

# **ELIGIBILITY TO OBTAIN CLASS L3 LICENCE RCIC- IRB UNRESTRICTED PRACTICE POLICY**

**Version: 2024-003**  
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<p><b>GUIDING DOCUMENT(S):</b></p> <p>By-law 2021-2, 10.4 College Act Specialization Exam Candidate Guide Assessment and Grading Policy Academic Integrity Policy</p>	<p><b>DOCUMENT TYPE:</b></p> <p>Public Facing - External</p>
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## PURPOSE

This policy sets out the criteria for a Regulated Canadian Immigration Consultant (RCIC) to obtain the Class L3 Licence RCIC-IRB Unrestricted Practice, authorizing them to practise before the Immigration and Refugee Board of Canada (IRB) as of July 1, 2023.

## RATIONALE

The objective of this policy is to outline the requirements to obtain the Class L3 Licence RCIC-IRB Unrestricted Practice. Practice before the IRB became a Restricted Area of Practice as of July 1, 2023. In support of the College's mandate to protect the public, only RCICs with the Class L3 Licence RCIC-IRB Unrestricted Practice will be authorized to practise before the IRB as of July 1, 2023. Non-graduates of the Graduate Diploma Program (GDP) can qualify for this licence by successfully completing one of the Specialization Program pathways and then passing the Specialization Exam.

## APPLICATION AND SCOPE

This policy applies to RCICs wishing to obtain the Class L3 Licence RCIC-IRB Unrestricted Practice authorizing them to practise before the Immigration and Refugee Board of Canada (IRB) as of July 1, 2023.

## DEFINITIONS

In this Policy, capitalized terms, unless otherwise defined herein, have the same meaning as they do in the By-law.

**Assessment** – means any form of licensee activity in a Course or Program where a grade is to be granted. [*évaluation*]

**Candidate** – means an individual who is registered for an Examination. [*candidat*]

**Class L3 Licence RCIC-IRB Unrestricted Practice** – means the class of licence that enables the licensee to use the RCIC-IRB designation and to represent or assist in the representation of clients before the Immigration and Refugee Board of Canada (IRB). [*Catégorie de permis N3 – pratique sans restriction à titre de CRIC-CISR*]

**Course** – means a set of classes or a plan of study on a particular subject. Courses may be offered online, face-to-face or as a combination of the two. [*cours*]

**Education pathway** – means the College's Specialization Program Education pathway which requires eligible RCICs to demonstrate their knowledge, skills and judgment in the Restricted Area of Practice to determine their eligibility to write the Specialization Exam. [*voie de la formation*]

**Immigration and Refugee Board (IRB)** – means the Immigration and Refugee Board of Canada and includes all four divisions: Immigration Division (ID), Refugee Protection Division (RPD), Immigration Appeal Division (IAD), and Refugee Appeal Division (RAD). [*Commission de l'immigration et du statut de réfugié (CISR)*]

**In Good Standing** – means an individual who is not in arrears in respect of any amount payable by such individual to the College for a period in excess of the time specified in the By-laws, is current and in full compliance with the requirements of section 1.1(oo) (New-Licensee Mentoring Program), section 36 (Learning and Development) and section 41 (Professional Liability Insurance), and their licence with the College is not under suspension for any cause whatsoever. [*en règle*]

**Prior Learning Assessment and Recognition (PLAR) pathway** – means the College's Prior Learning Assessment and Recognition pathway which requires eligible RCICs to demonstrate their knowledge, skills and judgment in the Restricted Area of Practice to determine their eligibility to write the Specialization Exam. [*voie de l'évaluation et de la reconnaissance des acquis (ÉRA)*]

**Program** – means course of study, typically comprised of multiple courses. [*programme*]

**Program Fees** – means the cost of taking a College education Program, plus all applicable taxes. [*frais rattachés au programme*]

**Restricted Area of Practice** – means the representation of, or assisting in the representation of, a client before the Immigration and Refugee Board (IRB). [*domaine d'exercice restreint*]

**Specialization Exam** – means a competency-based exam used to qualify an RCIC for the Class L3 Licence RCIC-IRB Unrestricted Practice which permits the RCIC to practise before the IRB. [*examen menant à la spécialisation*]

## **POLICY REQUIREMENTS**

### **1. ELIGIBILITY REQUIREMENTS**

- 1.1 An RCIC is eligible to apply for the Class L3 Licence RCIC-IRB Unrestricted Practice if they:
- (a) Are a member In Good Standing with the College.
  - (b) Have completed all requirements of an approved pathway.
  - (c) Have successfully completed the Specialization Exam.

