qu'il nomme à saisir et retenir tout bien visé au paragraphe (1) trouvé dans le lieu, et le transférer à toute personne pour prendre en charge les activités commerciales du titulaire de permis ou liquider son entreprise.

Ancien titulaire

(4) Il est entendu que le Collège a compétence pour demander une ordonnance en vertu du paragraphe (1) à l'égard d'un ancien titulaire de permis.

2023, ch. 26, art. 295.

Prescription

73.2 Aucune demande ne peut être présentée en vertu du paragraphe 73.1(1) après le sixième anniversaire de la date à laquelle le titulaire de permis cesse d'être titulaire de permis.

2023, ch. 26, art. 295.

Application

73.3 Les articles 52 et 53 s'appliquent, avec les adaptations nécessaires, à toute ordonnance rendue en vertu du paragraphe 73.1(1).

2023, ch. 26, art. 295.

Entraves et fausses déclarations

73.4 Il est interdit d'entraver l'action du Collège ou de la personne nommée par le tribunal qui exécute l'ordonnance rendue en vertu du paragraphe 73.1(1) ou de lui faire, oralement ou par écrit, une déclaration fautive ou trompeuse.

2023, ch. 26, art. 295.

Accord ou entente d'échange de renseignements

Échange de renseignements

73.5 (1) Le Collège peut conclure un accord ou une entente avec toute entité, y compris une *institution fédérale*, au sens de l'article 3 de la *Loi sur l'accès à l'information*, ou d'une institution d'un gouvernement d'une province ou d'un État étranger, pour l'échange de renseignements en vue de l'administration et du contrôle d'application de la présente loi, de toute autre loi fédérale ou provinciale ou de toute autre loi concernant les consultants en immigration et en citoyenneté.

Limitation

(2) An agreement or arrangement entered into under subsection (1) is subject to the by-laws and regulations made under this Act.

2023, c. 26, s. 295.

Powers of Minister

Powers of Minister

74 (1) The Minister may

(a) review the Board's activities and require the Board to provide the Minister with reports and information, including confidential information; and

(b) require the Board to do anything — including to make, amend or repeal a regulation or by-law or to submit to an audit — that, in the Minister's opinion, is advisable to carry out the purposes of this Act.

Deemed best interests

(2) Compliance by a director of the Board with a requirement of the Minister is deemed to be in the best interests of the College.

Person acting for Board

75 Subject to the regulations, the Minister may appoint a person to, in the place of the Board, exercise the Board's powers and perform its duties and functions conferred under this Act that are specified by the Minister, on the conditions and for the period specified by the Minister.

Observer

76 (1) The Minister may designate as an observer at meetings of the Board any officer or employee of the department over which the Minister presides.

Confidential information

(2) An observer is authorized to disclose confidential information to the Minister.

Prohibition and Injunction

Unauthorized practice

77 A person, other than a licensee, must not

(a) use the title "immigration consultant," "citizenship consultant," "international student immigration advisor" or a variation or abbreviation of any of those titles, or any words, name or designation, in a manner

Restriction

(2) Tout accord ou toute entente conclu en vertu du paragraphe (1) est assujéti aux règlements administratifs et aux règlements pris en vertu de la présente loi.

2023, ch. 26, art. 295.

Pouvoirs du ministre

Pouvoirs du ministre

74 (1) Le ministre peut :

a) examiner les activités du conseil et exiger de ce dernier qu'il lui fournisse des rapports et des renseignements, y compris des renseignements confidentiels;

b) exiger du conseil qu'il fasse tout ce qui est souhaitable, de l'avis du ministre, pour l'atteinte des objectifs de la présente loi, notamment prendre, modifier ou abroger un règlement ou un règlement administratif ou se soumettre à une vérification.

Présomption : intérêt du Collège

(2) Tout administrateur qui se conforme aux exigences du ministre est réputé agir au mieux des intérêts du Collège.

Personne agissant à la place du conseil

75 Sous réserve des règlements, le ministre peut nommer une personne pour exercer, à la place du conseil, les attributions conférées à celui-ci au titre de la présente loi qu'il précise, aux conditions et pour la durée qu'il précise.

Observateur

76 (1) Le ministre peut nommer, à titre d'observateur aux réunions du conseil, tout dirigeant ou employé du ministère dont il a la charge.

Renseignements confidentiels

(2) L'observateur est autorisé à communiquer au ministre des renseignements confidentiels.

Interdiction et injonction

Exercice non autorisé

77 Il est interdit à quiconque n'est pas titulaire d'un permis :

a) d'utiliser les titres de « consultant en immigration », de « consultant en citoyenneté », de « conseiller en immigration pour étudiants

that leads to a reasonable belief that the person is a licensee;

(b) represent themselves, in any way or by any means, to be a licensee; or

(c) unless the person is a person referred to in paragraph 21.1(2)(a) or (b) or subsection 21.1(3) or (4) of the *Citizenship Act* or paragraph 91(2)(a) or (b) or subsection 91(3) or (4) of the *Immigration and Refugee Protection Act*, knowingly, directly or indirectly, represent or advise a person for consideration — or offer to do so — in connection with a proceeding or application under the *Citizenship Act*, the submission of an expression of interest under subsection 10.1(3) of the *Immigration and Refugee Protection Act* or a proceeding or application under that Act.

Injunction

78 On application by the College, if a court of competent jurisdiction is satisfied that a contravention of section 77 is being or is likely to be committed, the court may grant an injunction, subject to any conditions that it considers appropriate, ordering any person to cease or refrain from any activity related to that contravention or ordering the person to take any measure that the court considers appropriate.

Offences and Punishment

Offences and punishment

79 (1) Every person who contravenes section 55, 70 or 73.4 or an order made under paragraph 66(a) is guilty of an offence and liable

(a) on conviction on indictment, to a fine of not more than \$50,000 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 \$10,000 or to imprisonment for a term of not more than six months, or to both.

Due diligence

(2) A person is not to be found guilty of an offence under subsection (1) if they establish that they exercised due diligence to prevent the commission of the offence.

2019, c. 29, s. 292 “79”; 2023, c. 26, s. 296.

étrangers », une variante ou une abréviation de ces titres ou des mots, un nom ou une désignation de manière à donner raisonnablement lieu de croire qu’il est titulaire d’un permis;

b) de se présenter, de quelque manière ou par quelque moyen, comme étant titulaire d’un permis;

c) de sciemment représenter ou conseiller une personne, de façon directe ou indirecte — ou d’offrir de le faire —, moyennant rétribution, relativement à une demande ou à une instance prévue par la *Loi sur la citoyenneté* ou à la soumission d’une déclaration d’intérêt faite en application du paragraphe 10.1(3) de la *Loi sur l’immigration et la protection des réfugiés* ou encore à une demande ou à une instance prévue par cette loi, sauf s’il est visé par les alinéas 21.1(2)a) ou b) ou les paragraphes 21.1(3) ou (4) de la *Loi sur la citoyenneté* ou les alinéas 91(2)a) ou b) ou les paragraphes 91(3) ou (4) de la *Loi sur l’immigration et la protection des réfugiés*.

Injonction

78 S’il est convaincu qu’il y a contravention ou risque de contravention à l’article 77, tout tribunal compétent peut, sur demande du Collège, accorder une injonction, assortie des conditions qu’il estime indiquées, ordonnant à quiconque de cesser toute activité liée à la contravention, de s’en abstenir ou de prendre toute mesure qu’il estime indiquée.

Infractions et peines

Infractions et peine

79 (1) Quiconque contrevient aux articles 55, 70 ou 73.4, ou à un ordre donné en vertu de l’alinéa 66a) commet une infraction et encourt, sur déclaration de culpabilité :

a) par mise en accusation, une amende maximale de cinquante mille dollars et un emprisonnement maximal de deux ans, ou l’une de ces peines;

b) par procédure sommaire, une amende maximale de dix mille dollars et un emprisonnement maximal de six mois, ou l’une de ces peines.

Précautions voulues

(2) Nul ne peut être déclaré coupable d’une infraction visée au paragraphe (1) s’il prouve qu’il a pris toutes les précautions voulues pour prévenir sa perpétration.

2019, ch. 29, art. 292 « 79 »; 2023, ch. 26, art. 296.

By-laws and Regulations

By-laws

80 (1) The Board may, by a resolution approved by at least the majority of directors present at a meeting or by a resolution referred to in subsection 27(1) approved by at least the majority of directors, make by-laws respecting any matter necessary to carry on the activities of the College, including by-laws

- (a)** designating the place in Canada where the head office of the College is to be located;
- (b)** respecting annual general meetings;
- (c)** respecting the compensation fund referred to in section 13, including the circumstances in which compensation may be paid;
- (d)** respecting the election of directors, the terms of elected directors and their removal;
- (e)** respecting the remuneration and expenses of directors;
- (f)** respecting the election and removal of the Chairperson of the Board and the Chairperson's duties;
- (g)** respecting the Board's meetings and activities, including voting;
- (h)** respecting the filling of vacancies caused by the temporary absence or incapacity of elected directors;
- (i)** establishing a code of ethics for the directors, officers and employees of the College;
- (j)** fixing the annual fee — or the manner of determining the annual fee — that is to be paid by licensees;
- (k)** fixing any other fee — or the manner of determining any other fee — that is to be paid by licensees;
- (l)** establishing the time within which and the manner in which any fees or other amounts are to be paid;
- (m)** respecting the classes of firm in connection with which a licensee may work as a licensee;
- (n)** establishing classes of licences and prescribing eligibility requirements for each class;
- (o)** respecting conditions or restrictions to be imposed on licences or classes of licences;

Règlements administratifs et règlements

Règlements administratifs

80 (1) Le conseil peut, par résolution approuvée par au moins la majorité des administrateurs qui sont présents à une réunion ou par une résolution visée au paragraphe 27(1) approuvée par au moins la majorité des administrateurs, prendre des règlements administratifs concernant toute mesure nécessaire à l'exercice des activités du Collège, notamment des règlements administratifs :

- a)** fixant le lieu du siège du Collège;
- b)** concernant les assemblées générales annuelles;
- c)** concernant le fonds d'indemnisation visé à l'article 13, notamment les circonstances dans lesquelles une indemnisation peut être accordée;
- d)** concernant l'élection des administrateurs, leur mandat et leur révocation;
- e)** concernant la rémunération et les indemnités des administrateurs;
- f)** concernant l'élection du président du conseil, ses fonctions et sa révocation;
- g)** concernant les réunions et les activités du conseil, notamment les votes;
- h)** concernant les vacances à combler qui résultent d'une absence temporaire ou d'une incapacité temporaire d'un administrateur élu;
- i)** établissant un code d'éthique pour les administrateurs, les dirigeants et les employés du Collège;
- j)** concernant la cotisation annuelle que sont tenus de payer les titulaires de permis ou la manière de déterminer cette cotisation;
- k)** fixant tout autre droit à payer par les titulaires de permis ou la manière de déterminer ces droits;
- l)** établissant le délai dans lequel tout droit ou toute autre somme doit être payé et le mode de paiement;
- m)** concernant les catégories d'entreprises en lien avec lesquelles un titulaire de permis peut travailler à ce titre;
- n)** établissant des catégories de permis et prévoyant les conditions d'admissibilité pour chacune des catégories;

- (p) respecting the maintenance of licensees' competencies and continuing professional development requirements for licensees;
- (q) respecting the surrender of licences and applications for a surrender;
- (r) respecting the professional liability insurance that licensees are required to maintain;
- (s) exempting licensees from the requirement to be insured against professional liability;
- (t) respecting the information and documents that licensees must provide to the College;
- (u) respecting the keeping and preservation of records by licensees;
- (v) establishing a procedure for resolving disputes in respect of fees charged by licensees;
- (w) respecting *pro bono* work by licensees;
- (x) respecting the making of complaints to the College;
- (y) respecting the activities of the Complaints Committee; and
- (z) respecting the circumstances in which information is to be treated as confidential and limiting the use and disclosure of that information.

Different treatment

- (2) The by-laws made under subsection (1) may distinguish among classes of licences.

Mandatory eligibility requirement

- (3) Any by-law that establishes a class of licence that does not prevent a licensee who holds a licence of that class from representing persons before the Immigration and Refugee Board must also provide, as an eligibility requirement for that class, that licensees must have completed training related to appearing before a tribunal.

- o) concernant les conditions ou les restrictions auxquelles les permis ou catégories de permis doivent être assujettis;
- p) concernant le maintien des compétences et les exigences en matière de formation professionnelle continue des titulaires de permis;
- q) concernant la remise de permis et les demandes de remise;
- r) concernant l'assurance responsabilité professionnelle à laquelle les titulaires de permis sont tenus de souscrire;
- s) exemptant des titulaires de permis de l'obligation de souscrire à une assurance responsabilité professionnelle;
- t) concernant les renseignements et les documents que les titulaires de permis sont tenus de fournir au Collège;
- u) concernant la conservation et la tenue de documents par les titulaires de permis;
- v) établissant la procédure à suivre en cas de contestation relative aux honoraires d'un titulaire de permis;
- w) concernant le travail *pro bono* effectué par les titulaires de permis;
- x) concernant la présentation des plaintes auprès du Collège;
- y) concernant les activités du comité des plaintes;
- z) concernant les circonstances dans lesquelles des renseignements doivent être traités à titre de renseignements confidentiels et limitant l'usage et la communication de ces renseignements.

Traitement différent

- (2) Les règlements administratifs pris au titre du paragraphe (1) peuvent traiter différemment les catégories de permis.

Condition d'admissibilité obligatoire

- (3) Tout règlement administratif établissant une catégorie de permis n'empêchant pas le titulaire d'un permis de cette catégorie de représenter des personnes devant la Commission de l'immigration et du statut de réfugié doit prévoir, comme condition d'admissibilité pour cette catégorie, que la personne ait complété une formation portant sur la comparution devant un tribunal.

Notice

(4) A by-law imposing a new condition or restriction on a class of licence must not come into force unless 90 days' notice has been given to the licensees who hold a licence of that class.

For greater certainty

(5) For greater certainty, by-laws are not required to be approved by the members of the College.

Regulations — Governor in Council

81 (1) The Governor in Council may make regulations for carrying out the purposes and provisions of this Act, including regulations

- (a)** respecting the compensation fund referred to in section 13, including the circumstances in which compensation may be paid;
- (b)** respecting the reports and information that must be provided or submitted to the Minister;
- (c)** prescribing ineligibility criteria for the purposes of section 20;
- (d)** respecting the consequences of meeting the ineligibility criteria referred to in section 20 while in office;
- (e)** respecting the conflicts of interest of directors, members of the Complaints Committee, members of the Discipline Committee and members of any other committee of the College;
- (f)** respecting the Complaints Committee, the Discipline Committee and any other committees of the College, including the powers, duties and functions of those committees, the eligibility requirements for membership in them, the remuneration of members, the terms of members and their removal;
- (g)** establishing committees of the College;
- (h)** respecting the eligibility requirements to be appointed as Registrar and the Registrar's remuneration;
- (i)** respecting the register of licensees, including the contents of the register and the manner in which it is to be made available to the public;
- (j)** respecting the issuance of licences, establishing a process for making decisions under subsection 33(1) and prescribing the circumstances in which the process is to be followed;

Avis

(4) Le règlement administratif qui prévoit une nouvelle condition ou une nouvelle restriction pour une catégorie de permis ne peut entrer en vigueur qu'après l'expiration d'un préavis de quatre-vingt-dix jours donné aux titulaires de permis de cette catégorie.

Précision

(5) Il est entendu que les règlements administratifs n'ont pas à être approuvés par les membres du Collège.

Règlements : gouverneur en conseil

81 (1) Le gouverneur en conseil peut prendre des règlements d'application de la présente loi, notamment des règlements :

- a)** concernant le fonds d'indemnisation visé à l'article 13, notamment les circonstances dans lesquelles une indemnisation peut être accordée;
- b)** concernant les rapports et les renseignements à fournir ou à présenter au ministre;
- c)** prévoyant des critères d'inadmissibilité pour l'application de l'article 20;
- d)** concernant les conséquences associées au fait de remplir, en cours de mandat, les critères d'inadmissibilité visés à l'article 20;
- e)** concernant les conflits d'intérêts des administrateurs, des membres du comité des plaintes, des membres du comité de discipline et des membres de tout autre comité du Collège;
- f)** concernant le comité des plaintes, le comité de discipline et tout autre comité du Collège, notamment leurs attributions et les conditions d'admissibilité, la rémunération, la durée du mandat et la révocation de leurs membres;
- g)** constituant des comités du Collège;
- h)** concernant les conditions d'admissibilité pour être nommé registraire et la rémunération qui s'y rattache;
- i)** concernant le registre des titulaires de permis, notamment le contenu de celui-ci et la façon de le rendre public;
- j)** concernant la délivrance des permis, établissant un processus pour la prise de décision au titre du paragraphe 33(1) et prévoyant les circonstances dans lesquelles le processus est obligatoire;

(k) respecting the verifications referred to in section 35 and imposing limits on the exercise of the powers under that section;

(l) prescribing the circumstances in which the Registrar must initiate a complaint and refer it to the Complaints Committee for consideration;

(m) establishing a process for making decisions under section 38 and prescribing the circumstances in which the process is to be followed;

(n) respecting the actions that may be taken or required by the Registrar under section 38, which may include the requirement to pay a monetary penalty, and specifying the amount or maximum amount of such a penalty;

(o) limiting the powers, duties and functions that may be delegated by the Registrar and the persons to whom they may be delegated;

(p) respecting the examination and copying of a thing under section 51 and the removal of the thing for examination or copying;

(q) respecting the circumstances in which the Registrar, the Complaints Committee, an investigator and the Discipline Committee may obtain and use privileged information, the process to be followed by them in order to obtain and use that information and the limits to obtaining and using that information;

(r) prescribing the circumstances in which the Complaints Committee must refer a complaint, in whole or in part, to the Discipline Committee;

(s) respecting the actions that may be taken or required by the Discipline Committee under subsections 68(1) and 69(3), which may include the requirement to reimburse all or a portion of the costs incurred by the College or by any other person during the proceeding before the Committee or all or a portion of the fees or disbursements paid to the licensee by a client or to pay a monetary penalty, and specifying the amount or maximum amount of such a penalty;

(t) prescribing the circumstances in which the actions referred to in paragraph (s) may be taken or required;

(u) prescribing the manner in which decisions and reasons of the Discipline Committee are to be made available to the public and the circumstances in which decisions and reasons of the Committee are not required to be made available to the public;

k) concernant les vérifications visées à l'article 35 et imposant des limites à l'exercice des pouvoirs prévus à cet article;

l) prévoyant les circonstances dans lesquelles le registraire est tenu de prendre l'initiative d'une plainte et de la renvoyer devant le comité des plaintes pour étude;

m) établissant un processus pour la prise de décision au titre de l'article 38 et les circonstances dans lesquelles le processus est obligatoire;

n) concernant les mesures que le registraire peut prendre ou imposer au titre de l'article 38, lesquelles peuvent comprendre le versement d'une somme à titre de sanction pécuniaire, et précisant le plafond ou le montant des sanctions;

o) limitant les attributions que peut déléguer le registraire ainsi que les personnes à qui il peut les déléguer;

p) concernant l'examen et la reproduction de choses au titre de l'article 51 et le déplacement de choses pour examen ou reproduction;

q) concernant les circonstances dans lesquelles le registraire, le comité des plaintes, l'enquêteur et le comité de discipline peuvent obtenir et utiliser des renseignements protégés, le processus permettant à ceux-ci d'obtenir et d'utiliser des renseignements protégés et les limites à l'obtention et à l'utilisation de ces renseignements;

r) prévoyant les circonstances dans lesquelles le comité des plaintes est tenu de renvoyer une plainte, en tout ou en partie, devant le comité de discipline;

s) concernant les mesures que le comité de discipline peut prendre ou imposer au titre des paragraphes 68(1) ou 69(3), lesquelles peuvent comprendre le remboursement, en totalité ou en partie, de frais engagés par le Collège ou toute autre personne dans le cadre d'une instance devant le comité de discipline ou les frais et les débours payés par un client à un titulaire de permis ou le versement d'une somme à titre de sanction pécuniaire, et précisant le plafond ou le montant des sanctions;

t) prévoyant les circonstances dans lesquelles les mesures visées à l'alinéa s) peuvent être prises ou imposées;

u) prévoyant comment mettre à la disposition du public les décisions et les motifs du comité de discipline,

(v) prescribing the circumstances in which the Minister may appoint a person under section 75 and imposing limits on the powers, duties, functions, conditions and period that the Minister may specify under that section;

(w) respecting the collection, retention, use, disclosure and disposal of personal information for the purposes of this Act; and

(x) prescribing anything that, by this Act, is to be or may be prescribed.

Authorization

(2) Regulations made under paragraphs (1)(c) to (f), (h) to (j), (l) to (p), (r), (s), (u) and (x) may authorize the College to make by-laws with respect to all or part of the subject matter of the regulations and, for greater certainty, those by-laws are regulations for the purposes of the *Statutory Instruments Act*.

No waiver

(3) For greater certainty, the disclosure of privileged information under a regulation made under paragraph (1)(q) to the Registrar, the Complaints Committee, an investigator or the Discipline Committee does not constitute a waiver of the privilege.

2019, c. 29, s. 292 «81»; 2023, c. 26, s. 297.

Regulations prevail

82 The regulations prevail over the by-laws to the extent of any inconsistency or conflict between them.

Transitional Provisions

Definitions

83 The following definitions apply in sections 84 to 87.

Council means the Immigration Consultants of Canada Regulatory Council incorporated under Part II of the *Canada Corporations Act* on February 18, 2011. (*Conseil*)

date of continuance means the date specified in an order made under subsection 84(2). (*date de prorogation*)

date of transition means the day on which subsections 293(1) and 296(1) of the *Budget Implementation Act, 2019, No. 1* come into force. (*date de transition*)

ainsi que les circonstances dans lesquelles les décisions et motifs de ce comité n'ont pas à être mis à la disposition du public;

v) prévoyant les circonstances dans lesquelles le ministre peut nommer une personne au titre de l'article 75 et imposant des limites aux attributions, aux conditions et à la durée que le ministre peut préciser au titre de cet article;

w) concernant la collecte, la conservation, l'utilisation, le retrait et la communication de renseignements personnels pour l'application de la présente loi;

x) prévoyant toute autre mesure d'ordre réglementaire prévue par la présente loi.

Autorisation

(2) Les règlements pris au titre des alinéas (1)c) à f), h) à j), l) à p), r), s), u) et x) peuvent autoriser le Collège à prendre des règlements administratifs à l'égard de toute matière traitée dans les règlements, étant entendu que ces règlements administratifs sont des règlements pour l'application de la *Loi sur les textes réglementaires*.

Non-renonciation

(3) Il est entendu que la communication, sous le régime d'un règlement pris en vertu de l'alinéa (1)q), de renseignements protégés au registraire, au comité des plaintes, à l'enquêteur ou au comité de discipline ne constitue pas une renonciation au privilège en cause.

2019, ch. 29, art. 292 « 81 »; 2023, ch. 26, art. 297.

Primauté des règlements

82 En cas d'incompatibilité, les règlements l'emportent sur les règlements administratifs.

Dispositions transitoires

Définitions

83 Les définitions qui suivent s'appliquent aux articles 84 à 87.

Conseil S'entend du Conseil de réglementation des consultants en immigration du Canada, constitué le 18 février 2011 en vertu de la partie II de la *Loi sur les corporations canadiennes*. (*Council*)

date de prorogation Date fixée dans l'arrêté pris au titre du paragraphe 84(2). (*date of continuance*)

date de transition Date d'entrée en vigueur des paragraphes 293(1) et 296(1) de la *Loi n° 1 d'exécution du budget de 2019*. (*date of transition*)

Application for continuance

84 (1) The Council may, if it is authorized to do so by its members in accordance with subsections 213(3) to (5) of the *Canada Not-for-profit Corporations Act*, apply to the Minister to be continued under this Act.

Approval of application

(2) Unless an order has been made under section 86, after receiving an application made under subsection (1), the Minister must, by order, approve the continuance and specify a date of continuance.

Copy of order

(3) If the Minister makes an order under subsection (2), he or she must provide the Director appointed under section 281 of the *Canada Not-for-profit Corporations Act* with a copy of it.

Canada Not-for-profit Corporations Act

(4) An order made under subsection (2) is, for the purpose of subsection 213(7) of the *Canada Not-for-profit Corporations Act*, deemed to be a notice that the corporation has been continued, and that subsection 213(7) is to be applied in respect of the Council without regard to the words “if the Director is of the opinion that the corporation has been continued in accordance with this section”.

Non-application of certain subsections

(5) For the purposes of this Act, subsections 213(1), (2), (6) and (10) of the *Canada Not-for-profit Corporations Act* do not apply.

Applicable provisions if Council continued

85 (1) Subsections (2) to (8) apply if the Council is continued under section 84.

Definition of *transitional period*

(2) In subsections (3) and (4), ***transitional period*** means the period beginning on the date of continuance and ending on the day before the day on which an order made under subsection 17(2) comes into force.

Initial organization of Board

(3) During the transitional period, the College’s Board is to be composed of nine directors, five of which are to be appointed by the Minister. Of the four other directors, two are to be the persons who held the positions of Chair and Vice-Chair of the Council’s board of directors immediately before the date of continuance, and the two others are to be selected by that Chair from among the directors of the Council’s board of directors who were members of

Demande de prorogation

84 (1) Le Conseil peut, s’il y est autorisé par ses membres conformément aux paragraphes 213(3) à (5) de la *Loi canadienne sur les organisations à but non lucratif*, demander au ministre une prorogation sous le régime de la présente loi.

Approbation de la demande

(2) S’il reçoit la demande visée au paragraphe (1) et n’a pas pris l’arrêté visé à l’article 86, le ministre approuve, par arrêté, la demande de prorogation et fixe, dans l’arrêté, la date de la prorogation.

Copie de l’arrêté

(3) Le ministre fournit une copie de l’arrêté pris au titre du paragraphe (2) au directeur nommé au titre de l’article 281 de la *Loi canadienne sur les organisations à but non lucratif*.

Loi canadienne sur les organisations à but non lucratif

(4) Pour l’application du paragraphe 213(7) de la *Loi canadienne sur les organisations à but non lucratif*, l’arrêté pris au titre du paragraphe (2) est réputé être l’avis attestant que l’organisation a été prorogée; en outre, ce paragraphe 213(7) s’applique à l’égard du Conseil sans tenir compte du passage : « s’il estime que la prorogation a été effectuée conformément au présent article ».

Non-application de certains paragraphes

(5) Pour l’application de la présente loi, les paragraphes 213(1), (2), (6) et (10) de la *Loi canadienne sur les organisations à but non lucratif* ne s’appliquent pas.

Dispositions applicables en cas de prorogation

85 (1) Les paragraphes (2) à (8) s’appliquent en cas de prorogation du Conseil au titre de l’article 84.

