

RISIA

LICENSING REGULATION



icrcrc
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 13 of the By-law.

2. PURPOSE

2.1 The purpose of this Regulation is to provide for the licensing of individuals employed in the Education Sector who wish to become Licensees of the Council (RISIAs) and to regulate the practice of such Licensees.

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) **“Approved CPD Activities”** means professional development activities approved by the Council [*activités de FPC approuvées*];
- (c) **“Authorized Representative”** means an individual who can offer immigration/ citizenship advice and/or service for a fee or other consideration. 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*];
- (d) **“Dependents”** mean dependents as defined in the *Immigration and Refugee Protection Act* (IRPA) or the *Immigration and Refugee Protection Regulations* (IRPR) [*personnes à charge*];
- (e) **“Director, PREP”** means the staff member of the Council who is responsible for overseeing the day-to-day education operations of the Council and performs the duties described herein [*directeur, NREP*];
- (f) **“Education Sector”** means school boards, language schools and post-secondary institutions which are members of one of the member organizations of the Canadian Consortium for International Education (CCIE), designated learning institutions (DLIs) as defined by Immigration, Refugees and Citizenship Canada (IRCC) and as listed on the [IRCC website](#) and/or organizations representing one or more institutions in the Education Sector [*secteur de l'éducation*];
- (g) **“International Student Advisor”** or **“ISA”** means a person who is employed in the Education Sector as an employee and provides immigration advice to international students and their dependents [*conseiller d'étudiants étrangers ou CEE*];

- (h) **“Licensee”** means an RISIA of the Council [*titulaire de permis*];
- (i) **“Mandatory PME Course”** means a PME course identified by the Council as central to the professional practice of a Licensee [*cours obligatoire de FPP*];
- (j) **“Practice Management Education”** or **“PME”** means education offered by the Council to a Licensee on how to meet the requirements of the Council, which affects professional practice. PME is not considered as an Approved CPD Activity [*formation en pratique professionnelle*];
- (k) **“Student”** means an international student seeking immigration advice from employees employed in the Education Sector [*étudiant*];
- (l) **“Study Permit”** means Study Permit as defined in *IRPA* or *IRPR* [*permis d’étude*];
- (m) **“Temporary Resident Visas”** means Temporary Resident Visas as defined in *IRPA* or *IRPR* [*visa de résident temporaire*].

4. EXPECTATIONS

- 4.1 Every person who wishes to become a RISIA shall comply with:
 - (a) this Regulation; and
 - (b) any further requirements determined by the Registrar from time to time.
- 4.2 Every RISIA shall:
 - (a) comply with this Regulation; and
 - (b) notify the Registrar within fifteen (15) business days of a change in their employment status and/or employer.

5. EDUCATION REQUIREMENTS

- 5.1 A person who wishes to become a RISIA shall complete the Council’s education program for RISIAs.

6. SCOPE OF PRACTICE

- 6.1 A RISIA shall provide immigration advice only in the areas of Study Permits, Temporary Resident Visas, and how Study Permits relate to other currently available Canadian immigration programs.
- 6.2 A RISIA shall not provide representation in immigration matters to any Student.
- 6.3 A RISIA shall not fill out any immigration forms for any Student.

- 6.4 A RISIA shall refer any Student needing representation or immigration forms to be filled out to an RCIC or other Authorized Representative to do so under Section 91 of IRPA.

7. ELIGIBILITY TO PRACTISE

- 7.1 A person shall submit, at the time of applying for a licence to practise as a RISIA, a current letter of employment from their employer confirming their employment as an ISA, in a form satisfactory to the Registrar.
- 7.2 When applying for a licence to practise as a RISIA, the Applicant shall provide a proof satisfactory to the Registrar of professional liability insurance for offering immigration advice and shall do so every year thereafter as part of the annual reporting obligations.
- 7.3 A RISIA shall provide the Registrar with written notice within fifteen (15) business days of resignation or termination of employment with the employer on file with the Council. The licence of a RISIA shall be suspended on the effective date of resignation or termination of employment with the employer on file with the Council. The Registrar may issue a new licence if the RISIA secures similar employment with another employer in the Education Sector and provides an employer's letter satisfactory to the Registrar confirming such employment.
- 7.4 A RISIA whose licence is suspended for more than one (1) year due to a change of employer described in section 7.3 of this Regulation may be required, at the discretion of the Registrar, to complete courses and/or pass an exam to confirm their skills are still current, together with confirmation of good character and good conduct to the satisfaction of the Registrar, before being issued a new licence.

