

RCIC RESIGNATION 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, 12.4, 13.2 and 21 of the By-law.

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) **“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), the Chambre des notaires du Québec or an RCIC [*représentant autorisé*];
- (b) **“Client”** means a person or Entity whose interests the Licensee undertakes to represent, for a fee or other consideration, or *pro bono*, regarding a proceeding or application, or potential proceeding or application, under the *Immigration and Refugee Protection Act* (IRPA) or the *Citizenship Act* [*client*];
- (c) **“Client Account”** means a savings or chequing account opened by a Licensee at a Financial Institution in which account the Licensee holds funds received from or on behalf of one or more Clients and which is designated in the Licensee’s records as a Client Account [*compte client*];
- (d) **“Client File”** means the physical paper folder containing the physical documents and/or the electronic folder or directory containing the electronic files, data or information related to the Initial Consultation Agreement and/or the Retainer Agreement for a particular Client. A Client File contains Client Records, Client Property and Licensee Property [*dossier client*];
- (e) **“Effective Date”** means the date on which the Registrar accepts the Licensee’s formal resignation and statutory declaration confirming all required steps have been completed [*date de prise d’effet*];
- (f) **“Licensee”** means an RCIC of the Council [*titulaire de permis*];
- (g) **“Notification Date”** means the date when the Council receives notification of a Licensee’s intention to resign [*date de notification*];
- (h) **“Resignation Requirements”** means all necessary steps which a Licensee must complete before their resignation is accepted [*conditions de démission*].

3. RESIGNATION PROCESS

3.1 Resignation from the Council is a two-step process comprising:

- (a) notification to the Registrar of “intent” to resign, and
- (b) acceptance of the resignation by the Council.

3.2 Step 1 – Intent to resign:

- (a) A Licensee shall inform the Council of their intention to resign by providing a letter of resignation in writing to the Registrar sent by e-mail, fax or mail;
- (b) Within seven (7) calendar days of the Notification Date, the Registrar shall inform the Licensee of the Resignation Requirements;
- (c) The Licensee shall comply with the stated requirements which are then confirmed by submitting supporting documents, in the prescribed form, together with all copies of the Licensee’s Certificate of Licensing and photo identification (if one was also issued), to the Registrar.

3.3 Step 2 – Acceptance of resignation by the Council

- (a) The Registrar shall review the documents submitted by the Licensee and make a decision on whether the Licensee has complied with the stated requirements;
- (b) The Registrar shall verify with the Professional Conduct Department to ensure that there are no open complaints against the Licensee. A Licensee with an open complaint cannot be deemed to have resigned while In Good Standing until the complaint(s) are settled to the Council’s satisfaction;
- (c) A Licensee who has met all requirements, may be accepted as having resigned while In Good Standing from the Effective Date;
- (d) The Registrar shall notify the Licensee of the acceptance of their resignation, its Effective Date, and if the Licensee is deemed to have resigned while In Good Standing or not;
- (e) The Registrar shall cause the name of the Licensee to be removed from the active listing of the Licensee Register on the Effective Date as to appear with a “resigned” notation.

4. RESIGNATION REQUIREMENTS

4.1 The Registrar may require that a Licensee fulfill all or some of the following requirements, in order for their resignation to be accepted to the Registrar’s satisfaction:

- (a) Pay all outstanding annual fees, other fees, fines and penalties to the Council;

- (b) Acknowledge any open complaints;
- (c) Close all Client Files, by returning them to the Client (for them to secure the services of another Authorized Representative), or by transferring them with the Client's permission to another Authorized Representative;
- (d) Close all Client Account(s) with all unearned monies being settled (provide reconciliation and Client Account bank statements);
- (e) Provide a statutory declaration affirming that:
 - i. All Client Files are closed or transferred to another Authorized Representative;
 - ii. All Client Account(s) are settled;
 - iii. They will not practise as an immigration/citizenship consultant;
 - iv. They will not hold out as an immigration/citizenship consultant;
 - v. They will not display or use a Certificate of Licensing or Licensee photo identification;
 - vi. They will be subject to the Council's continuing jurisdiction for a period of six (6) years from the Effective Date as per section 21.5 of the By-law.
- (f) Return all copies of the Certificate of Licensing and Licensee photo identification to the Council.

4.2 The Registrar may, at his discretion be satisfied by the sworn declaration affirming the requirements or with additional documentation.

5. LICENSEE ANNUAL FEES SETTLEMENT

- 5.1 Licensee annual fees paid in advance, beyond the effective date of the resignation, shall not be refunded.
- 5.2 A Licensee resigning shall pay any pro-rated portion of annual fees due and payable between the date of the last annual or quarterly payment and the effective date of their resignation.

6. RE-LICENSING

- 6.1 Within one (1) year of the effective date of their resignation, a former Licensee who resigned while In Good Standing by fulfilling all of the requirements noted above, may be readmitted as a Licensee of the Council by:
 - (a) paying all annual fees and other fees that would have been otherwise paid between the effective date of their resignation and the date of readmission;
 - (b) agreeing to bring all missing or deficient Practice Management Education (PME) and Continuing Professional Development (CPD) obligations up to date, within the time limit specified by the Registrar, as if they had never resigned. Failure to fulfill any missing PME

or CPD obligations within this period shall be subject to the customary fines and penalties for non-completion as is prescribed in the relevant Regulation;

- (c) signing a new Agreement to Regulation;
- (d) and fulfilling such other conditions as may be determined by the Registrar.

6.2 After one (1) year has passed following the effective date of their resignation, a former Licensee who resigned while In Good Standing and wishes to be relicensed, will be required to meet all licensing requirements then applicable, including successfully passing the Entry-to-Practice Exam (EPE), unless any of those requirements are waived by the Registrar.

6.3 A former Licensee who did not resign while In Good Standing or who departed without the permission of the Council, but subsequently wishes to be readmitted as a Licensee of the Council, will be required to:

- (a) meet all licensing requirements then applicable, including successfully passing the EPE;
- (b) pay all outstanding annual fees, other fees, fines and penalties that were outstanding at the time of their departure from the Council, unless such monies owing are waived by the Registrar;
- (c) complete or re-take such PME courses, as determined by the Registrar.

7. LETTERS OF STANDING

7.1 A former Licensee who resigned while In Good Standing with the permission of the Council may, at the discretion of the Registrar, be issued a letter confirming that they were In Good Standing at the time of their resignation.

7.2 A former Licensee who did not resign while In Good Standing or with the permission of the Council, shall not be issued any letter of standing. Any requests received from other membership or regulatory bodies wishing to confirm former or current Licensees will be advised that the former Licensee did not resign while In Good Standing or with permission at the time of their departure.