Définition de *période transitoire*

(2) Aux paragraphes (3) et (4), ***période transitoire*** s’entend de la période commençant à la date de prorogation et se terminant le jour précédant la date d’entrée en vigueur de l’arrêté pris au titre du paragraphe 17(2).

Conseil d’administration initial

(3) Durant la période transitoire, le conseil du Collège se compose de neuf administrateurs, dont cinq sont nommés par le ministre. Des quatre autres administrateurs, deux sont les personnes qui, immédiatement avant la date de prorogation, occupaient les postes de président et de vice-président du conseil d’administration du Conseil et les deux autres sont choisis, par ce président, parmi les administrateurs du conseil d’administration qui étaient

the Council immediately before that date on the recommendation, if any, of the Council's board of directors.

Deemed election or appointment

(4) The five directors appointed by the Minister are deemed to have been appointed under subsection 17(3) and the four other directors referred to in subsection (3) are deemed to have been elected under subsection 17(5).

End of term

(5) The directors hold office for a term that ends on the day on which the transitional period ends.

Performance review

(6) The Board must, within 12 months after the date of continuance, review the performance of any officers of the College, including the Chief Executive Officer.

Effects of continuance

(7) Beginning on the date of continuance,

(a) the Council becomes the College of Immigration and Citizenship Consultants, a corporation without share capital to which this Act applies as if it had been established under this Act;

(b) unless the context otherwise requires, every reference to the Council in any contract, instrument or act or other document executed or signed by the Council is to be read as a reference to the College;

(c) the property and rights of the Council are the property and rights of the College;

(d) the College is liable for the obligations of the Council;

(e) the status of any person who, immediately before the date of continuance, was an officer or employee of the Council or a member of the Complaints Committee or Discipline Committee of the Council and any term or condition of their appointment or employment are unaffected, except that, as of that day, the person is an officer or employee of the College or a member of the Complaints Committee or Discipline Committee of the College, as the case may be;

(f) an existing cause of action, claim or liability to prosecution of or against the Council is unaffected;

membres du Conseil immédiatement avant cette date, sur la recommandation, s'il y a lieu, de ce conseil d'administration.

Fiction : élections ou nominations

(4) Les cinq administrateurs nommés par le ministre sont réputés avoir été nommés au titre du paragraphe 17(3) et les quatre autres administrateurs visés au paragraphe (3) sont réputés avoir été élus au titre du paragraphe 17(5).

Fin du mandat

(5) Les administrateurs occupent leur poste pour un mandat se terminant à la date d'expiration de la période transitoire.

Examen du rendement

(6) Dans les douze mois suivant la date de prorogation, le conseil examine le rendement des dirigeants du Collège, notamment du premier dirigeant.

Effet de la prorogation

(7) À compter de la date de prorogation :

a) le Conseil devient le Collège des consultants en immigration et en citoyenneté, personne morale sans capital-actions régie par la présente loi, comme s'il avait été constitué en vertu de celle-ci;

b) sauf indication contraire du contexte, dans tous les contrats, actes et autres documents signés par le Conseil sous son nom, toute mention du Conseil vaut mention du Collège;

c) les biens et les droits du Conseil sont ceux du Collège;

d) le Collège est responsable des obligations du Conseil;

e) la situation des personnes qui, immédiatement avant la date de prorogation, étaient des dirigeants ou des employés du Conseil ou des membres du comité des plaintes ou du comité de discipline du Conseil et les conditions de leur nomination ou de leur emploi ne changent pas, à la différence près que, à compter de cette date, ils sont des dirigeants ou des employés du Collège ou des membres du comité des plaintes ou du comité de discipline du Collège, selon le cas;

f) les causes d'actions déjà nées sont opposables au Collège;

(g) any civil, criminal or administrative action or proceeding pending by or against the Council may be continued by or against the College;

(h) any conviction against, or ruling, order or judgment in favour of or against, the Council may be enforced by or against the College;

(i) any matter before the Council immediately before the date of continuance, including any matters related to complaints and discipline, are continued before the College;

(j) the members of the Council are holders of a class of licence, until the day before the day on which by-laws made under paragraph 80(1)(n) come into force and, until that day, any conditions or restrictions to which their membership was subject immediately before the date of continuance continue to apply;

(k) persons registered with the Council as Regulated International Student Immigration Advisors are, until the day before the day on which by-laws made under paragraph 80(1)(n) come into force, holders of a class of licence that is subject to the following restrictions in addition to any conditions or restrictions to which their registration was subject immediately before the date of continuance:

(i) the holder may provide advice only in relation to authorizations to study in Canada and authorizations to enter and remain in Canada as a student and the manner in which those authorizations relate to submissions of an expression of interest under subsection 10.1(3) of the *Immigration and Refugee Protection Act* and applications under that Act, and

(ii) the holder must not represent any person in connection with submissions of an expression of interest under subsection 10.1(3) of the *Immigration and Refugee Protection Act*, proceedings or applications under that Act or proceedings or applications under the *Citizenship Act*;

(l) any application for membership in, or registration with, the Council is continued as an application for a licence;

(m) the eligibility requirements for membership in, or registration with, the Council that were in effect immediately before the date of continuance remain in effect and apply to any application for a licence until the day before the day on which a by-law made under paragraph 80(1)(n) comes into force;

g) le Collège remplace le Conseil dans les poursuites civiles, pénales ou administratives engagées par ou contre celui-ci;

h) toute décision judiciaire ou quasi judiciaire rendue en faveur du Conseil ou contre lui est exécutoire à l'égard du Collège;

i) les affaires pendantes devant le Conseil immédiatement avant la date de prorogation, notamment les affaires relatives aux plaintes et à la discipline, se poursuivent devant le Collège;

j) les membres du Conseil sont des titulaires de permis d'une catégorie jusqu'au jour précédant la date d'entrée en vigueur d'un règlement administratif pris au titre de l'alinéa 80(1)n) et, jusqu'à ce jour, ils demeurent assujettis aux conditions et restrictions auxquelles leur statut de membre était assujéti immédiatement avant la date de prorogation;

k) les personnes inscrites auprès du Conseil à titre de conseillers réglementés en immigration pour étudiants étrangers sont des titulaires de permis d'une catégorie assujéti aux restrictions ci-après, ainsi qu'aux conditions et restrictions auxquelles leur inscription était assujéti immédiatement avant la date de prorogation et ce, jusqu'au jour précédant la date d'entrée en vigueur d'un règlement administratif pris au titre de l'alinéa 80(1)n) :

(i) le titulaire peut fournir des conseils uniquement en ce qui concerne les autorisations à étudier au Canada, les autorisations à y entrer et à y séjourner à titre d'étudiant et la façon dont ces autorisations se rattachent aux soumissions de déclarations d'intérêt faites en application du paragraphe 10.1(3) de la *Loi sur l'immigration et la protection des réfugiés* et aux demandes prévues par cette loi,

(ii) le titulaire ne peut représenter quiconque à l'égard de soumissions de déclarations d'intérêt faites en application du paragraphe 10.1(3) de la *Loi sur l'immigration et la protection des réfugiés*, de demandes ou d'instances prévues par cette loi ou de demandes ou d'instances prévues par *Loi sur la citoyenneté*;

l) toute demande pour devenir membre du Conseil ou pour s'inscrire auprès du Conseil se poursuit en tant que demande de permis;

m) les conditions d'admissibilité pour devenir membre du Conseil ou pour s'inscrire auprès de celui-ci qui étaient en vigueur immédiatement avant la date de prorogation demeurent en vigueur et s'appliquent à

(n) the code of professional ethics regulating members of the Council and the code of ethics regulating persons registered with the Council as Regulated International Student Immigration Advisors remain in effect until the day before the day on which the Minister establishes a code of professional conduct for licensees under subsection 43(1) and, until that day, a reference to the code of professional conduct in this Act, other than in section 43, is to be read as a reference to that code of professional ethics and that code of ethics;

(o) subject to paragraphs (m) and (n), every by-law of the Council and every regulation made by the Council's board of directors remains in effect, to the extent that it is not inconsistent with this Act, until the day before the day on which a by-law made under section 80 comes into force and, until that day, a reference to the by-laws in this Act is also to be read as a reference to those by-laws of the Council and those regulations made by the Council's board of directors;

(p) the rules of procedure of the Discipline Committee of the Council remain in effect, to the extent that they are not inconsistent with this Act, until the day before the day on which the Discipline Committee of the College makes rules respecting practice and procedure under section 59;

(q) the College's Complaints Committee has jurisdiction to consider and conduct an investigation into a complaint in respect of the conduct or activities of a member referred to in paragraph (j) or a person referred to in paragraph (k) that were engaged in before the date of continuance;

(r) the College's Discipline Committee has jurisdiction to hear and determine complaints in respect of the conduct or activities of a member referred to in paragraph (j) or a person referred to in paragraph (k) that were engaged in before the date of continuance and to take or require the actions that would have been applicable at the time that the conduct or activities were engaged in;

(s) every decision of the Council, including those made by the Registrar of the Council and the Council's Discipline Committee, that was in force immediately before the date of continuance remains in force as if it were a decision of the College;

(t) the Registrar may, until the day before the day on which a regulation prescribing the circumstances referred to in section 38 comes into force, suspend a licence if the licensee fails to

toute demande de permis et ce, jusqu'au jour précédant la date d'entrée en vigueur d'un règlement administratif pris au titre de l'alinéa 80(1)n);

n) le code d'éthique professionnelle régissant les membres du Conseil et le code d'éthique régissant les personnes inscrites auprès de celui-ci à titre de conseillers réglementés en immigration pour étudiants étrangers demeurent en vigueur jusqu'au jour précédant la date à laquelle le ministre établit le code de déontologie des titulaires de permis au titre du paragraphe 43(1) et, jusqu'à ce jour, toute mention dans la présente loi du code de déontologie, sauf à l'article 43, vaut mention de ce code d'éthique professionnelle et de ce code d'éthique;

o) sous réserve des alinéas m) et n), les règlements administratifs du Conseil et les règlements pris par le conseil d'administration de celui-ci demeurent en vigueur, sous réserve de leur compatibilité avec la présente loi, jusqu'au jour précédant la date d'entrée en vigueur d'un règlement administratif pris au titre de l'article 80 et, jusqu'à ce jour, toute mention dans la présente loi des règlements administratifs vaut également mention de ces règlements administratifs du Conseil et de ces règlements pris par le conseil d'administration de celui-ci;

p) les règles de procédure du comité de discipline du Conseil demeurent en vigueur, sous réserve de leur compatibilité avec la présente loi, jusqu'au jour précédant la date à laquelle le comité de discipline du Collège établit des règles de pratique et de procédure au titre de l'article 59;

q) le comité des plaintes du Collège a compétence pour étudier les plaintes et mener des enquêtes à l'égard de conduites survenues ou d'actes commis par les membres visés à l'alinéa j) ou les personnes visées à l'alinéa k) avant la date de prorogation;

r) le comité de discipline du Collège a compétence pour instruire les plaintes à l'égard de conduites survenues ou d'actes commis par les membres visés à l'alinéa j) ou les personnes visées à l'alinéa k) avant la date de prorogation, en décider et prendre ou imposer toute mesure qui aurait été applicable au moment où la conduite est survenue ou l'acte a été commis;

s) les décisions du Conseil, notamment celles du registraire du Conseil et du comité de discipline du Conseil, qui étaient exécutoires immédiatement avant la date de prorogation le demeurent, comme si elles étaient des décisions du Collège;

(i) pay the annual fee, or any other fee or amount that the licensee is required to pay under this Act, in accordance with the by-laws,

(ii) provide, in accordance with the by-laws, any information or document required by the by-laws,

(iii) comply with any requirement that is imposed by the by-laws with respect to continuing professional development, or

(iv) comply with any requirement with respect to professional liability insurance that is imposed under this Act;

(u) the prescribed period referred to in paragraph 69(3)(b) is deemed to be two years until the day before the day on which a regulation made under section 81 prescribing the period comes into force; and

(v) the prescribed amount referred to in paragraph 69(3)(d) is deemed to be \$10,000 until the day before the day on which a regulation made under section 81 prescribing the amount comes into force.

Transitional provisions — new classes of licence

(8) For greater certainty, the by-laws made under subsection 80(1) may contain provisions in respect of the transition from the classes of licence referred to in paragraphs (7)(j) and (k) to the new classes of licence established by the by-laws.

Establishment of College

86 If the Council has not been continued under section 84 and a period of six months — or any shorter period that the Governor in Council may, by order, specify — has elapsed after the day on which this section comes into force, the Minister may establish, by order, a corporation without share capital to be known as the College of Immigration and Citizenship Consultants.

Applicable provisions if College established

87 (1) Subsections (2) to (10) apply if the College is established by an order made under section 86.

t) le registraire peut, jusqu'au jour précédant la date d'entrée en vigueur d'un règlement prévoyant les circonstances visées à l'article 38, suspendre le permis d'un titulaire de permis qui néglige de :

(i) payer, conformément aux règlements administratifs, la cotisation annuelle ou tout autre droit ou somme exigible sous le régime de la présente loi,

(ii) fournir, conformément aux règlements administratifs, tout renseignement ou document exigé par règlement administratif,

(iii) respecter toute exigence en matière de formation professionnelle continue prévue par règlement administratif,

(iv) respecter toute exigence en matière d'assurance responsabilité professionnelle prévue sous le régime de la présente loi;

u) la durée maximale visée à l'alinéa 69(3)b) est réputée être de deux ans jusqu'au jour précédant la date d'entrée en vigueur d'un règlement pris au titre de l'article 81 établissant la durée;

v) le montant maximal visé à l'alinéa 69(3)d) est réputé être de dix mille dollars jusqu'au jour précédant la date d'entrée en vigueur d'un règlement pris au titre de l'article 81 établissant le montant.

Dispositions transitoires : nouvelles catégories de permis

(8) Il est entendu que les règlements administratifs pris au titre du paragraphe 80(1) peuvent contenir des dispositions concernant la transition des catégories de permis prévues aux alinéas (7)j) et k) vers les nouvelles catégories établies par les règlements administratifs.

Constitution du Collège

86 Si le Conseil n'est pas prorogé au titre de l'article 84 et que six mois — ou toute autre période plus courte fixée par décret du gouverneur en conseil — se sont écoulés depuis la date d'entrée en vigueur du présent article, le ministre peut, par arrêté, constituer le Collège des consultants en immigration et en citoyenneté, personne morale sans capital-actions.

Dispositions applicables en cas de constitution du Collège

87 (1) Les paragraphes (2) à (10) s'appliquent en cas de constitution du Collège par arrêté pris au titre de l'article 86.

Definition of *transitional period*

(2) In subsections (3) and (4), **transitional period** means the period beginning on the day on which an order made under section 86 comes into force and ending on the day before the day on which an order made under subsection 17(2) comes into force.

Initial organization of Board

(3) During the transitional period, the College's Board is to be composed of five directors to be appointed by the Minister.

Deemed appointment

(4) The directors are deemed to have been appointed under subsection 17(3). They hold office for a term that ends on the day on which the transitional period ends.

College not a Crown Corporation

(5) Despite Part X of the *Financial Administration Act*, the College is not a *Crown corporation* as defined in subsection 83(1) of that Act.

Right to relevant records

(6) Beginning on the day on which an order made under section 86 comes into force, any person who is in possession or control of records of the Council that are relevant to the purpose of the College must, at the College's request, provide the College with a copy of those records.

Effects of transition

(7) Beginning on the date of transition,

(a) subject to subsection (8), persons who were members of the Council immediately before the date of transition are holders of a class of licence until the day before the day on which by-laws made under paragraph 80(1)(n) come into force and, until that day, any conditions or restrictions to which their membership was subject immediately before the date of transition continue to apply;

(b) subject to subsection (8), persons who were registered with the Council as Regulated International Student Immigration Advisors immediately before the date of transition are, until the day before the day on which by-laws made under paragraph 80(1)(n) come into force, holders of a class of licence that is subject to the following restrictions, in addition to any conditions or restrictions to which their registration was subject immediately before the date of transition:

(i) the holder may provide advice only in relation to authorizations to study in Canada and

Définition de *période transitoire*

(2) Aux paragraphes (3) et (4), **période transitoire** s'entend de la période commençant à la date d'entrée en vigueur de l'arrêté pris au titre de l'article 86 et se terminant le jour précédant la date d'entrée en vigueur de l'arrêté pris au titre du paragraphe 17(2).

Conseil d'administration initial

(3) Durant la période transitoire, le conseil du Collège se compose de cinq administrateurs nommés par le ministre.

Fiction : nomination

(4) Les administrateurs sont réputés avoir été nommés au titre du paragraphe 17(3). Ils occupent leur poste pour un mandat se terminant à la date d'expiration de la période transitoire.

Non appartenance à Sa Majesté

(5) Malgré la partie X de la *Loi sur la gestion des finances publiques*, le Collège n'est pas une *société d'État* au sens du paragraphe 83(1) de cette loi.

Droit aux documents utiles

(6) À compter de la date d'entrée en vigueur de l'arrêté pris au titre de l'article 86, toute personne qui a en sa possession ou sous son contrôle des documents du Conseil utiles à la mission du Collège fournit à celui-ci, à sa demande, une copie de ces documents.

Effet de la transition

(7) À compter de la date de transition :

a) sous réserve du paragraphe (8), les personnes qui étaient membres du Conseil immédiatement avant la date de transition sont des titulaires de permis d'une catégorie et continuent de l'être jusqu'au jour précédant la date d'entrée en vigueur d'un règlement administratif pris au titre de l'alinéa 80(1)n) et, jusqu'à ce jour, ils demeurent assujettis aux conditions et restrictions auxquelles leur statut de membre était assujéti immédiatement avant la date de transition;

b) sous réserve du paragraphe (8), les personnes qui étaient inscrites auprès du Conseil à titre de conseillers réglementés en immigration pour étudiants étrangers immédiatement avant la date de transition sont des titulaires de permis d'une catégorie assujéti aux restrictions ci-après, ainsi qu'aux conditions et restrictions auxquelles leur inscription était assujéti immédiatement avant la date de transition, et continuent de l'être jusqu'au jour précédant la date d'entrée en vigueur d'un règlement administratif pris au titre de l'alinéa 80(1)n) :

authorizations to enter and remain in Canada as a student and the manner in which those authorizations relate to submissions of an expression of interest under subsection 10.1(3) of the *Immigration and Refugee Protection Act* and applications under that Act, and

(ii) the holder must not represent any person in connection with submissions of an expression of interest under subsection 10.1(3) of the *Immigration and Refugee Protection Act*, proceedings or applications under that Act or proceedings or applications under the *Citizenship Act*;

(c) the code of professional ethics regulating members of the Council and the code of ethics regulating persons registered with the Council as Regulated International Student Immigration Advisors that were in effect immediately before the date of transition apply until the day before the day on which the Minister establishes a code of professional conduct for licensees under subsection 43(1) and, until that day, a reference to the code of professional conduct in this Act, other than in section 43, is to be read as a reference to that code of professional ethics and that code of ethics;

(d) the College may deal with any matter related to complaints and discipline that was pending before the Council immediately before the date of transition;

(e) the College's Complaints Committee has jurisdiction to consider a complaint and conduct an investigation in respect of the conduct or activities of a member referred to in paragraph (a) or a person referred to in paragraph (b) that were engaged in before the date of transition;

(f) the College's Discipline Committee has jurisdiction to hear and determine complaints in respect of the conduct or activities of a member referred to in paragraph (a) or a person referred to in paragraph (b) that were engaged in before the date of transition and to take or require the actions that would have been applicable at the time that the conduct or activities were engaged in;

(g) for the purposes of paragraphs (e) and (f), a member referred to in paragraph (a) or a person referred to in paragraph (b) committed professional misconduct or was incompetent if they failed to meet the standards of professional conduct and competence that were established by the code of professional ethics regulating members of the Council or the code of ethics regulating persons registered with the Council

(i) le titulaire peut fournir des conseils uniquement en ce qui concerne les autorisations à étudier au Canada, les autorisations à y entrer et à y séjourner à titre d'étudiant et la façon dont ces autorisations se rattachent aux soumissions de déclarations d'intérêt faites en application du paragraphe 10.1(3) de la *Loi sur l'immigration et la protection des réfugiés* et aux demandes prévues par cette loi,

(ii) le titulaire ne peut représenter quiconque à l'égard de soumissions de déclarations d'intérêt faites en application du paragraphe 10.1(3) de la *Loi sur l'immigration et la protection des réfugiés*, de demandes ou d'instances prévues par cette loi ou de demandes ou d'instances prévues par *Loi sur la citoyenneté*;

c) le code d'éthique professionnelle régissant les membres du Conseil et le code d'éthique régissant les personnes inscrites auprès du Conseil à titre de conseillers réglementés en immigration pour étudiants étrangers qui étaient en vigueur immédiatement avant la date de transition s'appliquent jusqu'au jour précédant la date à laquelle le ministre établit le code de déontologie des titulaires de permis au titre du paragraphe 43(1) et, jusqu'à ce jour, toute mention dans la présente loi du code de déontologie, sauf à l'article 43, vaut mention de ce code d'éthique professionnelle et de ce code d'éthique;

d) le Collège peut se saisir de toute affaire relative aux plaintes et à la discipline qui était pendante devant le Conseil immédiatement avant la date de transition;

e) le comité des plaintes du Collège a compétence pour étudier les plaintes et mener des enquêtes à l'égard de conduites survenues ou d'actes commis par les membres visés à l'alinéa a) ou les personnes visées à l'alinéa b) avant la date de transition;

f) le comité de discipline du Collège a compétence pour instruire les plaintes à l'égard de conduites survenues ou d'actes commis par les membres visés à l'alinéa a) ou les personnes visées à l'alinéa b) avant la date de transition, en décider et prendre ou imposer toute mesure qui aurait été applicable au moment où la conduite est survenue ou l'acte a été commis;

g) pour l'application des alinéas e) et f), a commis un manquement professionnel ou a fait preuve d'incompétence le membre visé à l'alinéa a) ou la personne visée à l'alinéa b) qui a négligé de respecter les normes de conduite professionnelle et de compétence prévues dans le code d'éthique professionnelle régissant les membres du Conseil ou le code d'éthique régissant les personnes inscrites auprès du Conseil à titre de

as Regulated International Student Immigration Advisors, as the case may be, that was in effect when the conduct or activities were engaged in;

(h) the Registrar may, until the day before the day on which a regulation prescribing the circumstances referred to in section 38 comes into force, suspend a licence if the licensee fails to

(i) pay the annual fee, or any other fee or amount that the licensee is required to pay under this Act, in accordance with the by-laws,

(ii) provide, in accordance with the by-laws, any information or document required by the by-laws,

(iii) comply with any requirement that is imposed by the by-laws with respect to continuing professional development, or

(iv) comply with any requirement with respect to professional liability insurance that is imposed under this Act;

(i) the prescribed period referred to in paragraph 69(3)(b) is deemed to be two years until the day before the day on which a regulation made under section 81 prescribing that period comes into force;

(j) the prescribed amount referred to in paragraph 69(3)(d) is deemed to be \$10,000 until the day before the day on which a regulation made under section 81 prescribing that amount comes into force; and

(k) every decision of the Council that suspends a member referred to in paragraph (a) or a person referred to in paragraph (b), or imposes conditions or restrictions on their membership or registration, and that was in force immediately before the date of transition becomes a suspension of a licence or a condition or restriction to which a licence is subject, as the case may be, and continues to be such until the date specified in the decision or until the College lifts the suspension, conditions or restrictions.

Registration fees

(8) A member of the Council referred to in paragraph (7)(a) or a person referred to in paragraph (7)(b) continues to be a holder of a licence only if, within two months after the date of transition, or within any longer period specified by the College and posted on its website, they pay the registration fee specified by the College and posted on its website.

conseillers réglementés en immigration pour étudiants étrangers, selon le cas, qui étaient en vigueur au moment où la conduite est survenue ou les actes ont été commis;

h) le registraire peut, jusqu'au jour précédant la date d'entrée en vigueur d'un règlement prévoyant les circonstances visées à l'article 38, suspendre le permis d'un titulaire de permis qui néglige de :

(i) payer, conformément aux règlements administratifs, la cotisation annuelle ou tout autre droit ou somme exigible sous le régime de la présente loi,

(ii) fournir, conformément aux règlements administratifs, tout renseignement ou document exigé par les règlements administratifs,

(iii) respecter toute exigence en matière de formation professionnelle continue prévue par règlement administratif,

(iv) respecter toute exigence en matière d'assurance responsabilité professionnelle prévue sous le régime de la présente loi;

i) la durée maximale visée à l'alinéa 69(3)b) est réputée être de deux ans jusqu'au jour précédant la date d'entrée en vigueur d'un règlement pris au titre de l'article 81 établissant la durée;

j) le montant maximal visé à l'alinéa 69(3)d) est réputé être de dix mille dollars jusqu'au jour précédant la date d'entrée en vigueur d'un règlement pris au titre de l'article 81 établissant le montant;

k) toute décision du Conseil ayant pour effet de suspendre un membre visé à l'alinéa a) ou une personne visée à l'alinéa b) ou d'imposer des conditions ou des restrictions à son statut de membre ou à son inscription et qui était exécutoire immédiatement avant la date de transition devient une suspension de permis ou des conditions ou des restrictions auxquelles le permis est assujéti, selon le cas, et le demeure jusqu'à la date prévue dans la décision ou jusqu'à ce que le Collège révoque la suspension, les conditions ou les restrictions.

Droits d'adhésion

(8) Les membres visés à l'alinéa (7)a) et les personnes visées à l'alinéa (7)b) ne peuvent demeurer titulaires d'un permis que s'ils paient, dans un délai de deux mois suivant la date de transition — ou dans le délai supérieur fixé par le Collège et affiché sur son site Web —, les droits d'adhésion fixés par le Collège et affichés sur son site Web.

Limit

(9) A by-law must not be made under paragraph 80(1)(n) on or before the date of transition.

Transitional provisions — new classes of licence

(10) For greater certainty, the by-laws made under subsection 80(1) may contain provisions in respect of the transition from the classes of licence referred to in paragraphs (7)(a) and (b) to the new classes of licence established by the by-laws.

Regulations

88 The Governor in Council may make regulations providing for any other transitional matters arising from the coming into force of this Act.

Limite

(9) Aucun règlement administratif ne peut être pris au titre de l'alinéa 80(1)n) à la date de transition ou avant cette date.

Dispositions transitoires : nouvelles catégories de permis

(10) Il est entendu que les règlements administratifs pris au titre du paragraphe 80(1) peuvent contenir des dispositions concernant la transition des catégories de permis prévues aux alinéas (7)a) et b) vers les nouvelles catégories établies par règlement administratif.

Règlements

88 Le gouverneur en conseil peut prendre des règlements prévoyant toute autre mesure transitoire qui découle de l'entrée en vigueur de la présente loi.

College of Immigration and Citizenship Consultants Act

S.C. 2019, c. 29, s. 292

Assented to 2019-06-21

An Act respecting the College of Immigration and Citizenship Consultants

[Enacted by section 292 of chapter 29 of the Statutes of Canada, 2019, in force December 9, 2020, see SI/2020-73.]

