

# GOOD CHARACTER AND GOOD CONDUCT REGULATION



**icccrc**  
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, 10.2(f) of the By-law.
- 1.2 Authority is delegated to the Registrar to assess the background and character of Applicant for licensing and Licensees from time-to-time with respect to their fitness to practise.

## 2. DEFINITIONS

- 2.1 In this Regulation capitalized terms, unless otherwise defined herein, have the same meaning as they do in the By-law.
- 2.2 In this Regulation:
  - (a) “**Applicant**” means an individual who is applying or has applied to become a Licensee [*demandeur*];
  - (b) “**Compliance Audit**” means a compliance assessment of various aspects of a Licensee’s practice to determine compliance with the Council’s By-laws, Code of Professional Conduct, Regulations and Policies and includes, without limitation, a Quality Management Program [*vérification de conformité*].

## 3. REQUIREMENT

- 3.1 An Applicant shall demonstrate good character and good conduct, to the satisfaction of the Registrar, as a prerequisite to licensing.
- 3.2 A Licensee shall, as an ongoing obligation of licensing, demonstrate continuing good character and good conduct so as to protect the public interest and maintain confidence in the profession.

## 4. FORM OF REPORTING

- 4.1 An Applicant shall, as part of their application for licensing, provide the Registrar with a sworn statutory declaration in the prescribed form.
- 4.2 A Licensee shall, as evidence of continuing good character and good conduct, complete the prescribed declaration that is contained in the annual Compliance Audit or required at the time of the annual licence renewal.

## 5. ASSESSMENT OF CONDUCT

- 5.1 An Applicant who has conduct, incidents or offences in their past may not be necessarily barred from licensing if the Registrar is satisfied that the conduct, incidents or offences do not pose a risk to public practice or confidence in the profession.

- 5.2 A Licensee who has conduct, incidents or offences, may not necessarily be barred from continued licensing, if the Registrar is satisfied that the conduct, incidents or offences do not pose a risk to public practice or confidence in the profession.
- 5.3 The Registrar when assessing the conduct or incident(s) of an Applicant for licensing or a Licensee, shall consider as a guide the following elements of good character:
- (a) fairness and open-mindedness;
  - (b) honesty and truthfulness;
  - (c) integrity and trustworthiness;
  - (d) moral or ethical strength;
  - (e) respect for and consideration of others;
  - (f) respect for the rule of law and legitimate authority;
  - (g) responsibility and accountability.

## **6. EVIDENCE AS TO CHARACTER**

- 6.1 Evidence that may put the character of an Applicant or Licensee into question includes that the Applicant or Licensee:
- (a) is currently the subject of any criminal proceeding or has criminal charges filed against them for which the final disposition or judgment has not yet occurred;
  - (b) is currently subject to any outstanding arrest warrant in any province/territory or internationally;
  - (c) has been notified by any professional organization that they are the subject of a complaint that remains open;
  - (d) has ever pleaded guilty to, or been found guilty or convicted of, any criminal or other statutory offence in any jurisdiction (other than parking and non-criminal traffic offences) for which a pardon has not been granted, which in the opinion of the Registrar reflects adversely on the Applicant's or Licensee's honesty, trustworthiness or fitness to practise as an immigration/citizenship consultant or as an International Student Advisor;
  - (e) has ever been found guilty in a civil proceeding involving fraud, dishonesty or theft;
  - (f) has ever disobeyed an order of any court in any jurisdiction;
  - (g) has ever been the subject of a human rights finding, or been suspended, disqualified, censured, expelled or otherwise disciplined (other than for non-payment of annual fees, or for failing to maintain continuing professional development requirements) by any

court, tribunal, licensing or regulatory body, or professional organization, in Canada or internationally, for any offence that constituted misconduct or professional misconduct (regardless of how defined), or for any offence that affected members of the public, or for any offence that was deemed to bring that profession into public disrepute;

- (h) has ever been refused admission as an Applicant, or had a membership in a licensing or other professional organization revoked for reasons relating to a lack of good character;
- (i) has ever been penalized or sanctioned in any way (other than minor reduction in a non-final grade) for misconduct or plagiarism while enrolled in any educational institution;
- (j) is currently insolvent, or subject to a petition or assignment in bankruptcy, or have made a proposal to creditors under the *Bankruptcy and Insolvency Act (Canada)*, or equivalent legislation of any other jurisdiction, or are the subject to a wage or income garnishment;
- (k) has ever violated the *Immigration and Refugee Protection Act (Canada)* by representing immigration clients for a fee before the Minister without authorization under that Act or Regulations;
- (l) has ever had a claim paid out under a professional liability insurance program for work in which they were involved.

## **7. DETERMINING FITNESS TO PRACTISE**

7.1 In determining the fitness of an Applicant or Licensee, the Registrar and/or the Complaints Committee will consider among other factors:

- (a) the Applicant's or Licensee's candour, sincerity and attitude towards making a full disclosure related to their character and fitness;
- (b) the number and nature of the conduct, incidents or offences and the parties involved, including the record of any court, tribunal, licensing or regulatory body or professional organization involved;
- (c) the age and maturity of the Applicant or Licensee when the conduct, incidents or offences were committed;
- (d) any explanation provided by the Applicant or Licensee, including their attitude and/or remorse concerning the conduct, incidents or offences;
- (e) any extenuating circumstances, including but not limited to social or historical context, contributing to the conduct, incidents or offences;
- (f) the materiality of any omissions or misrepresentations in any disclosure if it/they later become known;
- (g) the length of time that has elapsed since the conduct, incidents or offences occurred;

- (h) any rehabilitative treatment undergone or restitution made since the conduct, incidents or offences occurred;
- (i) the Applicant's or Licensee's conduct since the conduct, incidents or offences occurred;
- (j) based on all information available, balancing the probabilities of reoccurrence, whether the conduct, incidents or offences will likely be habitual or will occur again;
- (k) whether the conduct, incidents or offences would constitute a breach of the Council's By-laws or Code of Professional Conduct; and
- (l) in light of the entire record of the Applicant or Licensee, whether the conduct, incidents or offences would, if became publicly known, adversely affect the confidence of the public in the Council and/or the profession as an honourable, ethical and competent profession.

## **8. REGISTRAR'S DECISION AND OUTCOMES**

8.1 Upon receiving information which questions the character or conduct of an Applicant, the Registrar may:

- (a) do nothing and permit the Applicant to apply and, if successful, proceed to becoming a Licensee;
- (b) issue a Letter of Concern to the Applicant that further exhibitions of deficient character or conduct may affect the Applicant's ability to seek licensing or affect continued licensing. A copy of any such letter will be placed on the Applicant's file;
- (c) refuse the Applicant's application for licensing or issue a licence on such terms and conditions as the Registrar in their discretion deems appropriate.

Any decision of the Registrar made pursuant to section 8.1(c) of this Regulation may be appealed to the Registrar Appeal Committee pursuant to section 13.3 of the By-law.

8.2 Upon receiving information which questions the character or conduct of a Licensee as it relates to continued licensing, the Registrar may:

- (a) do nothing other than record the information in the Licensee's permanent licensing record;
- (b) issue a Letter of Concern to the Licensee that further exhibitions of deficient character may be referred to the Complaints Committee. A copy of any such letter will be placed on the Licensee's file;
- (c) refer the matter to the Complaints Committee.

8.3 Upon receiving information from the Registrar concerning the character or conduct of a Licensee, the Complaints Committee may take any action deemed appropriate within their authority.