### **2. SELECTION OF AN APPROVED PATHWAY**

- 2.1 The College reserves the right to determine whether an RCIC's prior training or prior experience meets the admission criteria to the appropriate pathway.
- 2.2 An RCIC may only attempt the Specialization Exam if they have completed:
- (a) The College's Education Pathway; or
  - (b) The College's PLAR pathway; or
  - (c) The College's Hybrid pathway.

### **3. EXEMPTIONS FROM APPROVED PATHWAYS**

- 3.1 Graduates from the Queen's University Graduate Diploma in Immigration and Citizenship Law program and the D.E.S.S. en réglementation canadienne et québécoise de l'immigration offered by the Université de Montréal who are successful in the College's Entry-to-Practice Exam will be issued the Class L3 Licence RCIC-IRB Unrestricted Practice and will be exempt from having to take the approved pathways.

### **4. DUAL LICENSEES**

- 4.1 RCICs who are also paralegals and are actively registered with the Law Society of Ontario (i.e., dual licensees) are authorized to practise in the Restricted Area of Practice, provided they are practising under their paralegal licence and not their RCIC licence.
- 4.2 RCICs who are also lawyers and are actively registered with a provincial law society in Canada (i.e., dual licensees) are authorized to practise in the Restricted Area of Practice, provided they are practising under their law licence and not their RCIC licence.
- 4.3 Dual licensees who wish to practise before the IRB under their RCIC licence must complete one of the approved pathways and pass the Specialization Exam.
- 4.4 Dual licensees must disclose to their clients the licence under which they are practising.

## 5. COMPLETION OF APPROVED PATHWAYS

- 5.1 Eligibility for the Class L3 Licence RCIC-IRB Unrestricted Practice is determined by satisfactory completion of all requirements related to the College's approved pathways and the Specialization Exam.

## 6. SPECIALIZATION PROGRAM PATHWAYS

- 6.1 Education pathway: Successful completion of the following 5 Courses: Foundations of the IRB, Foundations of the ID, Foundations of the IAD, Foundations of the RPD, and Foundations of the RAD.
- 6.2 PLAR pathway: Demonstration of sufficient evidence of IRB prior learning in all competencies for the Courses listed in 6.1. This pathway was discontinued in 2023.
- 6.3 Hybrid pathway (combination of Education pathway and PLAR pathway): Successful completion of a combination of the pathways. This pathway was discontinued in 2023.
- 6.4 Enrollment in multiple pathways simultaneously was not permitted.

## 7. SPECIALIZATION EXAM

- 7.1 The Specialization Exam application process, together with the supporting document requirements, shall be determined from time-to-time by the Registrar and published on the application website.
- 7.2 A Candidate who fails to pass the Specialization Exam after a fourth attempt may, at the discretion of the Registrar, be required to enrol in or re-enrol in and complete appropriate education courses or programs before being permitted to attempt the Specialization Exam again.
- 7.3 A Candidate who begins the Specialization Exam and does not complete the exam is considered to have used one of the four attempts to pass the exam.

## 8. SPECIALIZATION PROGRAM AND ASSOCIATED FEES

<b>Education Pathway Fees</b>	
Full Program (All 5 Courses)	\$1,000.00
<b>PLAR Pathway Fees (Discontinued)</b>	
PLAR (Competence assessed in all areas)	\$350.00
<b>Hybrid Pathway Fees (Discontinued)</b>	
PLAR Application (1 PLAR credit)	\$250.00
PLAR Application (2 PLAR credits)	\$250.00
PLAR Application (3 PLAR credits)	\$300.00
PLAR Application (PLAR Pathway)	\$350.00
<b>Retake or Reassessment Fees</b>	
Individual Course	\$200.00
Individual PLAR (Discontinued)	\$50.00
<b>Specialization Exam Fees</b>	
Specialization Exam	\$450.00
Fees do not include taxes. Applicable taxes will be added based on the RCIC's province of residence. As per College policies, refunds will not be issued.	

## APPROVAL AND REVIEW

	<b>Details</b> <i>If relevant, add notes to alert readers about the modifications to the document (e.g., updated wording from Council to College)</i>	<b>Approval Authority</b>	<b>Date</b>
Original Approval	N/A	Board of Directors	2021/04/16
Revision	Updated wording and definitions for consistency with College terminology as per Board approval on March 10, 2023 Definition of Candidate was added Definitions for Education Pathway and SP Exam updated Note – PLAR and Hybrid Pathways discontinued in 2023 (s.6.2, 6.3) Additional information added to section 6	Board of Directors pending	2024/06/20