Short Title

Short title

1 This Act may be cited as the *College of Immigration and Citizenship Consultants Act*.

Interpretation and Application

Definitions

2 The following definitions apply in this Act.

Board means the board of directors referred to in subsection 17(1). (*conseil*)

College means the College of Immigration and Citizenship Consultants continued under section 84 or established under section 86. (*Collège*)

immigration and citizenship consultant means a person — other than a person referred to in paragraph 21.1(2)(a) or (b) or subsection 21.1(3) or (4) of the *Citizenship Act* or paragraph 91(2)(a) or (b) or subsection 91(3) or (4) of the *Immigration and Refugee Protection Act* — who, directly or indirectly, represents or advises persons for consideration — or offers to do so — in connection with a proceeding or application under the *Citizenship Act*, the submission of an expression of interest under subsection 10.1(3) of the *Immigration and Refugee Protection Act* or a proceeding or application under that Act. (*consultant en immigration et en citoyenneté*)

licence means a licence issued under this Act. (*permis*)

Minister means the federal minister designated under section 3. (*ministre*)

prescribed means prescribed by the regulations. (*Version anglaise seulement*)

privileged means subject to a privilege under the law of evidence, litigation privilege, solicitor-client privilege or the professional secrecy of advocates and notaries. (*protégé*)

Registrar means the Registrar of the College appointed under section 30. (*registraire*)

Designation of Minister

3 The Governor in Council may, by order, designate any federal minister to be the Minister referred to in this Act.

Organization

College

Purpose

4 The purpose of the College is to regulate immigration and citizenship consultants in the public interest and protect the public, including by

- **(a)** establishing and administering qualification standards, standards of practice and continuing education requirements for licensees;
- **(a.1)** establishing and providing training and development programs for licensees;
- **(b)** ensuring compliance with the code of professional conduct; and
- **(c)** undertaking public awareness activities.

- 2019, c. 29, s. 292 “4”
- 2023, c. 26, s. 287

Head office

5 The College’s head office is to be at the place in Canada that is designated in the College’s by-laws.

Capacity

- **6 (1)** In carrying out its purpose, the College has the capacity and the rights, powers and privileges of a natural person.
- **Extraterritorial capacity**
(2) For greater certainty, the College may exercise the rights, powers and privileges referred to in subsection (1) in any jurisdiction outside Canada to the extent that the laws of that jurisdiction permit.

Status

7 The College is not an agent of Her Majesty in right of Canada, and the College’s directors, the members of its committees, the Registrar, the investigators and any officers, employees and agents and mandataries of the College are not part of the federal public administration.

Canada Not-for-profit Corporations Act

8 The *Canada Not-for-profit Corporations Act* does not apply to the College.

Official Languages Act

9 The *Official Languages Act* applies to the College.

Members

10 The members of the College are the licensees.

Annual general meeting

11 The College must hold an annual general meeting of members within six months after the end of each of its fiscal years, at a time and place in Canada fixed by the Board.

Notice

12 The College must give members notice of the time and place of the annual general meeting in accordance with the by-laws.

Compensation fund

13 The College must establish a fund to compensate persons who have been adversely affected by the conduct or activities of a licensee.

Public records

- **14 (1)** The College must prepare and maintain, at its head office or at any other place in Canada designated by the Board, records that are made available to the public on the College's website and in any other manner that the College considers appropriate and that contain
 - **(a)** its by-laws, and amendments to them;
 - **(b)** the minutes of the Board's public meetings;
 - **(c)** a register of directors;
 - **(d)** a register of officers; and
 - **(e)** its audited annual financial statements as approved by the Board.
- **Accounting records and financial statements**

(2) The College must prepare and maintain adequate accounting records and annual financial statements.
- **Retention period**

(3) Subject to any other Act of Parliament or of the legislature of a province that provides for a longer retention period, the College must retain, for the prescribed period, the accounting records and audited annual financial statements as approved by the Board.

Annual report

- **15 (1)** The College must submit to the Minister, within ~~90~~120 days after the end of each of its fiscal years, a report on the College's activities during the preceding fiscal year.

- **Tabling report**

(2) The Minister must cause a copy of the report to be tabled in each House of Parliament on any of the first 15 days on which that House is sitting after the day on which the Minister receives it.

- [2019, c. 29, s. 292 “15”](#)

- [2023, c. 26, s. 288](#)

Board of Directors

Duties and powers of Board

- **16 (1)** The Board must manage, or supervise the management of, the College’s activities and affairs and may, for those purposes, exercise all of the powers conferred on the College under this Act.

- **Delegation**

(2) The Board may delegate any of the powers, duties and functions conferred on it under this Act, except the powers

- **(a)** to amend or repeal regulations;
- **(b)** to make by-laws; and
- **(c)** to approve audited annual financial statements.

Composition

- **17 (1)** The College has a board of directors composed of at least seven directors, including the Chairperson.

- **Order fixing number of directors**

(2) The Minister may, by order, fix the number of directors.

- **Appointed directors**

(3) Subject to subsection (4), the Minister may, by order, fix the number of directors that are to be appointed to the Board and appoint those directors.

- **Maximum number of appointed directors**

(4) The number of appointed directors fixed under subsection (3) must not be greater than the minimum number that is required to constitute a majority of directors on the Board.

- **Elected directors**

(5) The remaining directors are to be licensees elected in accordance with the by-laws.

Mailing address

18 Each director must provide the College with their mailing address and with notice of any change in that address.

Term

- **19 (1)** Each director is to be appointed or elected for a term of not more than three years, and may be reappointed or — subject to the by-laws — re-elected for subsequent terms of not more than three years each.
- **Determination of term**
 - (2)** The length of a director's term is to be
 - **(a)** set out by the Minister in the order appointing the director, if the director is appointed; or
 - **(b)** determined in accordance with the by-laws, if the director is elected.
- **Staggered terms**
 - (3)** For greater certainty, it is not necessary that all directors hold office for terms that begin or end on the same day.
- **Continuation in office — appointed directors**
 - (4)** Despite subsection (1) and subject to section 23, an appointed director continues to hold office until they are reappointed or their successor is appointed.

Ineligibility

- 20** An individual is not eligible to be appointed or elected as a director if they
- **(a)** are less than 18 years of age;
 - **(b)** are neither a Canadian citizen nor a *permanent resident*, as defined in subsection 2(1) of the [*Immigration and Refugee Protection Act*](#);
 - **(c)** have the status of bankrupt;
 - **(d)** in the case of an appointment to the Board,
 - **(i)** are a licensee, or
 - **(ii)** are employed in any capacity in the federal public administration;
 - **(e)** in the case of election to the Board, have a licence that is suspended; or
 - **(f)** are ineligible under any other criteria set out in the regulations.

Validity of acts of directors and officers

21 An act of a director or an officer is valid despite their ineligibility or an irregularity in their election or appointment.

Removal — appointed directors

- **22 (1)** An appointed director holds office during good behaviour and may be removed for cause by the Minister.

- **Removal — elected directors**

(2) An elected director may be removed in accordance with the by-laws.

Ceases to be director

23 A director ceases to be a director if

- (a) they die;
- (b) they resign;
- (c) they are removed from office under section 22; or
- (d) any prescribed circumstance applies.

Remuneration and expenses

24 The College must pay to the directors the remuneration and expenses that are determined in accordance with the by-laws.

Chairperson

- **25 (1)** The Chairperson is to be elected by the Board from among the directors in accordance with the by-laws.
- **Duties**

(2) The Chairperson must preside over the Board's meetings and perform any other duties that are assigned to the Chairperson by the by-laws.
- **Removal**

(3) The Board may remove the Chairperson in accordance with the by-laws.

Meetings

- **26 (1)** The Board must hold a meeting at least once every calendar year.
- **Quorum**

(2) A majority of the number of directors fixed by the Minister under subsection 17(2) constitutes a quorum at any meeting of the Board.
- **Notice of meeting**

(3) The Chairperson of the Board must give notice of the time and place of meetings of the Board to the directors and any observer designated under section 76.
- **Public meetings**

(4) Subject to the by-laws, meetings of the Board are to be open to the public.
- **Observer — *in camera* meetings**

(5) An observer designated under section 76 is entitled to attend meetings of the Board that are held *in camera*.
- **Telecommunications**

(6) Subject to the by-laws, a director may participate in, and any observer designated under section 76 may observe, a meeting of the Board by telephone or by an electronic or other communication facility that permits them to communicate adequately with each other during the meeting. A director so participating in a meeting is deemed for the purposes of this Act to be present at that meeting.

Validity of signed resolutions

- **27 (1)** A resolution in writing, signed by all the directors entitled to vote on that resolution at a meeting of the Board, is as valid as if it had been passed at a meeting of the Board.
- **Filing resolution**

(2) Subject to the by-laws made under paragraph 80(1)(z), a copy of every resolution referred to in subsection (1) is to be kept with the minutes of the public meetings of directors.

Chief Executive Officer

28 The Board may appoint a Chief Executive Officer, who is to exercise the powers and perform the duties and functions that are delegated to him or her by the Board.

Committees

Complaints Committee and Discipline Committee

- **29 (1)** Two committees of the College are established, to be known as the Complaints Committee and the Discipline Committee.
- **Appointment**

(2) The members of each committee are to be appointed by the Board in accordance with the regulations.
- **Term**

(3) The members of the Discipline Committee are to hold office for a term of not more than five years. The members may be reappointed for subsequent terms of not more than five years each.
- **Acting after expiry of term**

(4) A member of the Discipline Committee whose term expires may, in accordance with the rules referred to in section 59, conclude any proceeding that the member has begun.
- **Removal**

(5) The members of the Discipline Committee hold office during good behaviour and may be removed for cause by the Board.
- **Limitation**

(6) An individual is not permitted to be a member of the Complaints Committee and the Discipline Committee at the same time.

- **Other committees**

(7) The Board may establish other committees of the College.

Registrar

Appointment

- **30 (1)** The Board is to appoint a Registrar of the College for a term of not more than five years. The Registrar may be reappointed for subsequent terms of not more than five years each.

- **Removal**

(2) The Registrar holds office during good behaviour and may be removed for cause by the Board.

- **Role**

(3) The Registrar is responsible for issuing licences, establishing and maintaining a register of licensees and verifying compliance or preventing non-compliance with this Act by licensees.

Register available to public

- **31 (1)** The register of licensees must be made available to the public on the College's website in a searchable format and, subject to the regulations, in any other manner that the Registrar considers appropriate.

- **Updated information**

(2) The Registrar must ensure that the information included in the register is updated in a timely manner.

Notice to Minister

32 The Registrar must, within the prescribed period and in the prescribed form and manner, provide notice to the Minister in the following circumstances:

- **(a)** a licence is suspended;
- **(b)** a licence is revoked;
- **(c)** a licence is surrendered; and
- **(d)** any other prescribed circumstance.

Licence

- **33 (1)** On application, the Registrar must issue to an individual who, in the Registrar's opinion, meets the eligibility requirements set out in the by-laws for the class of licence for which the individual applied, a licence of that class.

- **Conditions**

(2) A licence issued under this section is subject to any conditions or restrictions imposed under this Act.

- **Application**

(3) An application for a licence must be made in the form and manner specified by the Registrar and must contain the information specified by the Registrar.

Surrender of licence

34 The Registrar may, in accordance with the by-laws, approve the surrender of a licence on application by a licensee made in accordance with the by-laws.

Powers of Registrar — verification

- **35 (1)** Subject to the regulations, the Registrar may, for a purpose related to verifying compliance or preventing non-compliance with this Act by licensees,
 - **(a)** subject to subsection (2), enter a licensee's business premises, without notice, at any reasonable time and require the production of any document or other thing that is relevant, and examine or copy the document or thing; and
 - **(b)** require the licensee, or a business partner or employee of the licensee or any person employed by the same employer as the licensee, to provide any information that is relevant.

- **Dwelling-house**

(2) If the licensee's business premises are in a dwelling-house, the Registrar may enter them only with the occupant's consent.

Privileged information

36 Subject to the regulations, the powers set out in section 35 must not be exercised in respect of privileged information.

Referral to Complaints Committee

37 If the Registrar is of the opinion that there may be reasonable grounds to suspect that a licensee has committed professional misconduct or was incompetent, the Registrar may, subject to the regulations, initiate a complaint and refer it to the Complaints Committee for consideration.

Decision of Registrar

38 If the Registrar determines that a licensee has contravened a provision of this Act, of the regulations or of the by-laws, the Registrar may, in his or her decision, in the prescribed circumstances,

- **(a)** suspend the licensee's licence;
- **(b)** revoke the licensee's suspended licence; or
- **(c)** take or require any other action set out in the regulations.

Compliance with decision

39 A licensee who is the subject of a decision made under section 38 must comply with it.

Filing decision in Federal Court

- **39.1 (1)** The College may file in the Federal Court a certified copy of a decision made under section 38.
- **Effect of filing**
 - (2)** On the certified copy being filed, the decision becomes and may be enforced as an order of the Federal Court.
- 2023, c. 26, s. 289

Notice to licensees — revocation or suspension

- **40 (1)** The Registrar must notify all licensees of every decision made under subsection 69(3) to revoke or suspend a licence.
- **Notice to licensees — dismissal of complaint**
 - (2)** The Registrar must, if requested by the licensee who was the subject of a complaint that was dismissed by the Discipline Committee, notify all licensees of the dismissal.

Delegation

41 Subject to the regulations, the Registrar may delegate any of the powers, duties and functions conferred on the Registrar under this Act.

Licensees

Professional liability insurance

- **42 (1)** Subject to subsection (2), a licensee must be insured against professional liability.
- **Exemption**
 - (2)** A licensee may be exempted by the by-laws from the application of subsection (1).

Professional Conduct

Code of professional conduct

- **43 (1)** The Minister must, by regulation, establish a code of professional conduct for licensees.
- **Amendment or repeal**
 - (2)** Only the Board may, by regulation and with the Minister's prior written approval, amend or repeal the regulations establishing the code.

Standards of professional conduct and competence

44 A licensee must meet the standards of professional conduct and competence that are established by the code of professional conduct. A licensee who fails to meet those standards commits professional misconduct or is incompetent.

Complaints

Complaint to the College

45 Any person may, in accordance with the by-laws, make a complaint to the College in respect of a licensee or former licensee.

Referral to Complaints Committee

46 The College may refer a complaint to the Complaints Committee if, in the College's opinion, the complaint relates to professional misconduct by, or the incompetence of, a licensee.

Referral to another body

47 The College may, in the prescribed circumstances, refer a complaint to another body that has a statutory duty to regulate a profession.

Consideration and investigation of complaints

- **48 (1)** The Complaints Committee must consider all complaints referred to it by the College or the Registrar and may, if the Committee has reasonable grounds to suspect that a licensee committed professional misconduct or was incompetent, conduct an investigation into the licensee's conduct and activities.
- **Consideration and investigation on Committee's initiative**

(2) If the Complaints Committee has reasonable grounds to suspect that a licensee committed professional misconduct or was incompetent, it must initiate a complaint and consider it, and may conduct an investigation into the licensee's conduct and activities.

Jurisdiction — former licensees

49 For greater certainty, the Complaints Committee has jurisdiction to consider a complaint and conduct an investigation in respect of a former licensee.

Investigations

Investigator

- **50 (1)** The Complaints Committee may designate an individual as an investigator to conduct an investigation under the Committee's direction.
- **Revocation**

(2) The Complaints Committee may revoke the designation.

Power to require information and documents

- **51 (1)** An investigator may, for the purpose of investigating a licensee's conduct and activities, require any person
 - **(a)** to provide any information that, in the investigator's opinion, the person may be able to provide in relation to the matter being investigated; and
 - **(b)** to produce, for examination or copying by the investigator, any document or other thing that, in the investigator's opinion, relates to the matter being investigated and that may be in the possession or under the control of that person.
- **Authority to enter**

(2) Subject to subsection 52(1), an investigator may, for that purpose, enter a place in which they have reasonable grounds to believe that an activity regulated under this Act is conducted or any document or other thing relevant to the investigation is located.
- **Other powers**

(3) The investigator may, for that purpose,

 - **(a)** examine anything in the place;
 - **(b)** remove the thing for examination or copying;
 - **(c)** use any copying equipment in the place, or cause it to be used;
 - **(d)** open or order any person to open any container or package found in the place;
 - **(e)** use any means of communication in the place, or cause it to be used;
 - **(f)** use any computer system or other device in the place, or cause it to be used, to examine data contained in or available to it;
 - **(g)** prepare a document, or cause one to be prepared, based on the data; and
 - **(h)** take photographs or make recordings or make a copy of anything in the place.
- **Duty to assist**

(4) The owner or person in charge of the place and every person in the place must give all assistance that is reasonably required to enable the investigator to perform their functions under subsections (2) and (3) and must provide any documents or information, and access to any data, that are reasonably required for that purpose.

Warrant to enter dwelling-house

- **52 (1)** If the place is a dwelling-house, the investigator may enter it without the occupant's consent only under the authority of a warrant issued under subsection (2).
- **Authority to issue warrant**
 - (2)** On *ex parte* application, a justice of the peace may issue a warrant authorizing the investigator to enter a dwelling-house, subject to any conditions specified in the warrant, if the justice is satisfied by information on oath that
 - **(a)** the dwelling-house is a place referred to in subsection 51(2);
 - **(b)** entry to the dwelling-house is necessary for the purposes of the investigation; and
 - **(c)** entry was refused by the occupant or there are reasonable grounds to believe that entry will be refused by, or that consent to entry cannot be obtained from, the occupant.

Use of force

53 In executing a warrant to enter a dwelling-house, an investigator may use force only if the use of force has been specifically authorized in the warrant and they are accompanied by a peace officer.

Privileged information

54 Subject to the regulations, the powers set out in section 51 must not be exercised in respect of privileged information.

Obstruction and false statements

55 It is prohibited to obstruct or hinder, or make a false or misleading statement either orally or in writing, to an investigator who is performing their functions.

Immunity

Immunity — ~~civil liability~~ Responsibility for damages — directors and others

56 A person who exercises powers or performs duties other proceeding for damages lies or functions under may be instituted against any of sections 35 and 51 to 53 does not incur civil liability in respect of the following persons for anything done or omitted to be done in good faith in the exercise or purported exercise of these powers any power, or in the performance of these duties or functions or purported performance of any duty or function, conferred on that person under the Act:

- (a) a current or former director of the Board;
- (b) a current or former member of a committee of the College;
- (c) the Registrar or a former Registrar;
- (d) a current or former investigator;

- (e) a current or former officer, employee, agent or mandatory of the College; and
- (f) a person who is or has been engaged by the College.

- 2019, c. 29, s. 292 “56”
- 2023, c. 26, s. 290

Decision of Complaints Committee

Referral to Discipline Committee

- **57 (1)** The Complaints Committee may, subject to the regulations, refer a complaint, in whole or in part, to the Discipline Committee.
- **Measures if not referred to Discipline Committee**
 - (2)** If the Complaints Committee does not refer the complaint, in whole or in part, to the Discipline Committee, the Complaints Committee must
 - **(a)** notify the complainant, if any, and the licensee that the complaint was not referred, and provide them with the reasons for the decision;
 - **(b)** require the licensee to appear before the Complaints Committee to be cautioned, notify the complainant, if any, of the decision and provide the licensee and the complainant with the reasons for the decision; or
 - **(c)** refer the complaint to a process of dispute resolution, on any conditions specified by the Complaints Committee, if the ~~complainant and the~~ licensee ~~consent~~consents.
- **If dispute resolution not successful**
 - (3)** If the complaint is referred to a process of dispute resolution and, at the conclusion of the process, the matter is not resolved to the satisfaction of the Complaints Committee, that Committee continues to be seized of the matter.

- 2019, c. 29, s. 292 “57”
- 2023, c. 26, s. 291

Disciplinary Proceedings

Complaints referred by Complaints Committee

58 The Discipline Committee must hear and determine all complaints referred to it by the Complaints Committee.

Rules of procedure

59 The Discipline Committee may make rules respecting the practice and procedure before it, including rules governing panels, and rules for carrying out its work and for the management of its internal affairs.

Panel of Discipline Committee

- **60 (1)** Any panel of the Discipline Committee established in accordance with the rules referred to in section 59 has all of the powers, and must perform all of the duties and functions, of the Discipline Committee.
- **Decision of panel**
 - (2) A decision of a panel is a decision of the Discipline Committee.

Parties

61 The Complaints Committee and the licensee are parties to the proceeding.

Right of parties to make submissions

62 The parties to the proceeding are entitled to make oral and written submissions to the Discipline Committee.

Submissions — other persons

63 The Discipline Committee may provide an opportunity for any other person to make oral and written submissions to it.

Public hearings

64 Subject to the regulations, the by-laws and the rules referred to in section 59, any oral hearings of the Discipline Committee are open to the public.

Jurisdiction — former licensees

65 For greater certainty, the Discipline Committee has jurisdiction to hear and determine a complaint in respect of a former licensee.

Powers of Discipline Committee

66 The Discipline Committee has the power

- **(a)** to summon and enforce the appearance of persons and compel them to give oral or written evidence on oath and to produce any document or other thing that the Committee considers necessary to decide the matter, in the same manner and to the same extent as a superior court of record;
- **(b)** to administer oaths; and
- **(c)** to accept any evidence, whether admissible in a court of law or not.

Privileged information

67 Subject to the regulations, the Discipline Committee must not admit or accept as evidence any privileged information.

Powers before decision

- **68 (1)** Before making a decision under section 69, the Discipline Committee may decide to take any action referred to in paragraph 69(3)(a) or (b) if the Discipline Committee is satisfied that it is necessary for the protection of the public.
- **Action is provisional**

(2) Any action taken under subsection (1) is provisional and ceases to have effect when the decision in respect of the complaint is made under section 69, unless the action is confirmed in the decision.

Decision on complaint

- **69 (1)** After the hearing of a complaint, the Discipline Committee must determine whether the licensee has committed professional misconduct or was incompetent.

- **Dismissal of complaint**

(2) If the Discipline Committee determines that the licensee did not commit professional misconduct or was not incompetent, the Committee must dismiss the complaint.

- **Professional misconduct or incompetence**

(3) If the Discipline Committee determines that the licensee has committed professional misconduct or was incompetent, the Committee may, in its decision, take or require one or more of the following actions as well as any other action set out in the regulations:

- (a) impose conditions or restrictions on the licensee's licence;
- (b) suspend the licensee's licence for not more than the prescribed period or until specified conditions are met, or both;
- (c) revoke the licensee's licence; or
- (d) require the licensee to pay a penalty of not more than the prescribed amount to the College; ~~or,~~
- ~~(e) take or require any other action set out in the regulations.~~
- (e) [Repealed, 2023, c. 26, s. 292]

- **Decision and reasons in writing**

(4) The Discipline Committee must give its decision and the reasons for it in writing.

- **Decision and reasons available to public**

(5) Subject to the regulations, the decision and the reasons for it must be made available to the public on the College's website and in any other manner that the College considers appropriate.

- **Notice to Registrar**

(6) The Discipline Committee must provide a copy of its decision to the Registrar.

- **Payment into compensation fund**

(7) If a decision made by the Discipline Committee under subsection (3) requires that a licensee pay a penalty to the College, the amount of the penalty is to be paid into the compensation fund referred to in section 13.

- [2019, c. 29, s. 292 “69”](#)
- [2023, c. 26, s. 292](#)

Compliance with decision

70 Any person who is the subject of a decision made under subsection 68(1) or 69(3) must comply with it.

Filing decision in Federal Court

- [70.1 \(1\) The College may file in the Federal Court a certified copy of a decision made under subsection 69\(3\).](#)
- [Effect of filing](#)
[\(2\) On the certified copy being filed, the decision becomes and may be enforced as an order of the Federal Court.](#)
- [2023, c. 26, s. 293](#)

Judicial Review

Respondent — College

- [71 \(1\)](#) If an application is made for judicial review of a decision of the College, including its committees, the College is the respondent in respect of the application.
- [Respondent — committee](#)
[\(2\) However, if the College makes an application for judicial review of a decision of its committees, the committee is the respondent.](#)
- [2019, c. 29, s. 292 “71”](#)
- [2023, c. 26, s. 294](#)

Non-application of certain Acts

72 For the purposes of judicial review, a decision of the College, including of its committees, is not a matter under the [Citizenship Act](#) or the [Immigration and Refugee Protection Act](#).

Minister — judicial review

73 If the Minister is a complainant, he or she may make an application to the Federal Court for judicial review of any decision of the College, including of its committees, relating to the complaint.

Powers of College

Administration of Licensee's Property

Order

- 73.1 (1) If a licensee is not able to perform their activities as an immigration and citizenship consultant for any prescribed reason, the College may, in order to carry out its purpose, including to ensure the continuation of services to a licensee's client, apply, without notice, to a court of competent jurisdiction, including the Federal Court, for an order authorizing the College or a person appointed by the court to administer any property in relation to those activities that is or should be in the licensee's possession or under their control.
- Content of order
 - (2) If the court concludes that it is necessary to ensure the continuation of services to the licensee's clients or to otherwise permit the College to carry out its purpose, it may, for the purposes of subsection (1),
 - (a) authorize the College or person appointed by the court to
 - (i) enter a place, including a vehicle, in which the College or person has reasonable grounds to believe property referred to in subsection (1) is located,
 - (ii) examine anything in the place,
 - (iii) open or order any person to open any container or package found in the place,
 - (iv) require the owner or person in charge of the place and any person in the place to give all assistance that is reasonably required to enable the College or person appointed by the court to execute the order and to provide any property referred to in subsection (1) or any information, and access to any data, that are reasonably required for that purpose, and
 - (v) seize any document or other thing related to a client's files and transfer it to the client or a licensee or person referred to in paragraph 21.1(2)(a) or (b) or subsection 21.1(3) or (4) of the *Citizenship Act* or paragraph 91(2)(a) or (b) or subsection 91(3) or (4) of the *Immigration and Refugee Protection Act*,
 - (b) order that any property referred to in subsection (1) is not to be dealt with by any person without leave of the court or is to be held in trust by the College or person appointed by the court;
 - (c) require the licensee to account to the College or person appointed by the court for any property referred to in subsection (1);

- (d) provide for the compensation of the College or person appointed by the court for administering the licensee’s property and the reimbursement of any expenses the College or person incurs in doing so; and
- (e) provide for any other matter that it considers appropriate in the circumstances, including imposing conditions on the manner in which the College or person appointed by the court is to execute the order.

- **Additional authority**

(3) The court may also authorize the College or person appointed by the court to seize and detain any property referred to in subsection (1) found in the place and transfer it to any person for the purpose of carrying on the licensee’s business operations or winding up their practice.

- **Former licensee**

(4) For greater certainty, the College has jurisdiction to apply for an order referred to in subsection (1) in respect of a former licensee.

