

# **BANKRUPTCY, INSOLVENCY, CREDITOR PROPOSAL AND GARNISHMENT REGULATION**



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

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**1. AUTHORITY**

1.1 This Regulation is enacted pursuant to sections 3.1 and 37 of the By-law.

**2. DEFINITIONS**

2.1 In this Regulation capitalized terms have the same meaning as they do in the By-law.

**3. OBLIGATION TO SELF-REPORT**

3.1 In addition to the provisions of Section 37.1 of the By-law, a Licensee or Firm shall notify the Registrar in writing, not later than fifteen (15) calendar days after the occurrence of:

- (a) Becoming a bankrupt;
- (b) Making a proposal to creditors;
- (c) Becoming the subject of a formal proceeding as an insolvent debtor;
- (d) Becoming subject to a garnishment of wages and income received; or
- (e) Having a business of which the Licensee is an owner placed under a receiving order or the Firm being placed under a receiving order, regardless if the business is immigration/citizenship consulting-related or not.

3.2 A Licensee or Firm who fails to self-report to the Registrar any of the occurrences outlined in Section 3.1 of this Regulation is guilty of an offence.

**4. INFORMATION TO BE PROVIDED**

4.1 The Licensee or Firm, when notifying the Registrar in writing of any of the occurrences outlined in Section 3.1 of this Regulation, shall include with a covering letter that outlines the circumstances, all of the information provided for in Section 37.2 of the By-law.

**5. CONDITIONS ON CONTINUED PRACTICE**

5.1 If the Registrar concludes that the continued independent practice of the Licensee or Firm poses or may pose a risk of harm to clients, the Registrar may impose practice restrictions upon the Licensee or Firm until the events outlined in Section 3.1 of this Regulation are resolved to the Registrar's satisfaction. Such restrictions may include:

- (a) The Licensee or Firm may continue independent practice but is prohibited from opening or maintaining a Client Account into which unearned client monies are deposited. All billings must be made after-the-fact as service to clients are rendered.
- (b) The Licensee or Firm may continue independent practice but under the regular supervision of another Licensee, who is approved by the Registrar that provides reports to

the Council at such intervals as shall be determined by the Registrar.

- (c) The Licensee or Firm shall cease independent practice and must become a registered agent or employee of another Licensee in good standing. The supervisor will provide oversight to the Licensee's or Firm's work, be responsible for all client billings, and will sign all Retainer Agreements.

**6. PENALTY FOR BREACH OF REGULATION**

6.1 A Licensee or Firm who breaches this Regulation shall be subject to the following penalties:

- (a) For a first offence, a written warning with direction to correct deficiency within thirty (30) calendar days.
- (b) For a second or subsequent offence \$100 per incident.
- (c) Failure to correct deficiencies within thirty (30) calendar days or pay fines is subject to suspension and ultimately revocation.