8. ADMISSION STANDARDS: ENTRY-TO-PRACTICE REQUIREMENTS

- 8.1 Persons who wish to become a RISIA may apply to write the Council's RISIA Entry-to-Practice Exam (RISIA EPE), using the required form and supplying the required supporting documentation, to the satisfaction of the Registrar.
- 8.2 To qualify to write the RISIA EPE, a person shall:
- (a) Be at least 18 years of age;
 - (b) Have completed the Council's education program for RISIAs within the past three (3) years;
 - (c) Comply with the application requirements for writing the RISIA EPE as determined by the Registrar from time to time.
- 8.3 An Applicant may appeal the decision to the Registrar Appeal Committee. The appeal shall be commenced by a written notice of appeal filed with the Registrar within thirty (30) days of the date of receipt of the decision. The Registrar Appeal Committee of the Council may

confirm or vary the decision of the Registrar or may substitute its own decision for that of the Registrar. The decision of the Registrar Appeal Committee is final.

9. ANNUAL FEES

- 9.1 A RISIA shall pay annual fees established in the Annual fees, other fees, fines and penalties Regulation.
- 9.2 A RISIA is responsible for ensuring timely payment of the annual fees to the Council, regardless of whether the RISIA's employer has promised to pay directly or to reimburse the RISIA for paying them. If the Council does not receive the annual fees by the due date stipulated in the fee invoice, the Registrar will suspend the RISIA's licence and, if still unpaid ninety (90) days thereafter, will revoke the RISIA's licence.

10. ONGOING PROFESSIONAL OBLIGATIONS

- 10.1 A RISIA shall complete all Mandatory PME Courses deemed appropriate to the practice of RISIAs by the Director, PREP, in accordance with the Practice Management Education (PME) Regulation.
- 10.2 A RISIA is permitted, but not required to, complete other PME courses offered by the Council.

11. ANNUAL REPORTING OBLIGATIONS

- 11.1 To maintain their licence, a RISIA shall submit the following information, in the prescribed form, by 11:59 p.m. (local time) on July 1 of each year:
- (a) Confirmation of continued employment by an education provider;
 - (b) Confirmation of continued good character and good conduct;
 - (c) Confirmation of completion of Approved CPD Activities; and
 - (d) Confirmation of continued professional liability insurance to the satisfaction of the Registrar.

12. LEAVES OF ABSENCE

- 12.1 A RISIA may apply for a leave of absence according to the Leave of Absence Regulation.

13. RCICs EMPLOYED IN THE EDUCATION SECTOR

- 13.1 An RCIC employed in the Education Sector in the capacity of an ISA is required to comply with all of the licensing requirements, ongoing professional responsibilities and obligations, and pay the annual fees, other fees, fines and penalties applicable for an RCIC.

14. REQUESTS TO CHANGE LICENSING

- 14.1 An RCIC who is employed in the Education Sector in the capacity as an ISA may relinquish their RCIC licence and seek to be licensed as a RISIA. The RCIC shall submit a written request to the Registrar in order to commence the process to resign as an RCIC.
- 14.2 Further to section 14.1 of this Regulation an RCIC who resigns as an RCIC to become a RISIA may, within one (1) year of such resignation seek to become re-licensed as an RCIC by complying with all requirements as determined by the Registrar.
- 14.3 A former RCIC who resigns as an RCIC to become a RISIA may, after one (1) year or longer since such resignation, seek to become re-licensed as an RCIC by complying with all admission requirements and processes in force at the time, except that a new language ability test will not be required and, with respect to the police certificate requirement, only a RCMP certified criminal record check with fingerprints, issued within one (1) year, will be necessary.
- 14.4 A RISIA may apply to be licensed as an RCIC by complying with all admission requirements and processes in force at the time of the application, except that to satisfy the police certificate requirement, only an RCMP certified criminal record check with fingerprints, issued within one (1) year, will be necessary.

15. PENALTIES FOR BREACH OF REGULATION

- 15.1 A RISIA who does not meet the requirements in section 11 of this Regulation will be subject to the following fines and penalties:
- (a) \$100 if the annual reporting documentation is received after the due date.
 - (b) \$100 if the missing documentation requested by the Council during the annual reporting obligations process is not submitted within the specified timeframe.
 - (c) Failure to comply with sections 10.1 or 11 of this Regulation may result in suspension and/or subsequent revocation in accordance with the By-law.