- 2023, c. 26, s. 295

Limitation or prescription

73.2 The College is not permitted to make an application under subsection 73.1(1) after the sixth anniversary of the day on which a licensee ceases to be a licensee.

- 2023, c. 26, s. 295

Application

73.3 Sections 52 and 53 apply in respect of an order issued under subsection 73.1(1) with any adaptations that may be necessary.

- 2023, c. 26, s. 295

Obstruction and false statements

73.4 It is prohibited to obstruct or hinder, or make a false or misleading statement either orally or in writing, to the College or person appointed by the Court when the College or person is executing an order issued under subsection 73.1(1).

- 2023, c. 26, s. 295

Information-sharing Agreement or Arrangement

Information sharing

- 73.5 (1) The College may enter into an agreement or arrangement with any entity, including a *government institution*, as defined in section 3 of the *Access to Information Act*, or an institution of a government of a province or foreign state,

for the sharing of information for the purpose of assisting in the administration and enforcement of this Act, or any other Act of Parliament or of a province or any other law, as it relates to immigration and citizenship consultants.

- **Limitation**

(2) An agreement or arrangement entered into under subsection (1) is subject to the by-laws and regulations made under this Act.

- 2023, c. 26, s. 295

Powers of Minister

Powers of Minister

- **74 (1)** The Minister may
 - **(a)** review the Board’s activities and require the Board to provide the Minister with reports and information, including confidential information; and
 - **(b)** require the Board to do anything — including to make, amend or repeal a regulation or by-law or to submit to an audit — that, in the Minister’s opinion, is advisable to carry out the purposes of this Act.
- **Deemed best interests**

(2) Compliance by a director of the Board with a requirement of the Minister is deemed to be in the best interests of the College.

Person acting for Board

75 Subject to the regulations, the Minister may appoint a person to, in the place of the Board, exercise the Board’s powers and perform its duties and functions conferred under this Act that are specified by the Minister, on the conditions and for the period specified by the Minister.

Observer

- **76 (1)** The Minister may designate as an observer at meetings of the Board any officer or employee of the department over which the Minister presides.
- **Confidential information**

(2) An observer is authorized to disclose confidential information to the Minister.

Prohibition and Injunction

Unauthorized practice

77 A person, other than a licensee, must not

- **(a)** use the title “immigration consultant,” “citizenship consultant,” “international student immigration advisor” or a variation or abbreviation of

- any of those titles, or any words, name or designation, in a manner that leads to a reasonable belief that the person is a licensee;
- **(b)** represent themselves, in any way or by any means, to be a licensee; or
 - **(c)** unless the person is a person referred to in paragraph 21.1(2)(a) or (b) or subsection 21.1(3) or (4) of the [Citizenship Act](#) or paragraph 91(2)(a) or (b) or subsection 91(3) or (4) of the [Immigration and Refugee Protection Act](#), knowingly, directly or indirectly, represent or advise a person for consideration — or offer to do so — in connection with a proceeding or application under the [Citizenship Act](#), the submission of an expression of interest under subsection 10.1(3) of the [Immigration and Refugee Protection Act](#) or a proceeding or application under that Act.

Injunction

78 On application by the College, if a court of competent jurisdiction is satisfied that a contravention of section 77 is being or is likely to be committed, the court may grant an injunction, subject to any conditions that it considers appropriate, ordering any person to cease or refrain from any activity related to that contravention or ordering the person to take any measure that the court considers appropriate.

Offences and Punishment

Offences and punishment

- **79 (1)** Every person who contravenes section 55, [70 or 73.4](#) or an order made under paragraph 66(a) ~~or who contravenes section 70~~ is guilty of an offence and liable
 - **(a)** on conviction on indictment, to a fine of not more than \$50,000 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 \$10,000 or to imprisonment for a term of not more than six months, or to both.
- **Due diligence**

(2) A person is not to be found guilty of an offence under subsection (1) if they establish that they exercised due diligence to prevent the commission of the offence.

- [2019, c. 29, s. 292 “79”](#)
- [2023, c. 26, s. 296](#)

By-laws and Regulations

By-laws

- **80 (1)** The Board may, by a resolution approved by at least the majority of directors present at a meeting or by a resolution referred to in subsection 27(1) approved by at least the majority of directors, make by-laws respecting any matter necessary to carry on the activities of the College, including by-laws

- **(a)** designating the place in Canada where the head office of the College is to be located;
- **(b)** respecting annual general meetings;
- **(c)** respecting the compensation fund referred to in section 13, including the circumstances in which compensation may be paid;
- **(d)** respecting the election of directors, the terms of elected directors and their removal;
- **(e)** respecting the remuneration and expenses of directors;
- **(f)** respecting the election and removal of the Chairperson of the Board and the Chairperson's duties;
- **(g)** respecting the Board's meetings and activities, including voting;
- **(h)** respecting the filling of vacancies caused by the temporary absence or incapacity of elected directors;
- **(i)** establishing a code of ethics for the directors, officers and employees of the College;
- **(j)** fixing the annual fee — or the manner of determining the annual fee — that is to be paid by licensees;
- **(k)** fixing any other fee — or the manner of determining any other fee — that is to be paid by licensees;
- **(l)** establishing the time within which and the manner in which any fees or other amounts are to be paid;
- **(m)** respecting the classes of firm in connection with which a licensee may work as a licensee;
- **(n)** establishing classes of licences and prescribing eligibility requirements for each class;
- **(o)** respecting conditions or restrictions to be imposed on licences or classes of licences;
- **(p)** respecting the maintenance of licensees' competencies and continuing professional development requirements for licensees;
- **(q)** respecting the surrender of licences and applications for a surrender;
- **(r)** respecting the professional liability insurance that licensees are required to maintain;
- **(s)** exempting licensees from the requirement to be insured against professional liability;

- **(t)** respecting the information and documents that licensees must provide to the College;
 - **(u)** respecting the keeping and preservation of records by licensees;
 - **(v)** establishing a procedure for resolving disputes in respect of fees charged by licensees;
 - **(w)** respecting *pro bono* work by licensees;
 - **(x)** respecting the making of complaints to the College;
 - **(y)** respecting the activities of the Complaints Committee; and
 - **(z)** respecting the circumstances in which information is to be treated as confidential and limiting the use and disclosure of that information.
- **Different treatment**

(2) The by-laws made under subsection (1) may distinguish among classes of licences.
 - **Mandatory eligibility requirement**

(3) Any by-law that establishes a class of licence that does not prevent a licensee who holds a licence of that class from representing persons before the Immigration and Refugee Board must also provide, as an eligibility requirement for that class, that licensees must have completed training related to appearing before a tribunal.
 - **Notice**

(4) A by-law imposing a new condition or restriction on a class of licence must not come into force unless 90 days' notice has been given to the licensees who hold a licence of that class.
 - **For greater certainty**

(5) For greater certainty, by-laws are not required to be approved by the members of the College.

Regulations — Governor in Council

- **81 (1)** The Governor in Council may make regulations for carrying out the purposes and provisions of this Act, including regulations
 - **(a)** respecting the compensation fund referred to in section 13, including the circumstances in which compensation may be paid;
 - **(b)** respecting the reports and information that must be provided or submitted to the Minister;
 - **(c)** prescribing ineligibility criteria for the purposes of section 20;
 - **(d)** respecting the consequences of meeting the ineligibility criteria referred to in section 20 while in office;

- **(e)** respecting the conflicts of interest of directors, members of the Complaints Committee, members of the Discipline Committee and members of any other committee of the College;
- **(f)** respecting the Complaints Committee, the Discipline Committee and any other committees of the College, including the powers, duties and functions of those committees, the eligibility requirements for membership in them, the remuneration of members, the terms of members and their removal;
- **(g)** establishing committees of the College;
- **(h)** respecting the eligibility requirements to be appointed as Registrar and the Registrar's remuneration;
- **(i)** respecting the register of licensees, including the contents of the register and the manner in which it is to be made available to the public;
- **(j)** respecting the issuance of licences, establishing a process for making decisions under subsection 33(1) and prescribing the circumstances in which the process is to be followed;
- **(k)** respecting the verifications referred to in section 35 and imposing limits on the exercise of the powers under that section;
- **(l)** prescribing the circumstances in which the Registrar must initiate a complaint and refer it to the Complaints Committee for consideration;
- **(m)** establishing a process for making decisions under section 38 and prescribing the circumstances in which the process is to be followed;
- **(n)** respecting the actions that may be taken or required by the Registrar under section 38, which may include the requirement to pay a monetary penalty, and specifying the amount or maximum amount of such a penalty;
- **(o)** limiting the powers, duties and functions that may be delegated by the Registrar and the persons to whom they may be delegated;
- **(p)** respecting the examination and copying of a thing under section 51 and the removal of the thing for examination or copying;
- **(q)** respecting the circumstances in which the Registrar, the Complaints Committee, an investigator and the Discipline Committee may obtain and use privileged information, the process to be followed by them in order to obtain and use that information and the limits to obtaining and using that information;
- **(r)** prescribing the circumstances in which the Complaints Committee must refer a complaint, in whole or in part, to the Discipline Committee;

- **(s)** respecting the actions that may be taken or required by the Discipline Committee under subsections 68(1) and 69(3), which may include the requirement to reimburse all or a portion of the costs incurred by the College or by any other person during the proceeding before the Committee or all or a portion of the fees or disbursements paid to the licensee by a client or to pay a monetary penalty, and specifying the amount or maximum amount of such a penalty;
- **(t)** prescribing the circumstances in which the actions referred to in paragraph (s) may be taken or required;
- **(u)** prescribing the manner in which decisions and reasons of the Discipline Committee are to be made available to the public and the circumstances in which decisions and reasons of the Committee are not required to be made available to the public;
- **(v)** prescribing the circumstances in which the Minister may appoint a person under section 75 and imposing limits on the powers, duties, functions, conditions and period that the Minister may specify under that section;
- **(w)** respecting the collection, retention, use, disclosure and disposal of personal information for the purposes of this Act; and
- **(x)** prescribing anything that, by this Act, is to be or may be prescribed.

- **Authorization**

(2) Regulations made under paragraphs (1)(c) to ~~(e), (f), (h) to (j), (l) to (p), (r), (s), (u)~~ and ~~(ux)~~ may authorize the College to make by-laws with respect to all or part of the subject matter of the regulations and, for greater certainty, those by-laws are regulations for the purposes of the *Statutory Instruments Act*.

- **No waiver**

(3) For greater certainty, the disclosure of privileged information under a regulation made under paragraph (1)(q) to the Registrar, the Complaints Committee, an investigator or the Discipline Committee does not constitute a waiver of the privilege.

- [2019, c. 29, s. 292 “81”](#)
- [2023, c. 26, s. 297](#)

Regulations prevail

82 The regulations prevail over the by-laws to the extent of any inconsistency or conflict between them.

Transitional Provisions

Definitions

83 The following definitions apply in sections 84 to 87.

Council means the Immigration Consultants of Canada Regulatory Council incorporated under Part II of the [Canada Corporations Act](#) on February 18, 2011. (*Conseil*)

date of continuance means the date specified in an order made under subsection 84(2). (*date de prorogation*)

date of transition means the day on which subsections 293(1) and 296(1) of the [Budget Implementation Act, 2019, No. 1](#) come into force. (*date de transition*)

Application for continuance

- **84 (1)** The Council may, if it is authorized to do so by its members in accordance with subsections 213(3) to (5) of the [Canada Not-for-profit Corporations Act](#), apply to the Minister to be continued under this Act.
- **Approval of application**

(2) Unless an order has been made under section 86, after receiving an application made under subsection (1), the Minister must, by order, approve the continuance and specify a date of continuance.
- **Copy of order**

(3) If the Minister makes an order under subsection (2), he or she must provide the Director appointed under section 281 of the [Canada Not-for-profit Corporations Act](#) with a copy of it.
- [Canada Not-for-profit Corporations Act](#)

(4) An order made under subsection (2) is, for the purpose of subsection 213(7) of the [Canada Not-for-profit Corporations Act](#), deemed to be a notice that the corporation has been continued, and that subsection 213(7) is to be applied in respect of the Council without regard to the words “if the Director is of the opinion that the corporation has been continued in accordance with this section”.
- **Non-application of certain subsections**

(5) For the purposes of this Act, subsections 213(1), (2), (6) and (10) of the [Canada Not-for-profit Corporations Act](#) do not apply.

Applicable provisions if Council continued

- **85 (1)** Subsections (2) to (8) apply if the Council is continued under section 84.
- **Definition of *transitional period***

(2) In subsections (3) and (4), ***transitional period*** means the period beginning on the date of continuance and ending on the day before the day on which an order made under subsection 17(2) comes into force.
- **Initial organization of Board**

(3) During the transitional period, the College’s Board is to be composed of nine directors, five of which are to be appointed by the Minister. Of the four other

directors, two are to be the persons who held the positions of Chair and Vice-Chair of the Council's board of directors immediately before the date of continuance, and the two others are to be selected by that Chair from among the directors of the Council's board of directors who were members of the Council immediately before that date on the recommendation, if any, of the Council's board of directors.

- **Deemed election or appointment**

(4) The five directors appointed by the Minister are deemed to have been appointed under subsection 17(3) and the four other directors referred to in subsection (3) are deemed to have been elected under subsection 17(5).

- **End of term**

(5) The directors hold office for a term that ends on the day on which the transitional period ends.

- **Performance review**

(6) The Board must, within 12 months after the date of continuance, review the performance of any officers of the College, including the Chief Executive Officer.

- **Effects of continuance**

(7) Beginning on the date of continuance,

- **(a)** the Council becomes the College of Immigration and Citizenship Consultants, a corporation without share capital to which this Act applies as if it had been established under this Act;
- **(b)** unless the context otherwise requires, every reference to the Council in any contract, instrument or act or other document executed or signed by the Council is to be read as a reference to the College;
- **(c)** the property and rights of the Council are the property and rights of the College;
- **(d)** the College is liable for the obligations of the Council;
- **(e)** the status of any person who, immediately before the date of continuance, was an officer or employee of the Council or a member of the Complaints Committee or Discipline Committee of the Council and any term or condition of their appointment or employment are unaffected, except that, as of that day, the person is an officer or employee of the College or a member of the Complaints Committee or Discipline Committee of the College, as the case may be;
- **(f)** an existing cause of action, claim or liability to prosecution of or against the Council is unaffected;
- **(g)** any civil, criminal or administrative action or proceeding pending by or against the Council may be continued by or against the College;

- **(h)** any conviction against, or ruling, order or judgment in favour of or against, the Council may be enforced by or against the College;
- **(i)** any matter before the Council immediately before the date of continuance, including any matters related to complaints and discipline, are continued before the College;
- **(j)** the members of the Council are holders of a class of licence, until the day before the day on which by-laws made under paragraph 80(1)(n) come into force and, until that day, any conditions or restrictions to which their membership was subject immediately before the date of continuance continue to apply;
- **(k)** persons registered with the Council as Regulated International Student Immigration Advisors are, until the day before the day on which by-laws made under paragraph 80(1)(n) come into force, holders of a class of licence that is subject to the following restrictions in addition to any conditions or restrictions to which their registration was subject immediately before the date of continuance:
 - **(i)** the holder may provide advice only in relation to authorizations to study in Canada and authorizations to enter and remain in Canada as a student and the manner in which those authorizations relate to submissions of an expression of interest under subsection 10.1(3) of the [Immigration and Refugee Protection Act](#) and applications under that Act, and
 - **(ii)** the holder must not represent any person in connection with submissions of an expression of interest under subsection 10.1(3) of the [Immigration and Refugee Protection Act](#), proceedings or applications under that Act or proceedings or applications under the [Citizenship Act](#);
- **(l)** any application for membership in, or registration with, the Council is continued as an application for a licence;
- **(m)** the eligibility requirements for membership in, or registration with, the Council that were in effect immediately before the date of continuance remain in effect and apply to any application for a licence until the day before the day on which a by-law made under paragraph 80(1)(n) comes into force;
- **(n)** the code of professional ethics regulating members of the Council and the code of ethics regulating persons registered with the Council as Regulated International Student Immigration Advisors remain in effect until the day before the day on which the Minister establishes a code of professional conduct for licensees under subsection 43(1) and, until that day, a reference to the code of professional conduct in this Act, other than in section 43, is to be read as a reference to that code of professional ethics and that code of ethics;

- **(o)** subject to paragraphs (m) and (n), every by-law of the Council and every regulation made by the Council's board of directors remains in effect, to the extent that it is not inconsistent with this Act, until the day before the day on which a by-law made under section 80 comes into force and, until that day, a reference to the by-laws in this Act is also to be read as a reference to those by-laws of the Council and those regulations made by the Council's board of directors;
- **(p)** the rules of procedure of the Discipline Committee of the Council remain in effect, to the extent that they are not inconsistent with this Act, until the day before the day on which the Discipline Committee of the College makes rules respecting practice and procedure under section 59;
- **(q)** the College's Complaints Committee has jurisdiction to consider and conduct an investigation into a complaint in respect of the conduct or activities of a member referred to in paragraph (j) or a person referred to in paragraph (k) that were engaged in before the date of continuance;
- **(r)** the College's Discipline Committee has jurisdiction to hear and determine complaints in respect of the conduct or activities of a member referred to in paragraph (j) or a person referred to in paragraph (k) that were engaged in before the date of continuance and to take or require the actions that would have been applicable at the time that the conduct or activities were engaged in;
- **(s)** every decision of the Council, including those made by the Registrar of the Council and the Council's Discipline Committee, that was in force immediately before the date of continuance remains in force as if it were a decision of the College;
- **(t)** the Registrar may, until the day before the day on which a regulation prescribing the circumstances referred to in section 38 comes into force, suspend a licence if the licensee fails to
 - **(i)** pay the annual fee, or any other fee or amount that the licensee is required to pay under this Act, in accordance with the by-laws,
 - **(ii)** provide, in accordance with the by-laws, any information or document required by the by-laws,
 - **(iii)** comply with any requirement that is imposed by the by-laws with respect to continuing professional development, or
 - **(iv)** comply with any requirement with respect to professional liability insurance that is imposed under this Act;

- **(u)** the prescribed period referred to in paragraph 69(3)(b) is deemed to be two years until the day before the day on which a regulation made under section 81 prescribing the period comes into force; and
 - **(v)** the prescribed amount referred to in paragraph 69(3)(d) is deemed to be \$10,000 until the day before the day on which a regulation made under section 81 prescribing the amount comes into force.
- **Transitional provisions — new classes of licence**
 - (8)** For greater certainty, the by-laws made under subsection 80(1) may contain provisions in respect of the transition from the classes of licence referred to in paragraphs (7)(j) and (k) to the new classes of licence established by the by-laws.

Establishment of College

86 If the Council has not been continued under section 84 and a period of six months — or any shorter period that the Governor in Council may, by order, specify — has elapsed after the day on which this section comes into force, the Minister may establish, by order, a corporation without share capital to be known as the College of Immigration and Citizenship Consultants.

Applicable provisions if College established

- **87 (1)** Subsections (2) to (10) apply if the College is established by an order made under section 86.
- **Definition of *transitional period***
 - (2)** In subsections (3) and (4), ***transitional period*** means the period beginning on the day on which an order made under section 86 comes into force and ending on the day before the day on which an order made under subsection 17(2) comes into force.
- **Initial organization of Board**
 - (3)** During the transitional period, the College's Board is to be composed of five directors to be appointed by the Minister.
- **Deemed appointment**
 - (4)** The directors are deemed to have been appointed under subsection 17(3). They hold office for a term that ends on the day on which the transitional period ends.
- **College not a Crown Corporation**
 - (5)** Despite Part X of the *Financial Administration Act*, the College is not a *Crown corporation* as defined in subsection 83(1) of that Act.
- **Right to relevant records**
 - (6)** Beginning on the day on which an order made under section 86 comes into force, any person who is in possession or control of records of the Council that

are relevant to the purpose of the College must, at the College's request, provide the College with a copy of those records.

- **Effects of transition**

(7) Beginning on the date of transition,

- **(a)** subject to subsection (8), persons who were members of the Council immediately before the date of transition are holders of a class of licence until the day before the day on which by-laws made under paragraph 80(1)(n) come into force and, until that day, any conditions or restrictions to which their membership was subject immediately before the date of transition continue to apply;
- **(b)** subject to subsection (8), persons who were registered with the Council as Regulated International Student Immigration Advisors immediately before the date of transition are, until the day before the day on which by-laws made under paragraph 80(1)(n) come into force, holders of a class of licence that is subject to the following restrictions, in addition to any conditions or restrictions to which their registration was subject immediately before the date of transition:
 - **(i)** the holder may provide advice only in relation to authorizations to study in Canada and authorizations to enter and remain in Canada as a student and the manner in which those authorizations relate to submissions of an expression of interest under subsection 10.1(3) of the [Immigration and Refugee Protection Act](#) and applications under that Act, and
 - **(ii)** the holder must not represent any person in connection with submissions of an expression of interest under subsection 10.1(3) of the [Immigration and Refugee Protection Act](#), proceedings or applications under that Act or proceedings or applications under the [Citizenship Act](#);
- **(c)** the code of professional ethics regulating members of the Council and the code of ethics regulating persons registered with the Council as Regulated International Student Immigration Advisors that were in effect immediately before the date of transition apply until the day before the day on which the Minister establishes a code of professional conduct for licensees under subsection 43(1) and, until that day, a reference to the code of professional conduct in this Act, other than in section 43, is to be read as a reference to that code of professional ethics and that code of ethics;
- **(d)** the College may deal with any matter related to complaints and discipline that was pending before the Council immediately before the date of transition;

- **(e)** the College's Complaints Committee has jurisdiction to consider a complaint and conduct an investigation in respect of the conduct or activities of a member referred to in paragraph (a) or a person referred to in paragraph (b) that were engaged in before the date of transition;
- **(f)** the College's Discipline Committee has jurisdiction to hear and determine complaints in respect of the conduct or activities of a member referred to in paragraph (a) or a person referred to in paragraph (b) that were engaged in before the date of transition and to take or require the actions that would have been applicable at the time that the conduct or activities were engaged in;
- **(g)** for the purposes of paragraphs (e) and (f), a member referred to in paragraph (a) or a person referred to in paragraph (b) committed professional misconduct or was incompetent if they failed to meet the standards of professional conduct and competence that were established by the code of professional ethics regulating members of the Council or the code of ethics regulating persons registered with the Council as Regulated International Student Immigration Advisors, as the case may be, that was in effect when the conduct or activities were engaged in;
- **(h)** the Registrar may, until the day before the day on which a regulation prescribing the circumstances referred to in section 38 comes into force, suspend a licence if the licensee fails to
 - **(i)** pay the annual fee, or any other fee or amount that the licensee is required to pay under this Act, in accordance with the by-laws,
 - **(ii)** provide, in accordance with the by-laws, any information or document required by the by-laws,
 - **(iii)** comply with any requirement that is imposed by the by-laws with respect to continuing professional development, or
 - **(iv)** comply with any requirement with respect to professional liability insurance that is imposed under this Act;
- **(i)** the prescribed period referred to in paragraph 69(3)(b) is deemed to be two years until the day before the day on which a regulation made under section 81 prescribing that period comes into force;
- **(j)** the prescribed amount referred to in paragraph 69(3)(d) is deemed to be \$10,000 until the day before the day on which a regulation made under section 81 prescribing that amount comes into force; and
- **(k)** every decision of the Council that suspends a member referred to in paragraph (a) or a person referred to in paragraph (b), or imposes conditions or restrictions on their membership or registration, and that

was in force immediately before the date of transition becomes a suspension of a licence or a condition or restriction to which a licence is subject, as the case may be, and continues to be such until the date specified in the decision or until the College lifts the suspension, conditions or restrictions.

- **Registration fees**

(8) A member of the Council referred to in paragraph (7)(a) or a person referred to in paragraph (7)(b) continues to be a holder of a licence only if, within two months after the date of transition, or within any longer period specified by the College and posted on its website, they pay the registration fee specified by the College and posted on its website.

- **Limit**

(9) A by-law must not be made under paragraph 80(1)(n) on or before the date of transition.

- **Transitional provisions — new classes of licence**

(10) For greater certainty, the by-laws made under subsection 80(1) may contain provisions in respect of the transition from the classes of licence referred to in paragraphs (7)(a) and (b) to the new classes of licence established by the by-laws.

Regulations

88 The Governor in Council may make regulations providing for any other transitional matters arising from the coming into force of this Act.

Summary of College Act Amendments: Effective June 22, 2023

Introduction:

The *College of Immigration and Citizenship Consultants Act* (Canada) (College Act) was introduced into Parliament in March of 2019, passed and received Royal Assent in June of 2019, and proclaimed into force effective December 2020. The Immigration Consultants of Canada Regulatory Council (Council), predecessor organization to the College, was not directly consulted on the development of the College Act, notwithstanding the Council's extensive lobbying efforts (and those of CAPIC) to obtain statutory authority for the Council, and that the College Act identified the Council as the preferred choice to become the College and provided a continuance mechanism to allow the Council to transition into the College.

From the outset, the Council/College identified a number of amendments to the College Act necessary to permit the College to function effectively. These were raised with IRCC and the Minister beginning in May of 2019. IRCC agreed to put many of these proposed amendments forward to Parliament in the omnibus legislation giving effect to the 2023 Federal Budget. All amendments included in this legislation have been passed by Parliament, received Royal Assent and became effective as of June 22, 2023. An annotated summary of the amendments requested by the College and the amendments subsequently obtained is set out below for the information of Directors.

Amendments included in Bill C-47 (Effective June 22, 2023)	Notes/Commentary:
s. 4 – Purpose: expanded to specifically provide for the College to undertake training and development <i>programs</i> for licensees.	The Council/College has provided educational programs to licensees since inception. Today, these include Practice Management Education Courses, mentoring and the Specialization Program. In our view, it was necessary to have this ability reflected specifically in the College's "purpose" to overcome potential legal challenges by licensees seeking to avoid any future mandatory upgrading requirements.
Subs. 15(1) amended to allow the College to file its Annual Report within 120 days of year end.	This extension was requested by our auditors to allow sufficient time for preparation and translation of the Audited Annual Financial Statements for inclusion in the Annual Report and filing with the Minister.

