

BUSINESS AND BUSINESS NAME REGISTRATION REGULATION



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

Version: 2021-001

Approved Board of Directors: November 17, 2021

Table of Contents

1. AUTHORITY	4
2. PURPOSE	4
3. DEFINITIONS.....	4
4. BUSINESS NAME REGISTRATION REQUIREMENT	4
5. CONFIRMATION OF STATUS AS AN EMPLOYEE	5
6. REGISTRATION REQUIREMENTS FOR SOLE PROPRIETORSHIP.....	5
7. REGISTRATION REQUIREMENTS FOR FIRMS.....	5
8. DESIGNATED REPRESENTATIVE OF FIRM.....	5
9. CHANGES TO INFORMATION	6
10. TRANSFER OR CHANGE OF REGISTRATION.....	6
11. CERTIFICATES OF REGISTRATION	6
12. LICENSEE AND FIRM LIABILITY	6
13. REVOCATION OF REGISTRATION.....	7
14. AUTOMATIC REVOCATION, SUSPENSION AND TERMINATION	7
15. PENALTIES FOR BREACH OF REGULATION.....	7
16. AMENDMENT OF SCHEDULES.....	8
SCHEDULE A – REQUIREMENTS FOR BUSINESS NAMES	9
SCHEDULE B – REGISTRATION AND APPLICATION REQUIREMENTS.....	11

1. AUTHORITY

1.1 This Regulation is enacted pursuant to sections 3.1 and 22 of the By-law.

2. PURPOSE

2.1 The purpose of this Regulation is to provide for the registration of businesses and business names that Licensees may use to conduct their immigration/citizenship consultant practice.

3. DEFINITIONS

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

3.2 In this Regulation:

(a) “**Applicant**” means an individual who is applying or has applied to become a Licensee [*demandeur*];

(b) “**Authorized Representative**” means an individual who can offer immigration/citizenship advice and/or service for a fee or other consideration. An Authorized Representative includes a member In Good Standing with a Canadian provincial or territorial law society (including paralegals within their authorized scope of practice) or with the Chambre des notaires du Québec, or an RCIC [*représentant autorisé*];

(c) “**Licensee**” means an RCIC [*titulaire de permis*].

4. BUSINESS NAME REGISTRATION REQUIREMENT

4.1 A Licensee shall not provide immigration/citizenship consultant services to the public unless the name under which such services are provided is registered with the Council.

4.2 A Licensee who provides immigration/citizenship consultant services to their employer and not to the public and who has met the requirements of section 11 of this Regulation does not have to register a name with the Council to provide immigration/citizenship consultant services to their employer. Section 5 applies to any immigration/citizenship consultant services that the Licensee provides to the public, for example on a part-time, occasional, or moonlighting basis.

4.3 Providing immigration/citizenship consultant services using an unregistered name is an offence and subject to the penalties set out in section 15 below.

4.4 A business name must include descriptive words that inform the public that the business relates to immigration/citizenship consultant services. Additional requirements and restrictions apply to business names and these are set out in Schedule A to this Regulation.

4.5 Registration of a business name with the Council is subject to Registrar approval of the name. The Registrar’s decision whether to approve a business name is solely within the discretion of

the Registrar and is final and not subject to challenge. The Registrar may refuse to approve a business name even if a government or other authority has registered it or considers it registerable. Past registration of a business name with the Council is no guarantee of registration and does not fetter the discretion of the Registrar in deciding whether to approve or refuse a business name.

- 4.6 A Licensee or Licensees wishing to modify or change a business name must submit the change or modification to the Council at registration@college-ic.ca. A Licensee must not use a new or modified name until it receives notice from the Council that the Registrar has approved the new or modified name.

5. CONFIRMATION OF STATUS AS AN EMPLOYEE

- 5.1 It is a condition of licensing that a Licensee who provides immigration/citizenship consultant services to their employer and not to the public, or an Applicant who intends to do so, must submit confirmation of status as an employee to the Council. The requirements for confirmation of status are set out in Schedule B.

6. REGISTRATION REQUIREMENTS FOR SOLE PROPRIETORSHIP

- 6.1 A Licensee shall not practise as an immigration/citizenship consultant through a Sole Proprietorship unless the Licensee has submitted proof to the Council that they have met the registration requirements for sole proprietors in all jurisdictions in which they practise as an immigration/citizenship consultant. Requirements relating to proof of registration are set out in Schedule B.

