

Citizenship and Immigration Canada Warns Stakeholders Not to Give Immigration Advice

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Last year, Citizenship and Immigration Canada (“CIC”) [published a notice](#) on its website, which provided valuable guidance regarding the giving of immigration advice. It states that due to changes in Canada’s immigration law, many stakeholders are now required to be members of a prescribed regulatory body if they wish to provide immigration services to clients, including immigration advice.

According to the notice, the stakeholders affected include: (1) travel agents, (2) employment agents and recruiters, (3) human resources (“HR”) professionals, (4) educational agents, (5) adoption agencies, and (6) live-in caregivers’ agents. The notice further states that these stakeholders should not perform any of the following tasks:

1. They should not explain and/or advise on someone’s immigration options.
2. They should not guide a client on how to select the best immigration stream.
3. They should not complete and/or submit immigration forms on a client’s behalf.
4. They should not communicate with CIC or the Canada Border Services Agency on a client’s behalf (except for the direct translation of a client’s written or spoken submissions).
5. They should not represent a client in an immigration application or proceeding.
6. They should not advertise that they can provide immigration advice for consideration.
7. HR personnel cannot complete application forms, such as work permits and visa applications, on behalf of workers recruited.

CIC is clearly warning stakeholders not to engage in the unauthorized practice of law. It is also of the opinion that merely advising someone on their immigration options can be considered unauthorized practice. Despite this warning, it remains to be seen whether the above stakeholders will refrain from performing these tasks in the future.