Summary of College Act Amendments: Effective June 22, 2023

<p>New subss. 39.1(1) and (2) allowing the College to file Registrar’s decisions with Federal Court for enforcement of financial awards (fines/costs).</p>	<p>This is a typical power found in most enabling statutes of self-regulatory organizations (SROs). It is very difficult to collect fines, cost awards and outstanding fees from licensees who have been revoked. While the court-sanctioned collection process is uncertain, it is an additional tool that may be useful in appropriate circumstances.</p>
<p>s. 56 amended to provide greater immunity to Directors, officers, staff, agents and committee members.</p>	<p>This is a very important provision typically found in enabling statutes of SROs. Directors, Officers, staff and agents of SROs acting in good faith must have the courage and confidence to adopt unpopular measures in appropriate circumstances, without fear of personal liability to licensees or others who may seek to challenge new measures in court.</p>
<p>Para. 57(2)(c) amended to remove the requirement for complainant’s consent to referring a complaint to a process of dispute resolution.</p>	<p>The College Act (s. 57(2)(c)) required the complainant <i>and</i> the licensee to consent before referral of a complaint to a “process of dispute resolution.” Professional regulatory regimes protect the public by ensuring access to competent, ethical practitioners. Often, this goal is better and more quickly achieved by prescribing remedial or other actions (which may include restitution to a complainant), as opposed to a costly and lengthy formal hearing before the Discipline Committee. These alternatives fall under the general heading of “processes of dispute resolution” and most SROs grant the Complaints Committee absolute discretion to choose the pathway to resolution that, in the circumstances of the case, best serves the public interest.</p> <p>Involving a complainant in this decision limits the discretion of the Complaints Committee and misconstrues the role of complainants in the professional discipline process – they are witnesses whose cooperation may or may not be required to effect a successful prosecution – but not “parties” to the process and in no position to judge whether a matter warrants a full disciplinary hearing.</p>

Summary of College Act Amendments: Effective June 22, 2023

	<p>If not amended, a complainant’s refusal to consent prohibits the Complaints Committee from negotiating an alternate resolution with the licensee. Licensees are motivated to participate in alternative resolutions. Complainants may not be - experience indicates that many complaints are pursued in hope that a finding of professional misconduct could be sufficient to convince the Federal Court to order the re-opening of a complainant’s previously-denied immigration application. In these circumstances, the complainant has no motivation to agree to any alternative resolution process.</p>
<p>Subs. 69(3) amended to allow the Discipline Committee to order multiple sanctions against a licensee upon a finding of professional misconduct or incompetence.</p>	<p>Section 69 authorizes the Discipline Committee to impose various penalties on licensees. However, the wording is not clear whether the Discipline Committee is restricted to imposing one type of penalty for each offence or whether it will have the ability to choose multiple penalties from those listed (i.e., a fine, suspension <i>and</i> licence conditions). Given that a disciplinary proceeding will often deal with multiple allegations of misconduct against a licensee, it is also not clear whether the Discipline Committee will have the authority to impose sanctions in respect of each finding of misconduct arising from a proceeding.</p> <p>All professional regulators impose cumulative sanctions. Most will also impose separate sanctions with reference to individual findings of misconduct regardless of whether such findings arise from a single proceeding. Typically, SRO statutes include more explicit language to clarify that the Discipline Committee may order cumulative sanctions, and separate sanctions applying to each finding of professional misconduct arising from a disciplinary hearing.</p>
<p>New s. 70.1 added allowing the College to file orders of the Discipline Committee with the Federal Court for enforcement of financial awards (fines/costs).</p>	<p>This is a typical power found in most SRO enabling statutes. It is very difficult to collect fines, cost awards and outstanding fees from licensees who have been revoked. While the court-</p>

Summary of College Act Amendments: Effective June 22, 2023

	sanctioned collection process is not perfect, it is an additional tool that may be useful in appropriate circumstances.
New subs. 71(2) added confirming that the College committee is the respondent to any Judicial review application brought with respect to a committee decision.	This is a typical provision found in enabling statutes of SROs that clarifies that the College is the appropriate party to any judicial review proceeding brought by a licensee.
New ss. 73.1 and 73.2, 73.3 and 73.4 added to permit the College to obtain court orders allowing it to take custody of and manage a licensee’s or former licensee’s practice.	These are typical provisions found in enabling statutes of SROs that authorize the College to obtain court orders to access and seize licensee business assets and client funds held in trust when it is in the public interest to do so. Although used infrequently, these powers are important to ensure return of client funds and documents in the event of the revocation, death, incapacity or disappearance of an active licensee.
New s. 73.5 added to permit the College to enter into information-sharing arrangements with other entities.	This important new authority will allow the College to confidently approach federal and provincial governments and agencies, as well as international partners, to start building the key relationships necessary to creating a comprehensive UAP strategy.
Subs. 79(1) amended to make it a quasi-criminal offence to, inter alia, fail to comply with an order of the Discipline Committee to appear at a hearing.	This strengthens the College’s discipline process somewhat. Note, however, that this provision may only be enforced by other agencies (IRCC, CBSA, RCMP).
Subs. 81(2) amended to allow certain matters prescribed to be addressed in government regulations to be delegated to the College By-laws.	This amendment provides somewhat greater flexibility to the College to make by-laws in areas that were formerly reserved for government regulations. Note that these by-laws may require additional approvals from the federal Department of Justice in accordance with the <i>Statutory Instruments Act</i> (Canada).
Amendments Requested by the College but not included in Bill C-47:	

Summary of College Act Amendments: Effective June 22, 2023

<p>New s. 2 definition of “firms”; amendment to s. 4 to add “and firms” after “consultants” in the first line.</p>	<p>Creation of a comprehensive regulatory regime for immigration consultants requires that the College have full jurisdiction to require that individual licensees operate through regulated firms (sole proprietorships, partnerships or corporations) and to prescribe ownership, structural, financial and governance standards for such firms. The College requested that this authority (which currently resides in the by-laws), be specifically included in the College Act to forestall any future legal challenges.</p> <p>IRCC declined to put these amendments forward following legal advice that current references to “firms” in the College Act were sufficient to include this authority and that these issues could be further accommodated in the forthcoming College Act Regulations.</p>
<p>Amendment to s. 79 to allow the College to prosecute unauthorized practitioners for contraventions of s. 77 prohibitions.</p>	<p>Quasi-criminal prosecution powers provide SROs with another tool to address both UAPs and recalcitrant licensees. Absent this power, the College must rely on the RCMP, CBSA or IRCC itself to proceed against persons who violate the offence provisions of the College Act. Each of these organizations has its own resource constraints and discrete criteria for commencing prosecutions which may not be aligned with those of the College.</p> <p>IRCC declined to put these amendments forward on the basis that the College’s authority under s. 78 to bring injunctions against UAPs is sufficient.</p>
<p>New section(s) specifically authorizing the College to conduct practice inspections of licensee firms and charge the costs of inspections to such firms.</p>	<p>These are typical powers found in most SRO enabling statutes. The College’s proposed Quality Management Program will impose different inspection requirements on licensee practices based on risk profile. Where a “risky” practice requires a physical visit by College staff or agents, it is fair that the</p>

Summary of College Act Amendments: Effective June 22, 2023

	<p>increased costs associated with an on-site inspection be borne by the licensee.</p> <p>IRCC declined to put these amendments forward on the basis that the power to conduct inspections provided in s. 35 of the College Act was sufficient to support on-site inspections. Payment of costs of inspection may be accommodated in the forthcoming College Act Regulations.</p>
<p>New section(s) granting the College specific powers to investigate, assess and take action against a licensee found to be incapable.</p>	<p>Ensuring that licensees have and exhibit the physical and mental capacity to practice competently and safely is a key aspect of protecting the public. The College requested amendments to the College Act to include language expressly authorizing the College to provide for the referral of suspected capacity issues to the Registrar for investigation and, upon completion of such investigation, the referral by the Registrar of the results to an adjudicative committee (the Capacity Committee) for a determination of whether the licensee is incapable and any licence conditions or practice restrictions that should be imposed as a result. This approach is common among many SROs.</p> <p>IRCC declined to put these amendments forward on the basis that these powers could be accommodated in the forthcoming College Act Regulations.</p>
<p>Amendments to Schedules forming part of the <i>Access to Information Act</i> (Canada) (ATI Act) and <i>Privacy Act</i> (Canada) to remove the College as an “other government institution” subject to the disclosure and record-keeping requirements of such statutes.</p>	<p>IRCC declined to put these amendments forward on the basis that the policy concerns raised required further study.</p> <p>Sections 298 and 299 of S.C. 2019, c. 29 - the omnibus budget legislation that included the College Act - included the College as an “other government institution” in the Schedules of the ATI Act and Privacy Act, making it subject to both. These statutes set out extensive rules governing disclosure and protection of information held by the <i>federal government</i> and prescribe a</p>

Summary of College Act Amendments: Effective June 22, 2023

	<p>regime by which members of the public can request copies of information and documents subject to certain exclusions.</p> <p>Federal and provincial freedom of Information (FOI) legislation operates on the premise that taxpayers have a right to as much information as is compatible with the public interest because (1) they need it to exercise their democratic rights and (2) as taxpayers, they have paid for its preparation or collection.</p> <p>In our view, the College the College does not belong in these regimes. Including it also poses serious consequences to College Operations:</p> <ul style="list-style-type: none">• The College is not “government.” The 2 previous and current Ministers, and IRCC, have publicly characterized the College as an “arm’s-length [from the government] institution.”• The College Act states that the College is <i>not</i> an agent of the Crown and those working for the College are <i>not</i> part of the federal public administration.• None of the other “other government institutions” set out in the Schedules to both the ATI Act and the Privacy Act (other than the College of Patent Agents and Trademark Agents (CPATA), which has expressed similar concerns) are professional regulatory organizations with clear public interest mandates.• Neither College receives any government funding, both are funded completely by fees paid by licensees and potential licensees. This is not true of any of the other “other government institutions.”• SROs created under provincial statutes are often either expressly exempted (in whole or in part) from, or deliberately not included in provincial FOI legislation. For example, the General Regulation made under the <i>Freedom of Information and Protection of Privacy Act</i>
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Summary of College Act Amendments: Effective June 22, 2023

	<p>(Ontario) R.R.O. 1990, Reg. 460, which specifies the government institutions that are subject to that Act, does not include <i>any</i> of the nearly 70 professional regulatory bodies authorized by provincial statute to operate in Ontario (legal, accounting, healthcare or otherwise). This is also the approach in several other provincial jurisdictions. Quebec uses an express exemption approach to addressing professional regulatory bodies. Quebec FOI statutes provide substantial exemptions for most of Quebec’s professional regulatory bodies from many of the rules applicable to Quebec government institutions.</p> <ul style="list-style-type: none">• Personal information held by the College pertains to its specific constituency, the licensees, not the Canadian public at large. Much of that information is provided by the licensees themselves and the balance must be disclosed to the licensee before the College can take any regulatory action that impacts them.• The College, like many professional regulators, follows an “open regulation” model, always allowing licensees access to their own information while maintaining the same in conditions of strict confidentiality, unless it is deemed to be public (i.e. those pieces of licensee information that are required to be included on the Public Register).• In our view, CPATA was included in the FOI regime by mistake, and the College Act, which was largely copied from the CPATA Act, simply perpetuates the error. <p>Consequences to the College: Compliance, to date, with pro-active and responsive disclosure requirements and document management and archiving requirements under the ATI Act and Privacy Act, has required the College to take on additional staff and engage consultants to design and implement FOI-compliant processes. These costs and</p>
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Summary of College Act Amendments: Effective June 22, 2023

	<p>resource requirements will increase going forward as more ATI requests are received. These requirements have also changed substantially since the Date of Continuance and appear set to do so again – requiring much otherwise unnecessary duplication of work.</p> <p>Responding to ATI requests is a complex process that requires extensive senior management staff time and other resources. A single request generally requires many pages of documents to be gathered, reviewed against available exclusions, and redacted where necessary.</p> <p>Including the College under such legislation also creates the conditions for significant disruption of regulatory operations – a circumstance that cannot be in the public interest.</p> <ul style="list-style-type: none">• Licensees subject to the complaints and discipline process and other litigants against the College will use ATI requests to attempt to delay and disrupt the process, and to attempt to obtain disclosure before they are entitled to it, to advance their cases.• Unsuccessful Entry-to-practice Exam and other assessment Candidates will use ATI requests to challenge the College’s examination processes.• Students seeking admission to the Graduate Diploma Programs have already used ATI requests to challenge admission requirements.• Because of the broad nature of the ATI process, the College has also received many requests from prospective immigrants seeking access to their individual immigration files – we do not have this information but must respond.• Mandatory disclosure obligations relating to the details of investigative techniques and strategies, tribunal processes, standards setting and education requirements and processes, to the extent required or made available under both statutes, provides information that can and
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Summary of College Act Amendments: Effective June 22, 2023

	has been misused by those seeking to weaken the regulatory system causing reputational damage to the College and the Canadian immigration system.
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MEMORANDUM

To: **Board of Directors**
From: **Tim D'Souza**
Chair, Finance and Audit Committee
Re: **Agenda item 8 – Audited Annual Financial Report – Fiscal 2022/23**
Date: **September 28, 2023**

Summary:

The Finance and Audit Committee (FAC) recommends Board approval of the draft audited annual financial statements for the financial year ended June 30, 2023.

Requested Action:

THAT:

- [1] the draft audited annual financial statements of the College for the financial year ended June 30, 2023, together with the Independent Auditors Report thereon, each in the form presented to the Board, be and are hereby approved with immediate effect; and
- [2] the Chair of the Board and the Chair of the Finance and Audit Committee be and are hereby authorized to sign the Statement of Financial Position forming part of such financial statements to evidence such approval.

Discussion/Analysis:

Goodman Mintz, LLP, Chartered Professional Accounts, Licenced Public Accountants, the auditors of the College, conducted a virtual examination of documents relating to this period and developed the Independent Auditor's Report, audited annual financial statements and related documents attached to this memorandum.

At the FAC meeting of September 14, 2023, the committee reviewed the draft audited annual financial statements as presented by Lynn Stivaletti and recommend approval by the Board of Directors.

Lynn Stivaletti, CPA, CA of Goodman Mintz, LLP, will attend the September 28, 2023 meeting of the Board to provide an overview of the work performed in developing the draft audited annual financial statements and draft Auditors Report to the Board of Directors.



Attachments:

Appendix A – Draft Audited Annual Financial Statements

Appendix B – Audit Findings Letter

Appendix A

**COLLEGE OF IMMIGRATION AND CITIZENSHIP
CONSULTANTS**

FINANCIAL STATEMENTS

JUNE 30, 2023

Draft - for discussion only

COLLEGE OF IMMIGRATION AND CITIZENSHIP CONSULTANTS

JUNE 30, 2023

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Draft - for discussion only

INDEPENDENT AUDITOR'S REPORT

To the Board of Directors of
College of Immigration and Citizenship Consultants

Opinion

We have audited the accompanying financial statements of **College of Immigration and Citizenship Consultants**, which comprise the statement of financial position as at June 30, 2023 and the statements of operations, changes in net assets and cash flows for the year then ended, and notes to the financial statements, including a summary of significant accounting policies.

In our opinion these financial statements present fairly, in all material respects, the financial position of **College of Immigration and Citizenship Consultants** as at June 30, 2023, and the results of its operations and its cash flows for the year then ended in accordance with Canadian accounting standards for not-for-profit organizations.

Basis for Opinion

We conducted our audit in accordance with Canadian generally accepted auditing standards. Our responsibilities under those standards are further described in the Auditor's Responsibilities for the Audit of the Financial Statements section of our report. We are independent of the Entity in accordance with the ethical requirements that are relevant to our audit of the financial statements in Canada, and we have fulfilled our other ethical responsibilities in accordance with these requirements. We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our opinion.

Responsibilities of Management and Those Charged with Governance for the Financial Statements

Management is responsible for the preparation and fair presentation of these financial statements in accordance with Canadian accounting standards for not-for-profit organizations, and for such internal control as management determines is necessary to enable the preparation of financial statements that are free from material misstatement, whether due to fraud or error.

In preparing these financial statements, management is responsible for assessing the Entity's ability to continue as a going concern, disclosing, as applicable, matters related to a going concern and using the going concern basis of accounting unless management either intends to liquidate the Entity or to cease operations, or has no realistic alternative to do so.

Those charged with governance are responsible for overseeing the Entity's financial reporting process.

Auditor's Responsibilities for the Audit of the Financial Statements

Our objectives are to obtain reasonable assurance about whether the financial statements as a whole are free from material misstatement, whether due to fraud or error, and to issue an auditor's report that includes our opinion. Reasonable assurance is a high level of assurance, but it is not a guarantee that an audit conducted in accordance with Canadian generally accepted auditing standards will always detect a material misstatement when it exists. Misstatements can arise from fraud or error and are considered material if individually or in the aggregate, they could reasonably be expected to influence the economic decisions of users taken on the basis of these financial statements.

As part of an audit in accordance with Canadian generally accepted auditing standards, we exercise professional judgement and maintain professional skepticism throughout the audit. We also:

- Identify and assess the risks of material misstatement of the financial statements, whether due to fraud or error, design and perform audit procedures responsive to those risks, and obtain audit evidence that is sufficient and appropriate to provide a basis for our opinion. The risk of not detecting a material misstatement resulting from fraud is higher than for one resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentation, or the override of internal control.
- Obtain an understanding of internal control relevant to the audit in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the Entity's internal control.
- Evaluate the appropriateness of accounting policies used and the reasonableness of accounting estimates and related disclosures made by management.
- Conclude on the appropriateness of management's use of the going concern basis of accounting and, based on the audit evidence obtained, whether a material uncertainty exists related to events or conditions that may cast significant doubt on the Entity's ability to continue as a going concern. If we conclude that a material uncertainty exists, we are required to draw attention in our auditor's report to the related disclosures in the financial statements or, if such disclosures are inadequate, to modify our opinion. Our conclusions are based on the audit evidence obtained up to the date of our auditor's report. However, future events or conditions may cause the Entity to cease to continue as a going concern.
- Evaluate the overall presentation, structure and content of the financial statements, including the disclosures, and whether the financial statements represent the underlying transactions and events in a manner that achieves fair presentation.

We communicate with those charged with governance regarding, among other matters, the planned scope and timing of the audit and significant audit findings, including any significant deficiencies in internal control that we identify during our audit.

Toronto, Canada
XXXXX

Chartered Professional Accountants
Licensed Public Accountants

COLLEGE OF IMMIGRATION AND CITIZENSHIP CONSULTANTS

STATEMENT OF FINANCIAL POSITION

JUNE 30, 2023

	2023	2022
ASSETS		
CURRENT		
Cash	\$ 14,499,235	\$ 13,671,890
Short-term investments [Note 3]	13,227,498	7,427,895
Accounts receivable	611,006	177,713
Prepaid expenses	<u>474,844</u>	<u>353,768</u>
	28,812,583	21,631,266
CAPITAL ASSETS [Note 4]	<u>293,030</u>	<u>242,344</u>
	<u>\$ 29,105,613</u>	<u>\$ 21,873,610</u>
LIABILITIES		
CURRENT		
Accounts payable and accrued liabilities [Note 5]	\$ 1,962,103	\$ 891,033
Deferred revenue	<u>122,729</u>	<u>198,500</u>
	<u>2,084,832</u>	<u>1,089,533</u>
NET ASSETS		
UNRESTRICTED	19,796,576	12,527,586
INVESTED IN CAPITAL ASSETS	293,030	242,344
INTERNALLY RESTRICTED FOR TRANSITION TO COLLEGE [Note 8]	885,811	1,670,175
INTERNALLY RESTRICTED FOR IT INFRASTRUCTURE DEVELOPMENT [Note 8]	745,364	2,343,972
INTERNALLY RESTRICTED FOR DIRECTORS' AND OFFICERS' AND IMMUNITY FROM CIVIL LIABILITY COVERAGE	4,000,000	4,000,000
INTERNALLY RESTRICTED FOR PROFESSIONAL CONDUCT	<u>1,300,000</u>	<u>-</u>
	<u>27,020,781</u>	<u>20,784,077</u>
	<u>\$ 29,105,613</u>	<u>\$ 21,873,610</u>

APPROVED ON BEHALF OF THE BOARD OF DIRECTORS:

_____ Director

_____ Director

COLLEGE OF IMMIGRATION AND CITIZENSHIP CONSULTANTS

STATEMENT OF CHANGES IN NET ASSETS

YEAR ENDED JUNE 30, 2023

	Unrestricted	Invested in Capital Assets	Reserve for Transition to College [Note 8]	Reserve for IT Infrastructure Development [Note 8]	Reserve for Directors' and Officers' and Immunity from Civil Liability Coverage	Reserve for Professional Conduct	2023	November 23, 2021 to June 30, 2022
BALANCE - Beginning of year	\$ 12,527,586	\$ 242,344	\$ 1,670,175	\$ 2,343,972	\$ 4,000,000	\$ -	\$ 20,784,077	\$ 16,223,449
Excess of revenues over expenditures	8,734,906	(115,230)	(784,364)	(1,598,608)	-	-	6,236,704	4,560,628
Capital asset additions, net	(165,916)	165,916	-	-	-	-	-	-
Transfer to reserve for professional conduct	(1,300,000)	-	-	-	-	1,300,000	-	-
BALANCE - End of year	\$ 19,796,576	\$ 293,030	\$ 885,811	\$ 745,364	\$ 4,000,000	\$ 1,300,000	\$ 27,020,781	\$ 20,784,077

COLLEGE OF IMMIGRATION AND CITIZENSHIP CONSULTANTS

STATEMENT OF OPERATIONS

YEAR ENDED JUNE 30, 2023

[Comparative information is for the period November 23, 2021 to June 30, 2022]

	2023	2022
<hr/>		
REVENUE		
Licensee fees	\$ 21,341,150	\$ 11,162,994
Examination fees	945,434	864,975
Mentoring program fees	277,305	-
Specialization program fees	725,350	400,650
Interest income	1,146,845	107,862
Other income	423,123	80,081
	<u>24,859,207</u>	<u>12,616,562</u>
 EXPENDITURES		
Amortization	115,230	80,092
Bad debts (adjustment)	(6,217)	(481,661)
Communications and stakeholder relations	699,331	431,789
Governance [Note 7]	442,855	81,780
Information technology	2,299,797	874,641
Insurance	203,294	108,303
Interest and bank charges	597,286	208,926
Office and general	410,758	161,113
Professional conduct and discipline	765,930	357,454
Professional fees	1,152,609	542,778
Professional standards, research and education	494,637	190,956
Registration and examination	216,257	207,823
Rent	637,997	376,129
Salaries and benefits	10,466,789	4,889,241
Travel, meals and accommodations	125,950	25,754
	<u>18,622,503</u>	<u>8,055,118</u>
 EXCESS OF REVENUES OVER EXPENDITURES BEFORE THE FOLLOWING	 6,236,704	 4,561,444
 LOSS ON DISPOSAL OF CAPITAL ASSETS	 <u>-</u>	 <u>(816)</u>
 EXCESS OF REVENUES OVER EXPENDITURES	 <u>\$ 6,236,704</u>	 <u>\$ 4,560,628</u>

COLLEGE OF IMMIGRATION AND CITIZENSHIP CONSULTANTS

STATEMENT OF CASH FLOWS

YEAR ENDED JUNE 30, 2023

[Comparative information is for the period November 23, 2021 to June 30, 2022]

	2023	2022
CASH FLOWS FROM OPERATING ACTIVITIES		
Excess of revenues over expenditures	\$ 6,236,704	\$ 4,560,628
Adjustment for		
Amortization	115,230	80,092
Loss on disposal of capital assets	-	816
	<u>6,351,934</u>	<u>4,641,536</u>
Net changes in non-cash working capital		
Accounts receivable	(433,293)	(21,707)
Prepaid expenses	(121,076)	1,824
Accounts payable and accrued liabilities	1,071,070	(306,527)
Deferred revenue	<u>(75,771)</u>	<u>(4,927,977)</u>
	<u>6,792,864</u>	<u>(612,851)</u>
CASH FLOWS FROM INVESTING ACTIVITIES		
Purchase of short-term investments, net	(5,799,603)	(6,402)
Purchase of capital assets	<u>(165,916)</u>	<u>(129,600)</u>
	<u>(5,965,519)</u>	<u>(136,002)</u>
NET INCREASE IN CASH	827,345	(748,853)
CASH - Beginning of year	<u>13,671,890</u>	<u>14,420,743</u>
CASH - End of year	<u>\$ 14,499,235</u>	<u>\$ 13,671,890</u>

COLLEGE OF IMMIGRATION AND CITIZENSHIP CONSULTANTS

NOTES TO FINANCIAL STATEMENTS

YEAR ENDED JUNE 30, 2023

NATURE OF OPERATIONS

The College of Immigration and Citizenship Consultants ("CICC" or the "College") is the national regulatory and licensing body for individuals who practice as a Canadian immigration / citizenship consultant for a fee, as well as international student advisors.

The Immigration Consultants of Canada Regulatory Council (the "Council") was a not-for-profit organization incorporated without share capital on February 18, 2011 under the Canada Not-For-Profit Corporations Act. On November 23, 2021 the Council was continued as the College under the College of Immigration and Citizenship Consultants Act ("College Act"). The College is exempt from income tax under section 149(1)(l) of the Income Tax Act.

The College operates as a financially self-funding and self-sustaining not-for-profit organization that relies on licensee fees and is an entity without transferable ownership interests. The College is organized and operates exclusively for social, educational, professional and other not-for-profit purposes. The Annual General Meeting (AGM) is held each year and every active licensee has the right to attend.

CICC's mandate is as follows:

- Promoting and protecting the public interest by governing and regulating the practice of individuals and firms as immigration and citizenship practitioners;
- Establishing entry-to-practice education requirements;
- Licensing professionals - Regulated Canadian Immigration Consultants (RCICs) and Regulated International Student Immigration Advisors (RISIAs);
- Overseeing the professional development and conduct of its licensees;
- Receiving, investigating and adjudicating complaints against its licensees; and
- Administering a disciplinary process to sanction its licensees whose professional development and conduct fail to meet CICC's standards.

Refer to Note 2 regarding the transition to College of Immigration and Citizenship Consultants ("the College").

1. SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES

(a) Basis of presentation

The financial statements have been prepared in accordance with Canadian accounting standards for not-for-profit organizations (ASNPO).

For financial statement purposes, the accounts of the College have been classified into the following funds:

Invested in Capital Assets

Invested in Capital Assets represents the assets, liabilities, revenue and expenses related to the College's capital assets, including acquisitions and dispositions.

1. SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES [Continued]**(a) Basis of presentation [Continued]****Reserve for Transition to College**

The internally restricted Reserve for Transition to College was established by the Board of Directors to provide support for the transition of the former Council to the College.

Reserve for IT Infrastructure Development

The internally restricted Reserve for IT Infrastructure Development was established by the Board of Directors to provide support for review and upgrade of the information technology ("IT") infrastructure.

Reserve for Directors' and Officers' and Immunity from Civil Liability Coverage

During the year the internally restricted Reserve for Directors' and Officers' Liability Coverage was redesignated by the Board of Directors as the Reserve for Directors' and Officers' and Immunity from Civil Liability Coverage to self-fund or provide additional D&O insurance coverage and to provide protection from civil litigation.

Reserve for Professional Conduct

During the year, the Board of Directors passed a resolution to allocate \$1.8 million from the unrestricted net assets to an internally restricted Reserve for Professional Conduct to provide support for estimated future expenses associated with discipline cases, such amount to be adjusted for the estimated amount at each fiscal year end of June 30th thereafter. At June 30, 2023 management has adjusted this amount to be \$1.3 million.

(b) Revenue recognition

Non-refundable licensee fees are deferred and recognized as revenue over the term of the licensed period.