7. REGISTRATION REQUIREMENTS FOR FIRMS

- 7.1 A Licensee shall not practise as an immigration/citizenship consultant through a Firm unless the Firm is registered with the Council.
- 7.2 As a requirement for registration of the Firm, a Licensee must submit to the Council proof of incorporation or partnership registration in an appropriate jurisdiction. Requirements relating to proof of registration are set out in Schedule B.
- 7.3 It is a continuing condition of registration that a Firm's articles of incorporation or partnership agreement must restrict the Firm's business to the provision of immigration/citizenship consulting services and activities related to or ancillary to the provision of such services.
- 7.4 It is a continuing condition of registration that all of the partners of a Firm that is a partnership must be Licensees.
- 7.5 A Licensee may practise as an immigration/citizenship consultant through one or more registered Firms.

8. DESIGNATED REPRESENTATIVE OF FIRM

- 8.1 A Firm must have a Licensee as its designated representative for Council purposes.

- 8.2 A Licensee or Licensees practising through a Firm must notify the Council of any change to the designated representative or to the contact information for the designated representative, or both.

9. CHANGES TO INFORMATION

- 9.1 A Licensee or Licensees practising through a registered Sole Proprietorship or Firm must inform the Council of any change to the information that the Licensee or Licensees, Sole Proprietorship or Firm provided to the Council in support of the registration of the Firm or Sole Proprietorship, including but not limited to changes in address and contact information.
- 9.2 Changes and updates must be in writing to registration@college-ic.ca. A change or update of information is not considered received until the Council acknowledges its receipt by return e-mail to the Licensee.

10. TRANSFER OR CHANGE OF REGISTRATION

- 10.1 A Licensee or Licensees may cancel and apply for a new Sole Proprietor or Firm registration, without resigning their licence. To apply for a new business registration, a Licensee or Licensees must request the Registrar to cancel a business registration. The request must be made in writing to registration@college-ic.ca.
- 10.2 To transfer or change a business registration, a Licensee or Licensees must also submit the new business name, if any, proof of business registration and fulfill any other requirement relating to the business registration.
- 10.3 If a Licensee ceases practising through a Firm, the remaining Licensee or Licensees practising through the Firm may continue their registration.

11. CERTIFICATES OF REGISTRATION

- 11.1 The Council may issue a Certificate of Registration to a registered Sole Proprietorship or Firm upon payment of the prescribed fee of \$25 per first-time certificate. A Licensee must return any out-of-date or cancelled Certificates of Registration to the Council. The fee for a replacement Certificate of Registration for other than normal expiration is \$50.

12. LICENSEE AND FIRM LIABILITY

- 12.1 The Professional Conduct Obligations apply to a Licensee despite the Licensee practising through a Sole Proprietorship or Firm.
- 12.2 A Licensee's professional obligations to a client are unaffected by practice through a Sole Proprietorship or Firm.
- 12.3 The following conditions apply if a Licensee is practising through a Firm and is subject to a complaint, investigation, referral, hearing or other proceeding under the By-laws:

- (a) any power that the Council or Registrar may exercise in respect of the Licensee may be exercised in respect of the Firm; and
- (b) the Firm is also liable with the Licensee for all fines, penalties, costs, and expenses that the Licensee is ordered to pay.

12.4 A restriction or condition imposed under the By-laws on a Licensee who is practising through a Firm also applies to the Firm with respect to that Licensee's practice.

12.5 If a Licensee practising through a Firm is the subject of an investigation or inquiry by the Council, the Firm is also liable with the Licensee for all fines and costs that the Licensee must pay to the Council with respect to the investigation or inquiry.

13. REVOCATION OF REGISTRATION

13.1 The Registrar may revoke the registration of a Firm if the Firm is no longer eligible for registration under the By-laws or the Regulations, or if the Firm is no longer active.

14. AUTOMATIC REVOCATION, SUSPENSION AND TERMINATION

14.1 A Firm's registration is automatically revoked or suspended if there is a single Licensee practising through the Firm and that Licensee's licence is revoked or suspended.

14.2 If there is a single Licensee practising through a Firm, the Firm's registration will automatically terminate when the Licensee resigns their licence.

15. PENALTIES FOR BREACH OF REGULATION

15.1 A Licensee who fails to maintain all required information up to date as required by this Regulation is subject to the following penalties:

- (a) for a first offence, a written warning with direction to correct the deficiency within thirty (30) calendar days; and,
- (b) for a second or subsequent offence \$100 per incident.

15.2 A Licensee or Applicant who practises as an immigration/citizenship consultant using an unregistered name, individually or through a Firm or otherwise, is subject to a fine of \$500 for a first offence, and \$1,000 for a second or subsequent offence, together with a written warning with a direction to immediately cease using the unregistered name and to correct the deficiency.

15.3 A Licensee or Applicant who practises as an immigration/citizenship consultant through an unregistered Sole Proprietorship or Firm is subject to a fine of \$500 for a first offence, and \$1,000 for a second or subsequent offence, together with a written warning with a direction to immediately cease practising through the Sole Proprietorship or Firm and to correct the deficiency.