Examination and program revenue, cancellation fees and other income are recognized when services are performed and collection is reasonably assured. Interest income is recognized on a time proportion basis.

(c) Amortization

Capital assets are recorded at cost. Software development costs in progress are not amortized until the project is completed. Amortization is charged to expenditures over the estimated useful life of the asset on the following basis:

Computer equipment.....	3 year straight line basis
Computer software.....	2 year straight line basis
Office equipment.....	3 year straight line basis
Furniture.....	10 year straight line basis
Leasehold improvements.....	10 year straight line basis
Information and communication technology equipment.....	7 year straight line basis

The College reviews capital assets for impairment whenever events or changes in circumstances indicate that the carrying value may not be recoverable. When indicators of impairment exist, and the carrying value is greater than the net recoverable amount, an impairment loss is recognized to the extent that fair value is below carrying value.

1. SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES *[Continued]***(d) Financial instruments**

The College recognizes its financial instruments when it becomes party to the contractual provisions of the financial instrument. All financial instruments are initially recorded at their fair value. At initial recognition, the College may irrevocably elect to subsequently measure any financial instrument at fair value. The College has not made such an election during the year.

Financial assets measured at amortized cost are tested for impairment when there are indicators of impairment. The amount of any write-down is recognized in net income. Any previously recognized impairment losses may be reversed to the extent of the improvement directly, or by adjusting an allowance account, provided it is no greater than the amount that would have been reported at the date of the reversal had the impairment not been recognized previously. The amount of the reversal is recognized in net income.

Transaction costs and financing fees directly attributable to the origination, acquisition, issuance or assumption of financial instruments subsequently measured at fair value are immediately recognized in the excess of revenue over expenditures for the current period. Conversely, transaction costs and financing fees are added to the carrying amount for those financial instruments subsequently measured at their amortized cost or cost.

The College's financial instruments include cash, short-term investments, accounts receivable and accounts payable and accrued liabilities. Cash is subsequently measured at fair value, while the other financial assets and liabilities are subsequently measured at their amortized cost.

Unless otherwise noted, the carrying value of the financial instruments are a reasonable approximation of their fair value given the short terms to maturity.

(e) Leases

Leases entered into by the College as lessee that transfer substantially all the benefits and risks of ownership to the College are recorded as capital leases and are included in capital assets and capital lease obligations.

All other leases are classified as operating leases under which leasing costs are expensed on a straight-line basis over the term of the lease. Asset values recorded under capital leases are amortized using the same amortization method of the respective assets. Obligations recorded under capital leases are reduced by lease payments net of imputed interest.

(f) Write-down of long-lived assets

The College monitors its use of capital assets and when the capital asset no longer has any long-term service potential to the organization, the excess of its net carrying amount over any residual value is recognized as an expense in the statement of operations. As at June 30, 2023 no write-down was recorded.

1. SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES *[Continued]***(g) Use of estimates**

The preparation of financial statements in accordance with Canadian ASNPO requires management to make estimates and assumptions that affect the recognition, measurement and disclosure of amounts reported in the financial statements and accompanying notes. The reported amounts and note disclosures are determined using management's best estimates based on assumptions that reflect the most probable set of economic conditions and planned course of action. Significant estimates include the valuation of accounts receivable, estimated useful life of capital assets and amounts of future expenses associated with discipline cases. Actual results may differ from such estimates.

2. TRANSITION TO COLLEGE

On November 23, 2021 the Minister of Immigration, Refugees and Citizenship formally announced that the Council was to be continued as the College. Audited financial statements were issued for the period July 1, 2021 to November 22, 2021, reflecting the final reporting period of the Council.

Audited financial statements were issued for the period November 23, 2021 to June 30, 2022, reflecting the first reporting period of the College.

Comparative information presented in these financial statements reflects the period November 23, 2021 to June 30, 2022.

Pursuant to the College Act, the College is currently governed by a transitional Board of Directors which oversees the approval of the initial College By-laws and other procedures. This transitional period will end when the Minister issues a final order setting the number and composition of the final College Board of Directors and prescribes a date by which the new Board must be in office.

The College has enhanced powers to regulate the immigration consulting profession in the public interest, including new authority to investigate and pursue unauthorized practitioners. These changes will support better protection of Canadians, newcomers, and licensed immigration consultants. Obtaining the statutory authority to regulate itself under the College Act marks a key milestone in the development and regulation of the profession.

The College Act requires the establishment of a fund to compensate persons who have been adversely affected by the conduct or activities of a licensee. At the date of these financial statements the compensation fund has not yet been established by the Ministry of Immigration, Refugees and Citizenship Canada.

3. SHORT-TERM INVESTMENTS

	2023	2022
GIC, bearing interest at 3.57%, maturing July 6, 2023	\$ 1,000,000	\$ -
GIC, bearing interest at 3.57%, maturing July 6, 2023	1,000,000	-
GIC, bearing interest at 3.57%, maturing July 6, 2023	1,000,000	-
GIC, bearing interest at 3.57%, maturing July 6, 2023	1,000,000	-
GIC, bearing interest at 4.60%, maturing July 14, 2023	1,000,000	-
GIC, bearing interest at 4.60%, maturing July 14, 2023	1,000,000	-
GIC, bearing interest at 4.60%, maturing July 14, 2023	1,000,000	-
GIC, bearing interest at 4.60%, maturing July 14, 2023	1,000,000	-
GIC, bearing interest at 3.91%, maturing July 15, 2023	750,000	-
GIC, bearing interest at 2.45%, maturing July 26, 2023	600,000	-
GIC, bearing interest at 2.45%, maturing August 31, 2023	704,060	-
Term deposit, bearing interest at 4.60%, maturing September 27, 2023	1,073,438	-
GIC, bearing interest at 5.26%, maturing December 4, 2023	1,000,000	-
GIC, bearing interest at 3.50%, maturing December 5, 2023	100,000	-
GIC, bearing interest at 5.27%, maturing March 4, 2024	1,000,000	-
GIC, bearing interest at 0.45%, maturing July 15, 2022	-	1,000,000
GIC, bearing interest at 0.75%, maturing July 26, 2022	-	750,000
GIC, bearing interest at 0.58%, maturing August 31, 2022	-	700,000
Term deposit, bearing interest at 0.51%, maturing September 27, 2022	-	1,067,990
GIC, bearing interest at 0.70%, maturing December 4, 2022	-	102,410
GIC, bearing interest at 1.06%, maturing January 17, 2023	-	501,603
GIC, bearing interest at 2.39%, maturing April 7, 2023	-	501,750
GIC, bearing interest at 1.70%, maturing June 3, 2023	-	1,000,000
GIC, bearing interest at 2.79%, maturing June 3, 2023	-	800,000
GIC, bearing interest at 2.79%, maturing June 6, 2023	-	1,004,142
	\$ 13,227,498	\$ 7,427,895

4. CAPITAL ASSETS

	2023		2022	
	Cost	Accumulated Amortization	Net Book Value	Net Book Value
Computer equipment	\$ 668,711	\$ 398,466	\$ 270,245	\$ 189,269
Computer software	144,897	144,897	-	15,475
Office equipment	102,805	102,371	434	5,216
Furniture	163,061	149,705	13,356	18,366
Leasehold improvements	58,078	58,078	-	-
Information and communication technology equipment	460,956	451,961	8,995	14,018
	\$ 1,598,508	\$ 1,305,478	\$ 293,030	\$ 242,344

5. ACCOUNTS PAYABLE AND ACCRUED LIABILITIES

Included in accounts payable and accrued liabilities are government remittances payable of \$NIL {2022 - \$NIL}.

6. COMMITMENTS

Future minimum annual commitments under operating leases for premises, exclusive of certain occupancy charges, are approximately as follows:

	Premises
2024	\$ 367,811
2025	153,255

7. GOVERNANCE

The Board of Directors is responsible for providing governance oversight to management in the affairs of the College. The Board consists of 9 directors, 5 of whom were appointed by the Minister of Immigration, Refugees and Citizenship Canada and 4 who were elected to the Council Board and continued to the College Board. Board and Committee Members are compensated as follows:

- Board Chair - \$2,000 per month.
- Board Vice Chair - \$700 per month.
- Directors - \$80 per hour for attending Board meetings; \$50 per hour for attending Committee and task force meetings to a maximum of \$1,809 for one year.
- Committee members who are not Directors are compensated at a rate of \$50 per hour to a maximum of \$1,809 for one year.

Governance expense consists of the following:

	<u>2023</u>	<u>2022</u>
Directors' fees	\$ 80,618	\$ 42,121
Board meetings	234,467	27,743
Travel	127,770	11,916
	<u>\$ 442,855</u>	<u>\$ 81,780</u>

Comparative information is for the period November 23, 2021 to June 30, 2022.

8. TRANSITION TO COLLEGE AND IT INFRASTRUCTURE DEVELOPMENT EXPENSES

During the year, certain expenses were incurred in support of the transition of the Council to the College and IT infrastructure development. These expenses are reported on the Statement of Operations and are included in various expenditure categories as follows:

	<u>2023</u>	<u>2022</u>
Professional standards, research and education	\$ 372,260	\$ 97,334
Professional conduct and discipline	9,684	-
Professional fees	373,345	167,906
Communications and stakeholder relations	29,075	102,853
Registration and examination	-	30,146
	<u>\$ 784,364</u>	<u>\$ 398,239</u>
Information technology	<u>\$ 1,598,608</u>	<u>\$ 542,235</u>

Comparative information is for the period November 23, 2021 to June 30, 2022.

9. FINANCIAL INSTRUMENTS

The College is exposed to various risks through its financial instruments. The following analysis provides a measure of the entity's risk exposure and concentration at June 30, 2023.

(a) Liquidity risk

Liquidity risk is the risk that an entity will encounter difficulty in meeting obligations associated with financial liabilities. Liquidity risk includes the risk that, as a result of operational liquidity requirements, the College will not have sufficient funds to settle transactions on the due date; will be forced to sell financial assets at a value which is less than what they are worth; or may be unable to settle or recover a financial asset. Liquidity risk arises from accounts payable and accrued liabilities and from commitments.

The College continues to focus on maintaining adequate liquidity to meet operating working capital requirements and capital expenses. The College prepares budgets and cash flow forecasts to ensure it has sufficient funds to fulfil its obligations.

(b) Credit risk

Credit risk is the risk that one party to a financial instrument will cause a financial loss for the other party by failing to discharge an obligation. The College's financial instruments that are exposed to concentrations of credit risk relate primarily to accounts receivable. Accounts receivable is shown net of an allowance for doubtful accounts of \$914,497.

(c) Market risk

Market risk is the risk that the fair value or future cash flows of a financial instrument will fluctuate because of changes in market prices. Market risk comprises three types of risk: currency risk, interest rate risk and other price risk.

(d) Currency risk

Currency risk is the risk that the fair value or future cash flows of a financial instrument will fluctuate because of changes in foreign exchange rates. The College is not exposed to any currency risk.

(e) Interest rate risk

Interest rate risk is the risk that the fair value or future cash flows of a financial instrument will fluctuate because of changes in market interest rates. The College is exposed to interest rate risk on its short term investments and manages this risk by attempting to maximize returns on its short term investments.

(f) Other price risk

Other price risk is the risk that the fair value or future cash flows of a financial instrument will fluctuate because of changes in market prices (other than those arising from interest rate risk or currency risk), whether those changes are caused by factors specific to the individual financial instrument or its issuer, or factors affecting all similar financial instruments traded in the market. The College is not exposed to any other price risk.

10. COMPARATIVE FIGURES

Some of the comparative figures have been reclassified, where necessary, to conform with the presentation adopted in the current year.



September 28, 2023

The Board of Directors
College of Immigration and Citizenship Consultants
5500 North Service Road, Suite 1002
Burlington, ON
L7L 6W6

Dear Members of the Board of Directors:

Re: Audit Findings

This letter has been prepared to assist you with your review of the financial statements of College of Immigration and Citizenship Consultants for the year ended June 30, 2023. This letter summarizes our significant findings arising from the audit and other matters which we believe should be brought to your attention.

AUDIT SCOPE AND RESPONSIBILITY OF GOODMAN MINTZ, LLP

Independent Auditor's Report

We have completed the audit of the financial statements for the year ended June 30, 2023, with the exception of obtaining a signed representation letter from management, which will be obtained before the final statements are issued, along with completion of subsequent events procedures. Our Independent Auditor's Report will be dated on the date that the Board approves the financial statements. Please refer to Appendix I for our draft independent auditor's report.

Our audit report has indicated that the financial statements present fairly in all material respects, the financial position, results of operations and cash flows of the Organization in accordance with Canadian accounting standards for not-for-profit organizations.

Our audit of the financial statements was performed in accordance with Canadian generally accepted auditing standards, and was performed to obtain reasonable, rather than absolute, assurance whether the financial statements are free of material misstatement. Our audit included assessing the risk that the financial statements may contain material misstatements, examining, on a test basis, evidence supporting the amounts and disclosures in the financial statements, assessing the accounting principles used and their application, and assessing the significant estimates made by management.

Independence

As external auditors of College of Immigration and Citizenship Consultants, we are required to be independent in accordance with the Canadian professional requirements. These standards require

that we disclose to the Board all relationships that, in our professional judgement, may reasonably be thought to bear on independence.

We have addressed a letter to the Board of Directors which confirmed that we were objective with respect to the Organization within the meaning of the Rules of Professional Conduct of the Institute of Chartered Professional Accountants of Ontario, a copy of which has been included as Appendix II.

We confirm that we are independent, that there has been no change in the relationships described in the aforementioned letter and that we are not presently aware of any relationship or non-audit service that would impair our independence for purposes of expressing an opinion on the financial statements.

RESPONSIBILITY OF MANAGEMENT

The preparation of the financial statements, including the accompanying notes, is the responsibility of management. This includes the preparation of the financial statements in accordance with Canadian accounting standards for not-for-profit organizations.

Management is responsible for selecting the significant accounting policies used in the preparation of the financial statements, and for applying judgment in preparing accounting estimates contained in the financial statements, as well as for preparing or obtaining documentation supporting amounts and disclosures in the financial statements. In addition, management is responsible for assessing the impact of any misstatements detected during the preparation and audit of the financial statements, individually and in aggregate, on the fair presentation of amounts and disclosures contained in the financial statement and determining if such adjustments should be recorded.

The transactions and estimates reflected in the accounts and in the financial statements are within the direct control of management. Accordingly, the fairness of the representations made through the financial statements is an implicit and integral part of management's responsibility. Throughout the course of our audit, we obtain representations from management in the form of answers to our audit enquiries. We have obtained a formal representation letter from management at the conclusion of the audit, a copy of which has been included as Appendix III.

AREAS OF FOCUS

Included in this section are significant matters we believe are appropriate for discussion at the upcoming board meeting.

Materiality

Materiality was based on revenues and was set at \$360,000. There were no changes to the audit plan from the planning stage, where we communicated the audit plan to management and the Finance and Audit Committee of the Board.

Accounting Policies

The significant accounting policies used by the entity are outlined in Note 1 to the financial statements:

- There were no initial selections of, or changes to, significant accounting policies and practices to bring to your attention.
- We did not identify any alternative accounting policies that would have been more appropriate in the circumstances.
- We did not identify any significant accounting policies in controversial or emerging areas.

Significant Financial Statement Disclosures

In the current year we have removed the note that existed in prior periods which referenced the Covid-19 pandemic.

A comment was added to Note 2 to highlight that comparative information presented in these financial statements is for the period November 23, 2021 to June 30, 2022, reflecting the first reporting period of the College.

The note Summary of Significant Accounting Policies includes a reference to the board redesignating the Reserve for Directors' and Officers' Liability Coverage as the Reserve for Directors' and Officers' and Immunity from Civil Liability Coverage. Additionally, this note includes a reference to the Reserve for Professional Conduct fund established by board resolution during the year.

We did not identify any other financial statement disclosures that are particularly significant, sensitive or require significant judgments, that we believe should be specifically drawn to your attention.

Misstatements

Misstatements identified during the audit have been categorized as follows:

- Corrected misstatements, including disclosure misstatements
- Uncorrected misstatements, including disclosure misstatement.

Corrected Misstatements

The management's representation letter in Appendix III typically includes all misstatements identified as a result of the audit, communicated to management and subsequently corrected in the financial statements. In the current period no misstatements or adjustments were recorded.

Uncorrected Misstatements

During the course of an audit, we accumulate uncorrected misstatements that have been identified and communicate them to management. We then request that management correct these misstatements, unless in aggregate they are immaterial. In the current period no uncorrected and immaterial misstatements were identified.

Significant Deficiencies in Internal Control

A deficiency in internal control exists when a control is designed, implemented or operated in such a way that it is unable to prevent, or detect and correct, misstatements in the financial statements on a timely basis, or when a control necessary to prevent, or detect and correct, misstatements in the financial statements on a timely basis is missing.

A significant deficiency in internal control is defined as a deficiency or combination of deficiencies in internal control that, in the auditor's professional judgment, is of sufficient importance to merit the attention of those charged with governance.

To identify and assess the risks of material misstatement in the financial statements, we are required to obtain an understanding of internal control relevant to the audit. This understanding is used for the limited purpose of designing appropriate audit procedures. It is not used for the purpose of expressing an opinion on the effectiveness of internal control and, as a result, we do not express any such opinion. The limited purpose also means that there can be no assurance that all significant deficiencies in internal control, or any other control deficiencies, will be identified during our audit.

We did not identify any control deficiencies that, in our judgment, would be considered significant deficiencies.

Other Matters

We have not identified any other significant matters that we wish to bring to your attention at this time.

CURRENT ACCOUNTING, AUDITING AND REPORTING DEVELOPMENTS

We continually monitor the potential impact of new accounting pronouncements and other developments on the accounting practices of College of Immigration and Citizenship Consultants. There are no accounting standards or pronouncements that are issued but not yet effective that impact the organization.

We would like to thank management and staff for the assistance they provided to us during the audit.

We hope the information in this audit findings letter will be useful. We would be pleased to discuss them with you and respond to any questions you may have.

This letter was prepared for the sole use of those charged with governance of College of Immigration and Citizenship Consultants to carry out and discharge their responsibilities. The content should not be disclosed to any third party without our prior written consent, and we assume no responsibility to any other person.

Yours truly,

Goodman Mintz, LLP
Chartered Professional Accountants



Lynn Stivaletti, CPA, CA
Partner

LS.jt

APPENDICES

- I Draft Independent Auditor's Report
- II Draft Independence Letter
- III Draft Management Representation Letter

APPENDIX I

INDEPENDENT AUDITOR'S REPORT

To the Board of Directors of
College of Immigration and Citizenship Consultants

Opinion

We have audited the accompanying financial statements of **College of Immigration and Citizenship Consultants**, which comprise the statement of financial position as at June 30, 2023 and the statements of operations, changes in net assets and cash flows for the year then ended, and notes to the financial statements, including a summary of significant accounting policies.

In our opinion these financial statements present fairly, in all material respects, the financial position of **College of Immigration and Citizenship Consultants** as at June 30, 2023, and the results of its operations and its cash flows for the year then ended in accordance with Canadian accounting standards for not-for-profit organizations.

Basis for Opinion

We conducted our audit in accordance with Canadian generally accepted auditing standards. Our responsibilities under those standards are further described in the Auditor's Responsibilities for the Audit of the Financial Statements section of our report. We are independent of the Entity in accordance with the ethical requirements that are relevant to our audit of the financial statements in Canada, and we have fulfilled our other ethical responsibilities in accordance with these requirements. We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our opinion.

Responsibilities of Management and Those Charged with Governance for the Financial Statements

Management is responsible for the preparation and fair presentation of these financial statements in accordance with Canadian accounting standards for not-for-profit organizations, and for such internal control as management determines is necessary to enable the preparation of financial statements that are free from material misstatement, whether due to fraud or error.

In preparing these financial statements, management is responsible for assessing the Entity's ability to continue as a going concern, disclosing, as applicable, matters related to a going concern and using the going concern basis of accounting unless management either intends to liquidate the Entity or to cease operations, or has no realistic alternative to do so.

Those charged with governance are responsible for overseeing the Entity's financial reporting process.

Auditor's Responsibilities for the Audit of the Financial Statements

Our objectives are to obtain reasonable assurance about whether the financial statements as a whole are free from material misstatement, whether due to fraud or error, and to issue an auditor's report that includes our opinion. Reasonable assurance is a high level of assurance, but it is not a guarantee that an audit conducted in accordance with Canadian generally accepted auditing standards will always detect a material misstatement when it exists. Misstatements can arise from fraud or error and are considered material if individually or in the aggregate, they could reasonably be expected to influence the economic decisions of users taken on the basis of these financial statements.

As part of an audit in accordance with Canadian generally accepted auditing standards, we exercise professional judgement and maintain professional skepticism throughout the audit. We also:

- Identify and assess the risks of material misstatement of the financial statements, whether due to fraud or error, design and perform audit procedures responsive to those risks, and obtain audit evidence that is sufficient and appropriate to provide a basis for our opinion. The risk of not detecting a material misstatement resulting from fraud is higher than for one resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentation, or the override of internal control.
- Obtain an understanding of internal control relevant to the audit in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the Entity's internal control.
- Evaluate the appropriateness of accounting policies used and the reasonableness of accounting estimates and related disclosures made by management.
- Conclude on the appropriateness of management's use of the going concern basis of accounting and, based on the audit evidence obtained, whether a material uncertainty exists related to events or conditions that may cast significant doubt on the Entity's ability to continue as a going concern. If we conclude that a material uncertainty exists, we are required to draw attention in our auditor's report to the related disclosures in the financial statements or, if such disclosures are inadequate, to modify our opinion. Our conclusions are based on the audit evidence obtained up to the date of our auditor's report. However, future events or conditions may cause the Entity to cease to continue as a going concern.
- Evaluate the overall presentation, structure and content of the financial statements, including the disclosures, and whether the financial statements represent the underlying transactions and events in a manner that achieves fair presentation.

We communicate with those charged with governance regarding, among other matters, the planned scope and timing of the audit and significant audit findings, including any significant deficiencies in internal control that we identify during our audit.

Toronto, Canada
XXXXX

Chartered Professional Accountants
Licensed Public Accountants

APPENDIX II

XXXXX

To the Board of Directors of
College of Immigration and Citizenship Consultants
1002 - 5500 North Service Road
Burlington, ON L7L 6W6

Dear Members of the Board of Directors:

We have been engaged to audit the financial statements of College of Immigration and Citizenship Consultants for the year ended June 30, 2023.

Canadian generally accepted auditing standards (GAAS), require that we communicate at least annually with you regarding all relationships between the Association and ourselves that, in our professional judgment, may reasonably be thought to bear on our independence.

In determining which relationships to report, these standards require us to consider relevant rules and related interpretations prescribed by the appropriate provincial institute and applicable legislation, covering such matters as:

- (a) holding a financial interest, either directly or indirectly, in a client;
- (b) holding a position, either directly or indirectly, that gives the right or responsibility to exert significant influence over the financial or accounting policies of a client;
- (c) personal or business relationships of immediate family, close relatives, partners or retired partners, either directly or indirectly, with a client;
- (d) economic dependence on a client; and
- (e) provision of services in addition to the audit engagement.

COLLEGE OF IMMIGRATION AND CITIZENSHIP CONSULTANTS

XXXXXX

We are not aware of any relationships between the Association and ourselves that, in our professional judgment, may reasonably be thought to bear on our independence that have occurred from September 29, 2022 to XXXXX.

The total fees charged to the Association were for audit services and no non-audit services were performed.

GAAS requires that we confirm our independence to management. However, since the Rules of Professional Conduct of the Institute of Chartered Accountants of Ontario deal with the concept of independence in terms of objectivity, our confirmation is to be made in that context. Accordingly, we hereby confirm that we are objective with respect to the Association within the meaning of the Rules of Professional Conduct of the Institute of Chartered Accountants of Ontario as of XXXXX.

This report is intended solely for the use of the board of directors, management and others within the Association and should not be used for any other purposes.

Should you have any questions regarding this letter, please do not hesitate to contact this office.

Yours very truly,

Goodman Mintz, LLP
Chartered Professional Accountants

Andrea Mintz, CPA, CA, LPA
Partner

AM.jt

APPENDIX III

COLLEGE OF IMMIGRATION AND CITIZENSHIP CONSULTANTS

1002 - 5500 North Service Road
Burlington, ON L7L 6W6

XXXXX

Goodman Mintz, LLP
Chartered Professional Accountants
1 Valleybrook Drive, Suite 300
Toronto, ON M3B 2S7

Dear Sirs/Madam:

We are providing this letter in connection with your audit of the financial statements of College of Immigration and Citizenship Consultants as of June 30, 2023 and for the year then ended for the purpose of expressing an opinion as to whether the financial statements are presented fairly, in all material respects, in accordance with Canadian Accounting Standards for Not-For-Profit Organizations (ASNPO).

We confirm that we are responsible for the fair presentation of the financial statements in accordance with Canadian ASNPO. We acknowledge that we are also responsible for the implementation and operation of internal controls that are designed to prevent and detect fraud and error.

We understand that your audit was made in accordance with Canadian ASNPO and accordingly included such tests of the accounting records and such other auditing procedures as you considered necessary in the circumstances for the purpose of obtaining reasonable assurance that the financial statements are free from material misstatement. However, such an audit is based on selective tests. Because you do not perform a detailed examination of all transactions, there is a risk that material fraud, error, violation or possible violation of laws or regulation may exist, but not be detected. Based on our assessment, we believe the risk that the financial statements may be materially misstated as a result of fraud to be acceptably low.

Certain representations in this letter are described as being limited to matters that are material. An item is considered material, regardless of monetary value, if it is probable that its omission from or misstatement in the financial statements would influence the decision of a reasonable person relying on the financial statements.

We hereby confirm that to the best of our knowledge and belief as of the date of this letter:

- We have disclosed to you changes during the period under audit in the company's accounting principles and practices.
- We believe that the significant assumptions used by us in making accounting estimates, including those used in arriving at the fair values of financial instruments, as measured and disclosed in the financial statements, are reasonable and appropriate in the circumstances.
- We have no plans or intentions that may materially affect the carrying value or classification of assets and liabilities reflected in the financial statements.

- All related-party transactions have been appropriately measured and disclosed in the financial statements.
- The nature of all material measurement uncertainties has been appropriately disclosed in the financial statements, including all estimates where it is reasonably possible that the estimate will change in the near term and the effect of the change could be material to the financial statements.
- We have informed you of all outstanding and possible claims, whether or not they have been discussed with legal counsel.
- All liabilities and contingencies, including those associated with guarantees, whether written or oral, have been disclosed to you and are appropriately reflected in the financial statements.
- The Company has satisfactory title to all assets, and there are no liens or encumbrances on the Company's assets, nor has any asset been pledged as collateral except as disclosed in the notes to the financial statements.
- We have disclosed to you, and the Company has complied with, all aspects of contractual agreements that could have a material effect on the financial statements in the event of non-compliance, including all covenants, conditions or other requirements of all outstanding debt.
- There have been no events subsequent to the balance sheet date up to the date hereof that would require recognition or disclosure in the financial statements.

Completeness of Information

- We have provided you with:
 - access to all information of which we are aware that is relevant to the preparation of the financial statements such as records, documentation and other matters;
 - additional information that you have requested from us for the purpose of the audit; and
 - unrestricted access to persons within the entity from whom you determined it necessary to obtain audit evidence.
- We have made available to you all minutes of the meetings of shareholders, directors and committees of directors.
- There are no material transactions that have not been properly recorded in the accounting records underlying the financial statements.
- We are unaware of any known or probable instances of non-compliance with the requirements of regulatory or governmental authorities, including their financial reporting requirements.
- We are unaware of any violations or possible violations of laws or regulations, the effects of which should be considered for disclosure in the financial statements or as the basis of recording a contingent loss.
- We have identified to you all known related parties and related party transactions, including guarantees, non-monetary transactions and transactions for no consideration.

- We have disclosed to you all information in relation to allegations of fraud, or suspected fraud, affecting the entity's financial statements communicated by employees, former employees, analysts, regulators or others.
- We have reviewed, approved and recorded all of the following:
 - Account codes you determined or changed;
 - Transactions you classified; and
 - Accounting records you prepared or changed.

Yours truly,

COLLEGE OF IMMIGRATION AND CITIZENSHIP CONSULTANTS

Per: _____ Title: _____
(Name)

Per: _____ Title: _____
(Name)

Draft - for discussion only

MEMORANDUM

To: **Board of Directors**
From: **Tim D'Souza**
Chair, Finance and Audit Committee
Re: **Agenda item 9 – Signing Officer Policy**
Date: **September 28, 2023**

Summary:

The Finance and Audit Committee (FAC) recommends Board approval of an amendment to the Signing Officer Policy to accommodate the addition of new staff and the creation of two groups of Authorized Signing Officers.

Requested Action:

THAT:

the Signing Officer Policy, in substantially the form presented, be and is hereby approved with immediate effect.

Discussion/Analysis:

The current Signing Officer Policy was approved by the Board on March 10, 2023. The proposed amendment includes the addition of new signing officers of the College and the creation of two groups of authorized signing officers (A and B). A copy of the Signing Officer Policy, black-lined to show the proposed amendments, and a clean copy including the proposed amendments, are attached to this memorandum as Appendices A and B.

At its September 14, 2023 meeting, FAC reviewed the amended Signing Officer Policy and now recommends that it be approved by the Board of Directors.

Attachment:

Appendix A - Amended Signing Officer Policy – Black Lined
Appendix B - Amended Signing Officer Policy

SIGNING OFFICER POLICY

Version: 2023-0013

(pending) Approval by the Board of Directors, September 28, 2023

College of Immigration and Citizenship Consultants
Collège des consultants en immigration et en citoyenneté

1002-5500 North Service Road, Burlington, ON L7L 6W6 www.college-ic.ca

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<p>GUIDING DOCUMENT(S)</p> <p>By-law 2021-2, s. 75.1, 80.1.</p> <p>Procurement Policy</p>	<p>DOCUMENT TYPE</p> <p>Internal Governance</p>
<p>ADMINISTRATOR(S)</p> <p>Finance Department</p>	<p>DOCUMENT NUMBER</p> <p>FIN/CEO/POL/003/023</p>
<p>EFFECTIVE DATE</p> <p>March 10, 2023</p> <p><u>September 28, 2023</u></p>	<p>REVISION DATE</p> <p>February 22, 2023</p> <p><u>September 14, 2023</u></p>

PURPOSE

This policy specifies the signing authorities for executing legal and financial documents on behalf of the College of Immigration and Citizenship Consultants (the College).

APPLICATION AND SCOPE

This policy applies to the Board of Directors, the President & Chief Executive Officer, and all officers and employees of the College.

DEFINITIONS

Contracts – means any agreements, contracts, leases, engagements, purchase orders, invoices or any other document which creates an obligation or legal commitment binding upon the College.

Finance and Audit Committee (FAC) – means the Finance and Audit Committee of the Board of Directors created pursuant to By-law s. 56.1.

Line of Credit – means the \$150,000 line of credit maintained by the College with a Canadian Schedule 1 bank.

Payments – means cheques, drafts, electronic fund transfers, wire payments, letters of credit or any other payment of funds.

POLICY REQUIREMENTS

General

- 1.1 No person shall authorize payments, contracts, or borrow monies pursuant to the Line of Credit on behalf of the College unless authorized to do so under this policy.
- 1.2 Any person permitted to authorize payments, contracts or borrow monies pursuant to the Line of Credit shall do so only in accordance with this policy.
- 1.3 Any person permitted to authorize payments or contracts pursuant to this policy shall ensure that there are supporting documents for such payments or contracts to verify compliance with the College's Procurement Policy and other applicable policies and procedures prior to signature.
- 1.4 Any person permitted to authorize payments or contracts pursuant to this policy may do so by counterpart and in electronic form.

2. AUTHORIZED SIGNING OFFICERS

- 2.1 Subject to ss. 2.2 and 2.3 below, the following persons are designated as authorized signing officers of the College for the purpose of approving any payments or contracts, or borrowing monies pursuant to the Line of Credit on behalf of the College:

- Group A:

- Chair of the Board of Directors
- President & Chief Executive Officer
- Chief Operating Officer

- Group B:

- Controller
- Assistant Controller

- 2.2 All payments must be signed by two (2) authorized signing officers of the College as below:-

- Either

- 2 signing officers from Group A

- Or

- 1 signing officer from each of Group A and Group B

- 2.3** All borrowings of monies pursuant to the Line of Credit must be authorized by the signatures of two (2) authorized signing officers and reported promptly to the Finance and Audit Committee.
- 2.4** The authority to approve contracts committing the College to expenditures greater than the approved budgeted amounts is limited to a maximum of \$100,000. For greater clarity, any expenditure not included in an approved budget and above \$100,000 requires specific approval from the Board of Directors. Likewise, any contract with a term extending for more than one (1) year involving foreseeable aggregated expenses of \$200,000 or more that is not included in an approved budget requires specific approval by the Board of Directors.

3. LIMITED SIGNING OFFICERS

- 3.1** The following persons are designated as limited signing officers of the College:
- Manager, Corporate Services
 - [Associate Director, Operations](#)
 - Director, Registration
 - Director, Professional Standards, Research, Education and Policy
 - Director, Professional Conduct
 - Director, Communications and Stakeholder Relations
- 3.2** Limited signing officers are permitted to authorize contracts committing the College to expenditures within approved budgeted amounts to a maximum of \$10,000. All such contracts must be co-authorized by a signing officer.

4. FILING DOCUMENTS

- 4.1** All signed contracts shall be filed in the Contract Registry.

APPENDICES

None

RESOURCES

None



SIGNING OFFICER POLICY

Version: 2023-003
(pending) Approval by the Board of Directors, September 28, 2023

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GUIDING DOCUMENT(S) By-law 2021-2, s. 75.1, 80.1. Procurement Policy	DOCUMENT TYPE Internal Governance
ADMINISTRATOR(S) Finance Department	DOCUMENT NUMBER FIN/CEO/POL/003/03
EFFECTIVE DATE , September 28, 2023	REVISION DATE , September 14, 2023

PURPOSE

This policy specifies the signing authorities for executing legal and financial documents on behalf of the College of Immigration and Citizenship Consultants (the College).

APPLICATION AND SCOPE

This policy applies to the Board of Directors, the President & Chief Executive Officer, and all officers and employees of the College.

DEFINITIONS

Contracts – means any agreements, contracts, leases, engagements, purchase orders, invoices or any other document which creates an obligation or legal commitment binding upon the College.

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- 1.3** Any person permitted to authorize payments or contracts pursuant to this policy shall ensure that there are supporting documents for such payments or contracts to verify compliance with the College's Procurement Policy and other applicable policies and procedures prior to signature.
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 - Group A:
 - Chair of the Board of Directors
 - President & Chief Executive Officer
 - Chief Operating Officer
 - Group B:
 - Controller
 - Assistant Controller
- 2.2** All payments must be signed by two (2) authorized signing officers of the College as below:
 - Either
 - 2 signing officers from Group A
 - Or
 - 1 signing officer from each of Group A and Group B

-
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- 3.1** The following persons are designated as limited signing officers of the College:
- Manager, Corporate Services
 - Associate Director, Operations
 - Director, Registration
 - Director, Professional Standards, Research, Education and Policy
 - Director, Professional Conduct
 - Director, Communications and Stakeholder Relations
- 3.2** Limited signing officers are permitted to authorize contracts committing the College to expenditures within approved budgeted amounts to a maximum of \$10,000. All such contracts must be co-authorized by a signing officer.

4. FILING DOCUMENTS

- 4.1** All signed contracts shall be filed in the Contract Registry.

APPENDICES

None

RESOURCES

None

MEMORANDUM

To: **Board of Directors**
From: **Tim D'Souza**
Chair, Finance and Audit Committee
Re: **Agenda item 10 – Confirmation of the Authorized Signing Officers**
Date: **September 28, 2023**

Summary:

The Finance and Audit Committee (FAC) recommends Board approval of the amended Confirmation of Authorized Signing Officers.

Requested Action:

THAT:

the amended Confirmation of Authorized Signing Officers, in substantially the form attached hereto, be and is hereby approved with immediate effect.

Discussion/Analysis:

Fiona Damani was engaged by the College as Assistant Controller effective September 5, 2023. Her duties require that she be added as an Authorized Signing Officer of the College for banking purposes.

After this addition, the Authorized Signing Officers of the College will be as follows:

- Stanislav Belevici – Chair of the Board of Directors
- John Murray – President & Chief Executive Officer
- Russ Harrington – Chief Operating Officer
- Joyce Chow Ng – Controller
- Fiona Damani – Assistant Controller

Attachment:

Appendix A – Amended Authorized Signing Officers

Appendix A

CONFIRMATION OF AUTHORIZED SIGNING OFFICERS

I, Victoria Rumble (the undersigned) being the Corporate Secretary of the College of Immigrations and Citizenship Consultants (the College) do hereby certify that the persons named below do hold the position set forth opposite their name with the College and the signature appearing opposite each person's name is the true signature of such person.

	Name	Position	Signature
1	Stanislav Belevici	Chair of the Board of Directors	
2	John Murray	President & Chief Executive Officer	
3	Russ Harrington	Chief Operating Officer	
4	Joyce Chow Ng	Controller	
5	Fiona Damani	Assistant Controller	

This document replaces and supersedes any prior certification and will remain in effect for the next 12 months or until such earlier time as a change in position occurs.

Signed at: _____ this _____ day of
 _____ 20 _____ .

Signed by: _____
 Victoria Rumble
 Corporate Secretary

MEMORANDUM

To: **Board of Directors**

From: **Ben Rempel**
Chair, Governance and Nominating Committee

Re: **Agenda Item 10 – Draft 2022-2023 College Annual Report**

Date: **September 28, 2023**

Summary

The Governance and Nominating Committee (GNC) recommends Board approval of the Draft 2022/2023 Annual Report of the College.

Requested Action

THAT: the 2022/2023 Annual Report, in substantially the form attached hereto as Appendix A, be and is hereby approved.

Discussion/Analysis

At the August 18, 2023 meeting of the GNC, the Committee reviewed and now recommends that the Board of Directors approve the draft 2022-2023 Annual Report of the College.

Title: Building a Foundation of Trust

The College is creating a strong and trusted foundation for the regulation of licensed immigration consultants, and contributing to an essential and vibrant immigration process that will enable Canada to thrive for generations to come. Using infographics, statistics and clear, compelling language, the 2022/2023 Annual Report articulates the College's key activities and accomplishments from the last year.

Please see attached file for a sample of the creative concept, look and feel and draft content for the 2022/2023 Annual Report.

Audiences and desired outcomes

The chart below summarizes the primary, secondary and tertiary audiences for the report and the main takeaway(s) for each.

1. Federal government ¹ (specifically IRCC, but also the broader government)	<ul style="list-style-type: none"> • Has confidence that the College is professional, capable and proactive in serving the public interest. • Understands what the College expects of licensees and sees that significant progress is being made in elevating their competency. • Acknowledges the College’s leadership in presenting the annual report in the House of Commons.
2. CICC Board of Directors (especially public appointees)	<ul style="list-style-type: none"> • Is recognized for its role leading the College through this transformational time
3. Licensees	<ul style="list-style-type: none"> • See the College as a leader that is invested in/accountable for the quality of the profession and in creating a community that takes pride in its qualifications.

Key dates:

Thursday Sep 28:

- Board meeting and approval of draft Annual Report 2023 with audited financial statements

Friday Sep 29:

- Annual Report (with audited financial statements incorporated) to be submitted to government

Attachment:

Appendix A –Draft 2022/2023 College Annual Report

¹Within 120 days of the end of each of its fiscal years, the College is required by law to submit to the designated Minister a report of its activities during the preceding fiscal year, as per the [College of Immigration and Citizenship Consultants Act](#).

Building a Foundation of Trust



**College of Immigration
and Citizenship Consultants**

5500 North Service Road
Suite 1002
Burlington, ON L7L 6W6

www.college-ic.ca

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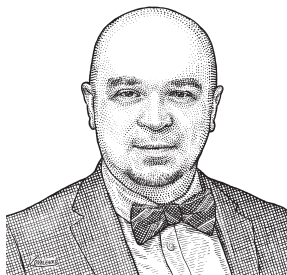
Message from the Chair

I begin this message by reflecting on the College's journey as the regulator of immigration and citizenship consultants. The importance of this journey is well understood by the Board of Directors and by College staff. We are privileged to be setting standards of competence for one of only two federally regulated professions.

A healthy immigration system will support Canada's growth. To that end, the College must work on several fronts to set and enforce standards of competence for a profession that plays a key role in that system. At the same time, it must establish a strong foundation on which to create trust and demonstrate action. Through its guidance and deliberation, the Board sought to balance the stability of the College's operations to protect the public by setting the appropriate foundational mechanisms for the profession's continued advancement.

Since June 2022, the transitional Board of Directors has been composed of licensees and government-appointed directors governing in the public interest. This model has effectively brought together a range of strategic perspectives from leaders within and beyond the profession. It developed the College's 2023-2025 Strategic Plan which was approved at year-end following a thoughtful and engaging planning process. Entitled *Setting the Standard for Public Protection*, the plan anchors the College's work in a common set of objectives and initiatives focused on regulating the profession in the public interest. I want to acknowledge the College's management for its role in the plan's development and for the leadership it will bring to its implementation.

The College is still in its infancy as a regulatory organization and the impact of its work will be felt for generations to come. It is an incredible honour to participate in shaping a profession that is essential to Canada's immigration system and our growth as a country.



A stylized, handwritten signature in black ink, appearing to read 'Stan Belevici'.

Stan Belevici, LLL, LLM, JD, RCIC-IRB
Chair of the Board of Directors

Message from the President & CEO

The past year has seen significant progress in the College's work to elevate the standards by which licensed immigration consultants are regulated. This work is foundational to strengthening the competencies of a profession that must foster and maintain the trust and respect of the public it serves.

Previous work identified the essential competencies that Regulated Canadian Immigration Consultants (RCICs) and Regulated International Student Immigration Advisors (RISIAs) must demonstrate to be licensed by the College.

The focus this year has been to align our programs and gateways-to-entry accordingly for new and current licensees. The College has upgraded the RISIA Entry-to-Practice Exam, extended the RCIC-IRB Specialization Program into a second year, introduced a mentoring program for new licensees and launched a robust accreditation program for providers of continuing professional development. We are expanding the requirements for entry into the profession and elevating the standards to remain active within it.

This work required a balance of timeliness and quality. Using specialized skill sets, the College's staff developed and executed programs in a thoughtful, evidence-based, consultative manner.

Our investments in human, technology and other necessary resources are the basis for a sustainable regulatory organization and provide a strong foundation for the College to fulfill its purpose of protecting the public and regulating immigration consultants in the public interest.

The 2023-2025 Strategic Plan is the College's roadmap through the transitional provisions of the *College of Immigration and Citizenship Consultants Act* (College Act) to the introduction of the new College Act Regulations that will govern our future work. We are looking forward to working towards the College's Vision 2025 – Every person who seeks Canadian immigration and citizenship advice has informed choice and access to a College licensee who consistently offers professional services.



A stylized, handwritten signature in black ink, appearing to read 'John Murray'.

John Murray, BA, LLB, LLM
President & CEO

About the College

Working with a professional immigration consultant is a step towards a better future in Canada. Licensees must be worthy of the trust placed in them by potential newcomers who seek advice in their immigration journey. Building public trust requires a level of professionalism that meets competency, educational and ethical standards.

Regulated Canadian
Immigration Consultant



Regulated International
Student Immigration Advisor



IRB Class of Licence



Who the College regulates

12,368 Regulated Canadian Immigration Consultants (RCICs) and Regulated International Student Immigration Advisors (RISIAs)

How the College regulates

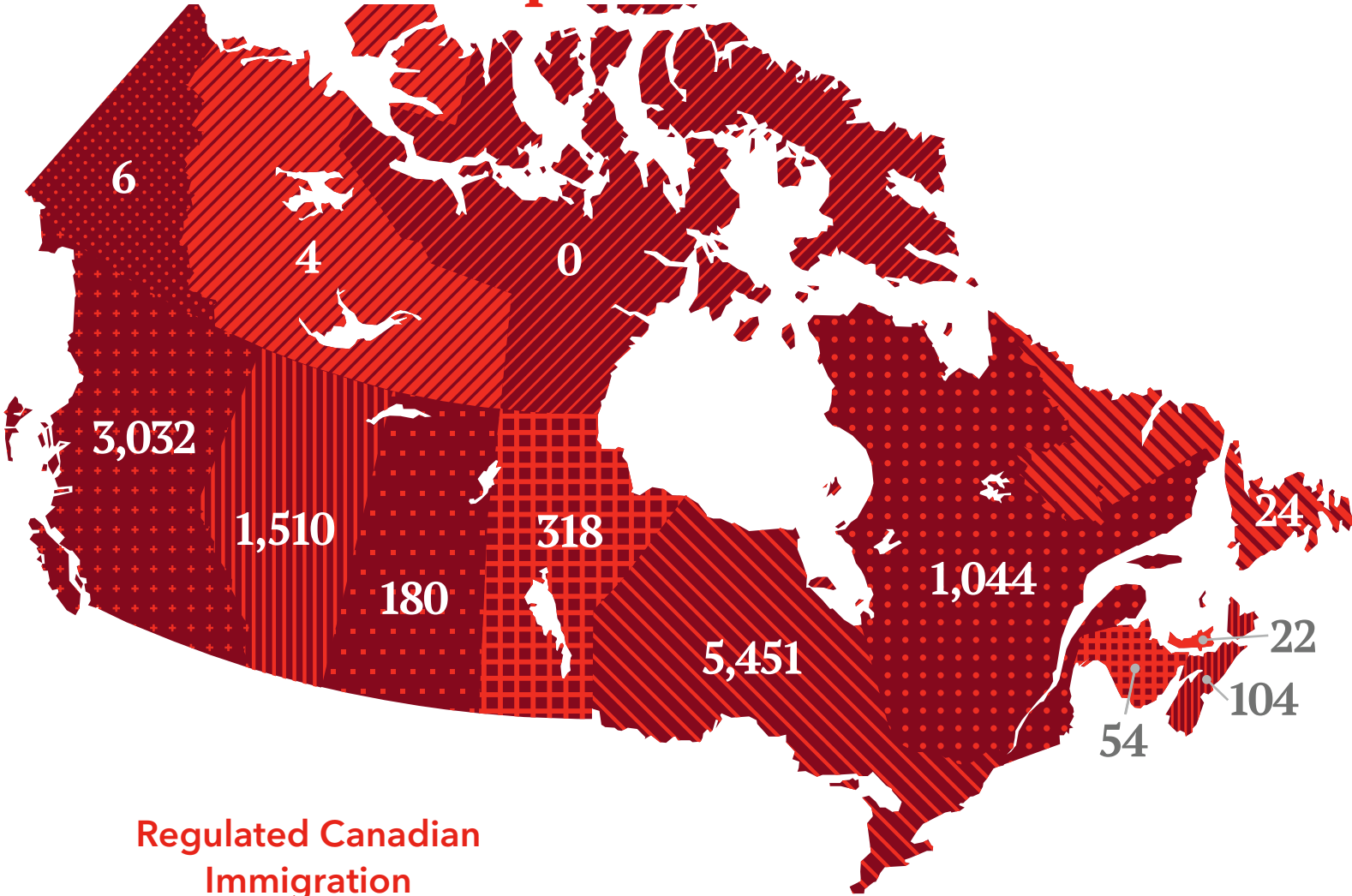
By establishing and administering:

- Qualification standards
 - Continuing education requirements
 - Education programs
 - A complaints and disciplinary process for licensees
 - Multiple strategies for deterring unauthorized practice
-

What the College does not do

- Provide immigration advice
- Process immigration applications
- Influence any decision related to immigration

Licensee snapshot: RCICs



Regulated Canadian Immigration Consultants in Canada

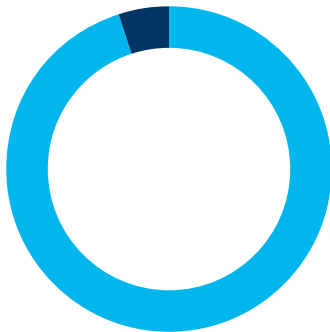
At June 30, 2023 there were **11,749** RCICs in good standing, **1,504** of whom were licensed within the past year.

704 RCICs have their RCIC-IRB class of licence, an increase of **682** over the previous year.

At June 30, 2023 there were **231** RCICs in good standing working **internationally.**

Licensee snapshot: RCICs

Preferred language



■ 94.8% English
■ 5.2% French

Gender



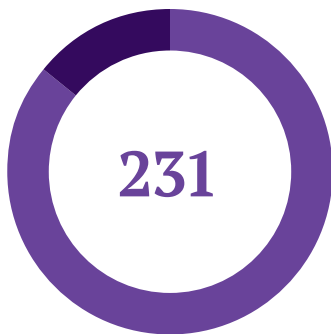
■ 52.7% Female
■ 47.3% Male
0% Non-binary (X)

Years of experience



■ 66.6% 0-5 years
■ 19.4% 6-10 years
■ 14.0% 11+ years

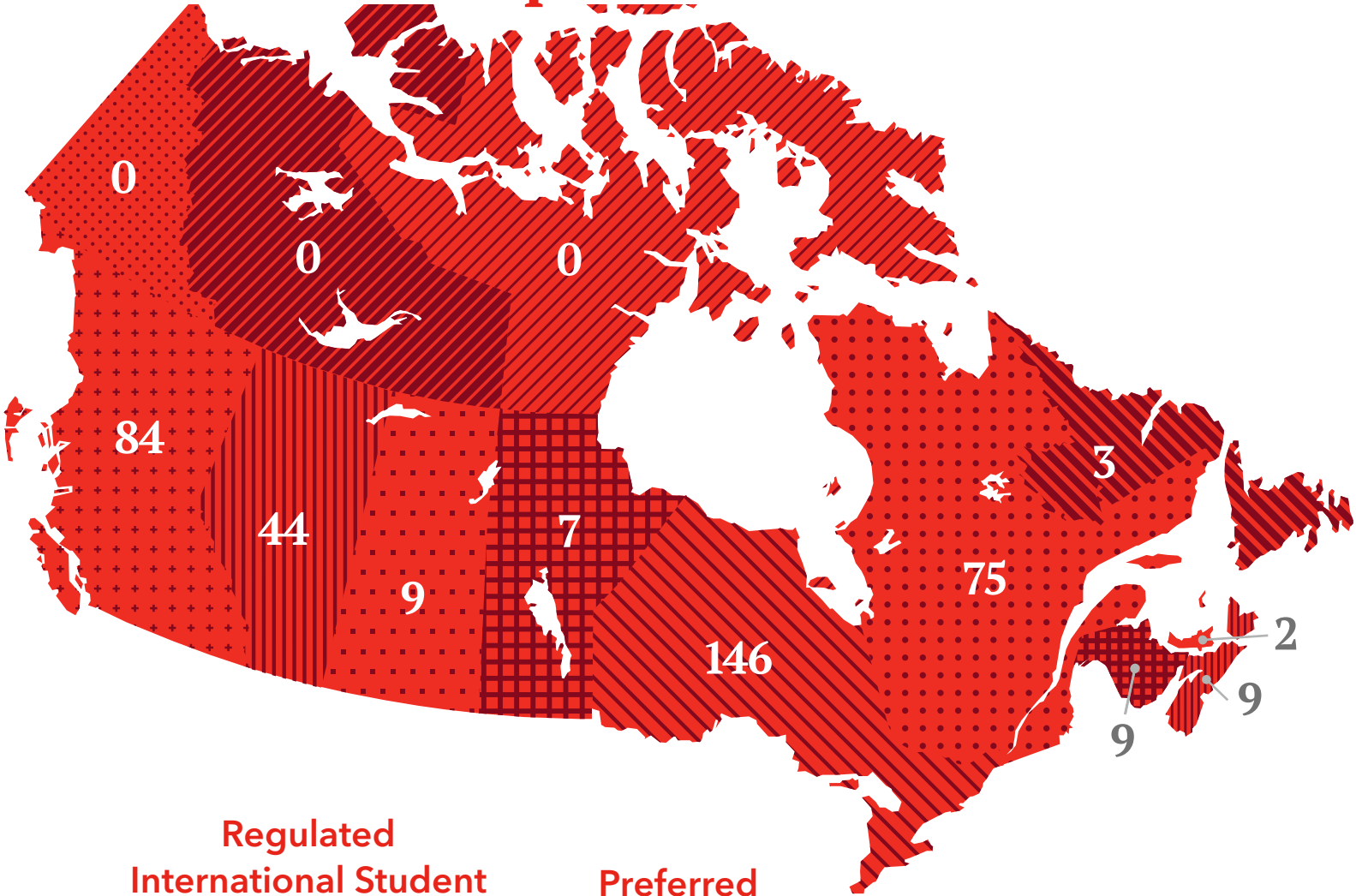
RCICs in other countries



■ 85.8% Previously licensed
■ 14.2% Licensed in 2023

1 Antigua & Barbuda	2 Ghana	1 Mali	1 Slovakia
	1 Greece	1 Malta	1 Spain
6 Australia	19 Hong Kong	2 Mexico	1 Sri Lanka
1 Botswana	37 India	8 Morocco	3 Switzerland
1 Brazil	6 Iran	1 Netherlands	2 Taiwan
1 Cambodia	1 Iraq	2 New Zealand	5 Thailand
22 China	3 Israel	2 Nigeria	7 Turkey
1 Colombia	2 Jamaica	11 Pakistan	12 United Kingdom
2 Ecuador	2 Jordan	1 Paraguay	37 United Arab Emirates
2 Egypt	1 Kenya	4 Philippines	1 United States of America
1 France	4 South Korea	2 Qatar	1 Uzbekistan
1 Georgia	2 Kuwait	1 Russia	1 Vietnam
1 Germany	2 Lebanon	1 Serbia	

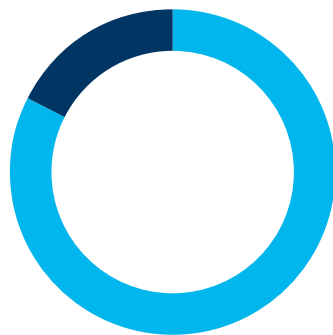
Licensee snapshot: RISIAs



Regulated International Student Immigration Advisors

At June 30, 2023 there were **388** RISIAs in good standing, **67** of whom were licensed within the past year.