- 15.4 The Registrar may suspend or revoke the registration of a Firm that fails to meet the registration requirements or breaches a condition of registration under this Regulation.
- 15.5 Before imposing a suspension or revocation under section 15.4, the Registrar must:
- (a) serve notice to the Licensee of the intent to suspend or revoke registration;
 - (b) include in the notice under paragraph (a) the reasons for the suspension or revocation;
 - (c) give the Licensee an opportunity to make written submissions with respect to the proposed suspension or revocation; and
 - (d) review any written submissions from the Licensee before imposing a suspension or revocation.
- 15.6 Failure to correct deficiencies under this Regulation within thirty (30) calendar days or pay fines is subject to suspension and ultimately revocation.

16. AMENDMENT OF SCHEDULES

- 16.1 The Registrar may from time to time revise one or more of the schedules to this Regulation, or a form set out in or as a schedule.

Schedule A

REQUIREMENTS FOR BUSINESS NAMES

A business name must include descriptive words that inform the public that the business relates to immigration/citizenship consulting and related services, and must not include or contain the following language:

1. such as “law office”, “law firm” or “legal services” or otherwise imply that the Licensee is practising law or providing legal services unless the Licensee is also a member in good standing of a Canadian provincial or territorial law society or the Chambre des notaires du Québec.
2. that could imply a connection with a government agency or with a public or charitable service organization (e.g., Immigration Canada or Alberta Immigration).
3. that would imply a connection with a cultural, racial, ethnic, or religious group or organization so that it implies that the Licensee is “the” official agency, preferred provider or is somehow recommended/endorsed by such group to provide immigration services over other authorized representatives.
4. that would imply that the business is “the only” or “the best” immigration/citizenship consultancy practice/service (e.g., “The” Immigration Consultants of Toronto).
5. that would imply a comparison between the services provided by the Licensee to that of other Licensees or Authorized Representatives (e.g., Best Immigration Consultancy Service, Greatest Immigration Consultancy Service, etc.).
6. that would be misleading as to the number of Licensees or Authorized Representatives practising with the Licensee (e.g., ABC Immigration Consultants Limited or John Smith and Associates Ltd.).
7. that would imply the existence of a partnership, association or affiliation between Licensees or other Authorized Representatives when no such relationship exists (i.e. two sole practitioners who share office space carrying on business under a common business name).
8. that is specifically prohibited by statute in the jurisdiction where the business is or will be registered such as legislation covering business names, business corporations, partnerships *Human Rights Act, Patent Act, Trade-marks Act, Copyright Act*.
9. that is demeaning, degrading or derogatory.
10. that is too general or only descriptive (e.g., Immigration Detentions Consulting Service, Family Visas Immigration Consulting, etc.).
11. that is too general, so a potential client cannot clearly know what the business does (i.e., John Smith by itself does not convey any information as to occupation or business).

- Alternatively, John Smith Consulting could be “financial consulting”, “computer consulting”, “engineering consulting”, etc.). A Licensee needs to include other words along with their name, especially if registering as a sole proprietor, to clearly show their business services.
12. that alludes to employment services or financial/investment services which are government-regulated activities, and the Licensee does not concurrently hold the appropriate government license and registration.
 13. that would imply it is a holding company.
 14. “Professional Corporation”, “Law Corporation” or “Société professionnelle” as these designations are regulated by statute to certain professionals depending on jurisdiction.

Schedule B

REGISTRATION AND APPLICATION REQUIREMENTS**CONFIRMATION OF STATUS AS AN EMPLOYEE**

1. A Licensee or Applicant who intends to practise as an employee must submit to the Council a scanned image of a currently dated letter of employment on the letterhead of the Licensee's employer. The letter must include the Licensee's name, date of employment, job title and a brief description of duties and responsibilities. The Licensee's immediate supervisor, a representative of the employer's human resources department, or the owner of the employer must sign the letter.

PROOF OF REGISTRATION OF SOLE PROPRIETORSHIP

2. Proof of registration for the purpose of clause (b) of section 12 may be one or more of the following:
 - (a) A scanned image of a valid provincial or regional business licence;
 - (b) A government issued statement or certificate of registration for the Sole Proprietorship (including proof of business name registration, if that is the sole registration requirement in the jurisdiction); or
 - (c) For Canadian jurisdictions, a document from the Canada Revenue Agency (CRA) or Revenu Québec that includes the business number of the Sole Proprietorship.

PROOF OF INCORPORATION OR REGISTRATION OF PARTNERSHIP

3. Proof of incorporation as a Firm is as follows:
 - (a) A scanned image of the articles of incorporation; or
 - (b) Where the Firm is a corporation and incorporated outside of Canada, a scanned image of an extra-provincial registration.
4. Proof of registration as a partnership is a scanned image of the partnership agreement and a government issued partnership registration.