Preferred language



85.1% English
14.9% French

Gender



76.3% Female
23.7% Male
0% Non-binary (X)

2022–2023: Year at a Glance



Raising the Bar to Improve Competency

Entry to Practice

Implementing the College’s purpose starts with establishing and administering qualification standards, standards of practice, continuing education and education programs for licensees.

In this past year, the College has built on the Essential Competencies and Code of Professional Conduct already in place and aligned its standards, education and policies accordingly.

The Entry-to-Practice Exam, already transitioned from knowledge-based to competency-based for RCICs, was redesigned for RISIA candidates. This assures the public that licensee candidates now have the required knowledge, skills and judgement to provide competent and ethical immigration consulting services to the public.

Every person applying for licensing as an RCIC or RISIA must pass the applicable

Entry-to-Practice Exam

before being admitted as a licensee.

As of June 30, 2023

704
licensees
held the
RCIC-IRB
class of licence.

RCIC-IRB Class of Licence

The Specialization Program and RCIC-IRB class of licence were developed following a recommendation from the Immigration and Refugee Board of Canada (IRB) that a program be implemented by the College to raise the competency of RCICs appearing before the IRB.

The RCIC-IRB class of licence program was developed in consultation with licensees, subject matter experts and with guidance from the IRB. The College worked closely with the IRB to monitor licensees’ conduct and competency when appearing before the Board, allowing the training program to be continually enhanced.

The goal of the new RCIC-IRB class of licence is to provide licensees, who elect to represent clients before IRB tribunals, with the necessary knowledge, skills and judgement to represent such clients effectively.

Raising the bar

Mentoring for New Licensees

Mentoring opportunities build practical knowledge and contribute to a community of practice.

This year the College offered a New-Licensee Mentoring Program to address the gap in practical experience. It is delivered virtually and is mandatory for new licensees to help them access advice and guidance from experienced licensees that will standardize the quality of practice.

The program offers benefits to both the mentors and the mentees.

Here is what the College heard in its assessment of the program:

From Mentees:

“One of the strengths of this program was the opportunity to network and discuss case scenarios, which proved very helpful for new licensees.”

“The program provided a collaborative environment where new licensees felt comfortable asking questions about the practice and immigration sector.”

So far,
65 mentors
and
402 mentees
have participated in the
New-Licensee Mentoring
Program.

From Mentors:

“As a mentor, I really enjoyed giving new licensees the chance to tackle scenarios and apply their knowledge. It was a pleasure to both guide and advise them.”

“The whole experience gave me an opportunity to reflect on my own practice, while helping to develop the next generation of licensees.”

Raising the bar

Redesigning Continuing Professional Development (CPD) Activities

With the redesign of the Entry-to-Practice Exams to reflect the Essential Competencies, CPD activities were assessed to enable licensees to meet these new standards in their ongoing learning. A robust accreditation program for CPD providers established a mechanism for objective, evidence-based assessment to provide continuing education activities aligned with the new competencies. By year-end, the College approved 47 CPD providers and almost 400 activities submitted by the providers. This provided licensees with abundant options to continue their learning and meet their annual CPD hour requirements.

At June 30, 2023
47 CPD Providers
were approved.
They submitted
400 activities.

Practice Management Education (PME) Courses

In the fiscal year, the College offered more than 600 sessions for licensees to complete their PME courses. This gave licensees a wide range of options.

With some exceptions, nine courses are mandatory, but they are provided at no cost to licensees to build and maintain a competent practice. PME courses and materials are continually enhanced to meet the changing competency requirements.

PME courses were critical to the understanding and interpretation of the Code of Professional Conduct before the launch of the Interpretation Guide.

600+ PME Course Sessions

offered by the College between
July 1, 2022 and June 30, 2023.

Standards of Practice

In April 2023, the Board of Directors approved the Standards of Practice developed for licensees. Standards of Practice are the cornerstone of all self-regulating professions and help build public trust. They are based on the values of the profession and articulate required behaviour to help licensees adhere to the Code of Professional Conduct. The College will announce the Standards to licensees in the new fiscal year.

Safeguarding the Public

Regulating licensees through compliance with standards of practice and meeting competency requirements is critical to the protection of the public.

This is accomplished through the Code of Professional Conduct and the College's complaint investigation process.

Code of Professional Conduct Interpretation Guide

To uphold strong ethical and professional standards, all licensees must abide by the Code of Professional Conduct, as established by the College Act. The College holds licensees accountable through a robust complaints and disciplinary process.

Over the past year, the College worked to educate licensees on compliance requirements under the Code. The College developed an Interpretation Guide that highlights key sections of the Code and practical examples of what can and cannot be done in a licensee's practice. The guide also identifies common challenges and how they can be avoided when representing clients.

More than 2,000 licensees attended an in-person and online education session on the Code, hosted by the College. The sessions provided an overview of the compliance requirements that help licensees act in the public interest.

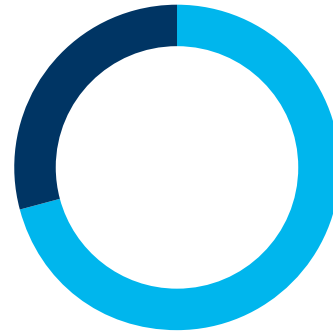
2,000+
licensees
attended the College's
introductory session
on the Code of
Professional Conduct.

Safeguarding the Public

Resolving Complaints Against Licensees

The College's work as a regulator of immigration and citizenship consultants includes investigating and resolving complaints about licensees, with a focus on protecting the public while balancing this with a fair and objective process for investigating and resolving complaints.

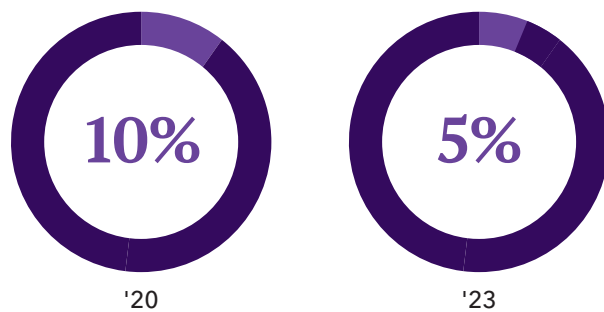
Complaints are screened to determine whether a licensee's alleged conduct is in breach of the Code. The nature of the alleged conduct, the supporting evidence and the licensee's history help inform the risk level. The College uses risk to determine the appropriate course of action. Some complaints are resolved with remedial measures through the Early Resolution process. Others require disciplinary action. In the case of imminent harm to the public, the College can suspend a licensee while the complaint process is ongoing.



- 1,841 open complaint files at July 1, 2022
- 765 new complaint files at June 30, 2023

755 complaints closed

between July 1, 2022 - June 30, 2023.
250 of these were resolved through the Early Resolution process.



Complaints relative to the licensee group

Complaints Trend

The number of licensees has increased significantly over the past two years and as a result, the College is managing an increasing number of complaints. However, the number of complaints relative to the entire licensee group is trending down from 10% three years ago to approximately 5-6%. This indicates that the number of complaints sits within a relatively small group of licensees.

Safeguarding the Public

Addressing Misconduct

Some complaints involving professionalism, incompetence, inability to practise due to mental or physical health reasons or appeals of previous decisions to revoke or suspend someone’s licence are referred to the College Tribunal. Disciplinary proceedings are published on the College’s website and final decisions are available on the legal website CanLII. Summaries of the Tribunal’s decisions are included in the College’s monthly bulletins and a licensee’s revised status is shown on the Public Register.

22 licensees
faced disciplinary action.

20 licensees
were subject to a suspension,
interim suspension
and/or revocation.



■ 51.9%
Complaints attributable to
1% of licensees

■ 48.1%
Complaints attributable
to the rest of
licensees

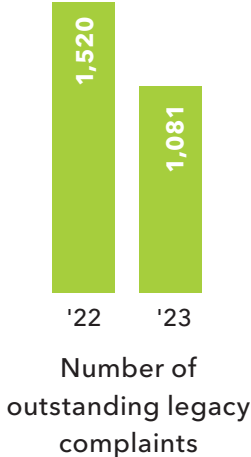
Focusing Efforts and Consolidating Complaints

A small group of licensees who are the subject of multiple complaints present a serious challenge for the College. The top 1% of licensees with the most complaints (126) account for over half of the open complaints. The College is concentrating its efforts on these licensees.

Timely Resolution of Complaints

While the College strives to be efficient in resolving complaints, resolution times can vary depending on the complexity of the complaint and the need for proper investigation. Staff resources have been increased to address legacy complaints that were received prior to the creation of the College. As a result, the College closed nearly 28% of outstanding legacy complaints in the past fiscal year.

439 legacy complaints closed
as of June 30, 2023.



Public Awareness Activities

Informing the Public

To promote its role as a regulator, strengthen stakeholder relations and connect with key audiences both in Canada and abroad, the College develops and executes international, multilingual and multi-channel campaigns, and participates in key stakeholder events.

One of the main challenges potential immigrants face on their immigration journey is the prevalence of unauthorized practitioners (UAPs) who fraudulently act as immigration consultants.

To raise awareness of unauthorized practitioners and where to find qualified immigration advice, the College has embarked on several public awareness activities.

For nine months, the *Always On* global digital campaign ran in six languages in 11 countries. The purpose of the campaign was to educate the public and prospective newcomers to Canada about the importance of using a licensed immigration consultant.



You don't have to do it alone

Emigrating to **Canada?**
Trust licensed immigration consultants with your future.

www.college-ic.ca

CICC College of Immigration and Citizenship Consultants
CCIC College des consultants en immigration et en citoyenneté



**Big spaces
Big dreams
Big questions?**

Emigrating to Canada?
Trust licensed immigration consultants with your future.

www.college-ic.ca

CICC **CCIC**



Look for the trust mark.

The **College of Immigration and Citizenship Consultants** licenses only consultants who have achieved high educational, professional, and ethical standards.

Our mark means trust.
www.college-ic.ca

CICC **CCIC**

Public Awareness Activities

The College is a proud member of the Fraud Prevention Forum, which is led by the Competition Bureau, the Royal Canadian Mounted Police and the Canadian Anti-Fraud Centre. Each March, the College raises awareness about the risks of immigration fraud and where to find publicly available College tools to help prevent fraud.

The College's 2023 Fraud Prevention Month campaign raised awareness, both in Canada and abroad, about the risks of working with unauthorized practitioners that impersonate licensed immigration consultants. This year's digital campaign ran in 32 countries across Asia, Africa, Europe and the Americas. It directed the public to the College's website and its Public Register to verify the legitimacy of an immigration consultant.

The College's Consumer Guide features important questions to ask a Canadian immigration consultant before accepting any services. It is currently available in 17 languages and is promoted regularly through the College's social media channels.

The College will continue to develop strong local and international awareness campaigns to reach key audiences in its future planning.

Always On digital campaign

6 languages
11 countries

Fraud Prevention Awareness
digital campaign

32 countries

The College's **Consumer Guide**

17 languages

Strengthening Stakeholder Relations

Government

The College holds information sessions with members of Parliament, senators and other key government stakeholders on its role, standards required from immigration consultants, how to find a licensed immigration consultant on the Public Register and tips on how to prevent fraud.

Education Partners

To sustain high standards of practice and support lifelong learning among RCICs and RSIAAs, the College continues to partner with post-secondary institutions, such as Queen’s University, the University of Montréal, and other partners such as the Canadian Bureau for International Education, CPD providers and the IRB.

Over the past year, the College hosted information sessions for Designated Learning Institutions to raise awareness of the role of the College and the importance of working with licensees when providing immigration advice and services to international students. Designated Learning Institutions include post-secondary schools who offer admission to international students.

Conferences and Events

The College meets with settlement agencies, attends conferences, career fairs and other industry events to promote its role as a regulator and the importance of working with a licensed immigration consultant.

Enhancing Communication with Licensees

Clear and timely communication with licensees remains a priority for the College. Over the past year, we continued to regularly communicate about new programs, policies and matters of compliance.

The College is developing a targeted, well-planned approach to proactive licensee communications to drive licensee awareness, provide information and measure feedback on message efficacy.

To help accomplish this, the College will continue to work in collaboration with stakeholders to amplify and enhance the efficacy of communication activities.

The College is also rolling out a new online portal, which will make it easier than ever for licensees to complete their regulatory tasks, interact with the College and stay informed. This all-in-one platform, known as the College Portal, is expected to launch in fall 2023.

Creating Sustainable Leadership

The College completed its 2023–2025 Strategic Plan, *Setting the Standard for Public Protection*, and built capacity to help achieve the strategic initiatives identified in the plan. The investments in human resources and technology mean the College is well positioned meet the goals set out in the plan.



Key Accomplishments

Upgraded the **RISIA Entry-to-Practice Exam** so it aligns with the Essential Competencies and Code of Professional Conduct

Published an Interpretation Guide for the **Code of Professional Conduct** and held educational sessions for licensees

Extended the **RCIC-IRB Specialization Program** to allow for more RCICs to gain this level of expertise, knowledge and judgement to represent clients at the IRB

Increased **organizational sustainability** by investing in human resources and technology to strengthen the College's foundation

Introduced the **New-Licensee Mentoring Program** to give them practical experience

Launched a robust **accreditation program** for providers of continuing professional development

Completed a **Strategic Plan** to guide the College's activities

2023–2025 Strategic Plan: Setting the Standard for Public Protection

The College’s 2023–2025 Strategic Plan sets the standard for public protection by aligning the College to a shared vision, common purpose and four overarching objectives that will guide its work over the next two years.



Every person who seeks Canadian immigration and citizenship advice has informed choice and access to a College licensee who consistently offers professional services.



To regulate immigration and citizenship consultants in the public interest and protect the public, including by:



establishing and administering qualification standards, standards of practice and continuing education requirements for licensees;



establishing and providing training and development programs for licensees;



ensuring compliance with the code of professional conduct; and



undertaking public awareness activities.



Values

Transparency

Share decisions, policies, procedures and disciplinary outcomes with licensees and the public.

Excellence

Achieve excellence in all endeavours.

Integrity

Maintain the highest moral and ethical standards.

Fairness

Ensure that policies, practices, procedures and decisions are justified and well understood.

Accountability

Ensure that the Board of Directors, management and staff take full responsibility for actions and decisions.

Communication

Welcome licensees, stakeholders and the public to contact the College on any matter relating to the regulation of the Canadian immigration and citizenship consulting profession.



Strategic Plan

OBJECTIVES	
<p>Professional Standards & Compliance</p> <p>Standards address evolving needs and licensees consistently practise to those standards.</p>	<p>Unauthorized Practitioners (UAPs)</p> <p>Combat unauthorized practitioners by enforcement, licensing, and awareness.</p>
INITIATIVES	
1. Quality Management	1. Domestic Injunctions
2. Mentoring Program	2. Unauthorized Practitioner Registration
3. Practice, Policy, and Public-centred Research	3. Domestic and International Partnerships (Immigration, Refugees and Citizenship Canada (IRCC), Canada Border Services Agency (CBSA), etc.)
4. Regulations, By-laws and Policies Development	4. UAP Research
5. Post-licence Education Programming	5. Fraud Prevention Awareness
6. Complaints Process Efficiency and Effectiveness	
MEASURES	
1. Quality Management Program is developed to provide clear guidance and direction for licensees	1. UAPs complying with College demands or pursued
2. Mentoring programs are developed to provide clear guidance and direction for licensees	2. Number of UAPs licensed
3. Research symposiums inform College strategies	3. Number and scope of partnerships created
4. Regulations, by-laws, and policies are evidence-based, well-researched, and meet the needs of the stakeholders	4. Research projects in progress, submitted conference presentations, and publications in preparation
5. Adoption of evidence-based accreditation practices and improved CPD quality	5. Web traffic to the UAP warning page
6. Increased complaint throughput rate	

Strategic Plan continues on the next page.

OBJECTIVES	
<p>Stakeholder Communication</p> <p>The College’s role as a respected regulator is broadly accepted.</p>	<p>Sustainability</p> <p>The College strengthens organizational capacity.</p>
INITIATIVES	
1. Communications Capacity Building	1. Culture and Engagement
2. Proactive Licensee Communication	2. Diversity, Equity and Inclusion
3. Government Relations and Issues Management	3. Legal, Regulatory, Directives and Policies Compliance
4. Strategic Relationship Partnering	4. Enterprise Management System (EMS)
5. Public Awareness Communication	5. Records Management
MEASURES	
1. Organization structure designed and implemented	1. Task Team evaluation of initiative effectiveness
2. Consultation and feedback from CAPIC	2. Employee-identified feedback
3. Emerging issues are controlled effectively	3. Submission of reports as required to the House of Commons, Senate, TBS, Commissioners, and ATIP inquiries
4. Partners view the College as a competent SRO	4. iMIS launched on the target date and initiative development of predictive and detective abilities
5. Public awareness of the College’s role and key messages	5. Compliance with IRCC and TBS on ATIP requirements

Governance: Board of Directors

Inaugural General Meeting

With the transitional Board of Directors in place by June 2022, the College held its inaugural general meeting in December 2022.

As pandemic restrictions were lifted, almost 470 people attended in person and more than 2,046 attended online.

Board of Directors



Stanislav Belevici,
RCIC-IRB
Chair

Mr. Belevici has a strong background in international relations and immigration law. He has worked for the European Commission's TACIS program for Moldova and for the Legal Department of Ernst & Young Southeast Europe. After immigrating to Canada in 2002, he completed a master's degree in comparative law at McGill University and obtained his Juris Doctor degree in common law and transnational law from Sherbrooke University, in Quebec.

Mr. Belevici's practice includes development of immigration policies and processes, risk mitigation and workforce mobility solutions for corporate clients. He also represents clients before the IRB on deportation orders, extradition requests and spousal sponsorship appeals.

Mr. Belevici was elected to the Immigration Consultants of Canada Regulatory Council's Board of Directors in 2016 and was elected Chair of the Council's Board of Directors following the 2020 Annual General Meeting.



John A. Burke, RCIC
Vice-Chair

Prior to starting his own immigration consulting practice in 1996, Mr. Burke worked with the federal public service for 29 years. He was instrumental in the development of foreign worker policy, procedures and operational guidelines at both the Ontario and national levels; provided advice to senior management and employment centre managers and staff; was directly involved with employers, associations and trade unions; and worked with senior corporate executives in the successful establishment of the Honda, Toyota and CAMI (GM/Suzuki joint venture) automobile manufacturing plants in Ontario. His current practice includes employment-based and business immigration matters.

Mr. Burke was elected to the Council's Board of Directors in 2017 and served as Chair of the Board for two terms.

Mr. Burke was elected as Vice-Chair of the Council's Board of Directors following the 2020 Annual General Meeting.

Board of Directors



Marty Baram, RCIC
Director of SYMY
Immigration Consultants
and Recruitment,
Edmonton, Alberta

Mr. Baram is the Director of SYMY Immigration Consultants and Recruitment located in Edmonton, Alberta.

Mr. Baram is currently an Adjunct Professor at Queen's University Graduate Diploma in Immigration and Citizenship Law and is a past Instructor of Immigration: Laws, Policies and Procedures at the University of British Columbia (UBC).

His areas of professional expertise are: Labour Market Impact Assessments and temporary resident applications; and Permanent Residence applications, specifically Express Entry and Provincial Nominee Programs.

Mr. Baram was elected to the Council's Board of Directors in 2019.

Mr. Baram was elected to serve on the transitional Board of the College by the members of the Council's Board of Directors at its meeting of November 17, 2021.



Normand Beaudry
Director of International
Recruitment, Université
Laval, and member of the
board of directors,
CALDO Consortium

Mr. Beaudry has over 15 years of experience in international management, marketing and student recruitment. Since 2018, he has held the position of Director of International Recruitment at Laval University, which welcomes nearly 8,000 international students yearly.

Mr. Beaudry supervises or collaborates with RCICs or RISIAs daily. He also works to harmonize and develop international recruitment practices within his university.

Concurrently, he is involved in several national and international organizations. His mandates include treasurer of the board of directors of the CALDO consortium, head of the France and Africa regional committee at REDRUQ (Regroupement des directeurs et directrices de recrutement des universités du Québec) and member of the Pôle régional en enseignement supérieur de la Capitale-Nationale.

Mr. Beaudry was appointed to the transitional Board of the College by the Federal Minister, Immigration, Refugees and Citizenship (Minister) in March 2022.



Richard Dennis, RCIC

Mr. Dennis is a former Designated Immigration Officer at the Canadian Consulate General in Buffalo, New York. Mr. Dennis joined the Council's Board of Directors in 2012.

During the 20 years that he served at the Consulate General, Mr. Dennis was involved in administering Immigration Law in every immigration category. He established an Immigration Consulting business in 1993 and specializes in Federal Skilled Workers and Family Sponsorship law.

Mr. Dennis was elected to serve on the transitional Board of the College by the members of the Council's Board of Directors at its meeting of November 17, 2021.

Board of Directors



Tim D'Souza

Senior Vice-President,
Finance and Business
Operations, Diabetes
Canada

Mr. D'Souza served as a Public Interest Director on the Council's Board of Directors from June 2019 until November of 2021. In addition to his work with Diabetes Canada and his board work with the College, Mr. D'Souza serves on several other boards. He also designs and delivers courses at a number of post-secondary institutions.

Mr. D'Souza holds two master's degrees and is a CPA.

Mr. D'Souza was appointed to the transitional Board of the College by the Minister in March 2022.

In June of 2022, Mr. D'Souza was appointed Chair of the College Board's Finance and Audit Committee.



Jennifer Henry

Executive Minister,
Organizational
Development and
Strategy, The United
Church of Canada

Ms. Henry has worked for three decades as a national and global advocate for human rights and ecological justice, addressing root causes of displacement. From 2012 to 2020, she served as Executive Director of the social justice organization KAIROS, with a mandate that included Indigenous solidarity, the advancement of women's rights in conflict zones, climate justice, and migrant and refugee rights. She has brought her expertise in non-profit management to The United Church of Canada where she leads a unit focused on strategic planning, communications, and growth. She holds a Bachelor of Arts and Social Work from the University of Manitoba, Master of Social Work and Theological Studies from the University of Toronto, and an Honorary Doctorate from Saskatoon Lutheran Seminary, and is accredited as a United Church minister.

Ms. Henry was appointed to the transitional Board of the College by the Minister in March 2022.

Board of Directors



Ben Rempel
Former Assistant Deputy
Minister of Immigration,
Manitoba

Mr. Rempel has served in a variety of leadership, policy development and program roles related to immigration, international education, and the recognition of international qualifications.

As an Assistant Deputy Minister of Immigration in Manitoba, Mr. Rempel led the province's immigration and international education strategies and contributed to several regulatory initiatives. He has led talent attraction missions, negotiated bilateral international agreements supporting ethical and effective recruitment, and co-chaired Federal-Provincial-Territorial tables on immigration and qualifications recognition.

Mr. Rempel is committed to collaborating on Canada's professional standards and regulatory oversight of immigration advice and international education services, facilitating access to certification for internationally educated professionals, and scaling complementary migration pathways for displaced global talent.

Mr. Rempel was appointed to the transitional Board of the College by the Minister in March 2022.



Gagan Jot (Jyoti) Singh
Executive Director
of Nellie's Shelter

Ms. Singh is the executive director of Nellie's. She has over 15 years of experience providing leadership in community-based programming and policy administration with a focus on working with disadvantaged populations.

Ms. Singh holds degrees including a Master's Degree in Public Policy and Administration from Carleton University. She was the former executive director of The Elizabeth Fry Society of Manitoba, and in managerial roles with Access Employment and End Homelessness Winnipeg.

Ms. Singh was appointed to the transitional Board of the College by the Minister in May of 2022.

With a personal interest in immigration and refugees' rights, she has proudly served as Public Interest Director for the College since June 2022.

Ministerial Observer

Pursuant to section 76 of the College Act, the Minister has designated an observer to the Board of Directors.

Alexis Graham

Director General, Social
Immigration Policy and
Programs, IRCC



Committees



Governance and Nominating Committee

The Governance and Nominating Committee of the Board of Directors (GNC) oversees the development, implementation and management of the College's governance processes including, the appointment of committee and working group members; and makes recommendations to the Board of Directors on these matters.



Ben Rempel
Chair



Marty Baram, RCIC
Member



Normand Beaudry
Member



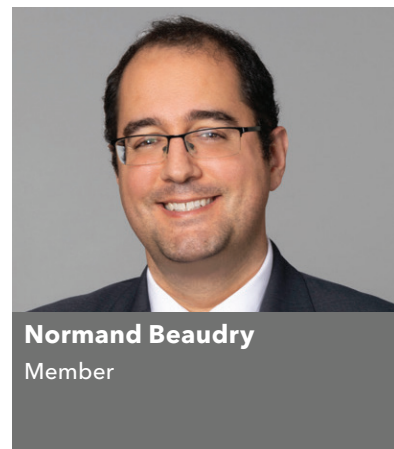
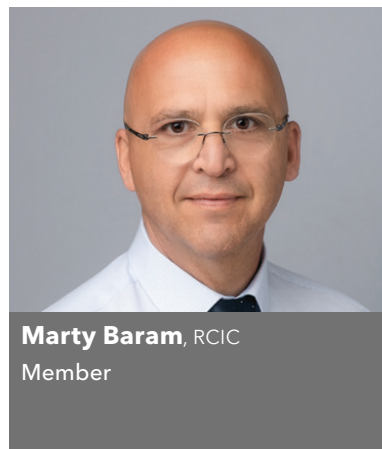
John A. Burke, RCIC
Member



Richard Dennis, RCIC
Member

Finance and Audit Committee

The Finance and Audit Committee of the Board of Directors (FAC) oversees and monitors all significant aspects of the financial management of the College, providing support to the Board as it executes its oversight function.



Senior Management Team



John Murray, BA, LLB, LLM
President & CEO, Registrar



Russ Harrington, BA, CPA
Chief Operating Officer



Jessica Freeman
Director, Communications and
Stakeholder Relations



Michael Huynh, MSc, BCL, LLB
Director, Professional Conduct



Cathy Pappas
Director, Registration



Beata Pawlowska, PhD
Director, Professional Standards,
Research, Education and Policy

Audited Financial Statements

Available upon approval of the Board of Directors

