

**icccrc**  
IMMIGRATION CONSULTANTS OF  
CANADA REGULATORY COUNCIL



**crcic**  
CONSEIL DE RÉGLEMENTATION DES  
CONSULTANTS EN IMMIGRATION DU CANADA

**IMMIGRATION CONSULTANTS OF CANADA  
REGULATORY COUNCIL**

**COMPLIANCE AUDIT REGULATION**

**April 2014**

## Compliance Audit Regulation

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## Section 1 PURPOSE

The purpose of conducting compliance audits is to fulfill the Council's mandate of protecting the public by ensuring members operate their practice in a professional and ethical manner in accordance with the Council's *By-law*, *Code of Professional Ethics* and Regulations. Compliance audits and financial inspections are part of the Council's practice inspection program provided for in the Council's *By-law*.

## Section 2 DEFINITIONS

In this Regulation:

- a. "By-law" means the *By-law* of the Council.
- b. "Compliance audit" means a compliance assessment of various aspects of a Member's practice to determine compliance with the Council's *Code of Professional Ethics* and Regulations.
- c. "Council" means the Immigration Consultants of Canada Regulatory Council/Conseil de réglementation des consultants en immigration du Canada.
- d. "Financial inspection" means an examination of a Member's finances by an inspector appointed by the Council.
- e. "Member" means any individual who is admitted as a Member of the Council in accordance with the *By-law*. A Member is a Regulated Canadian Immigration Consultant (RCIC).
- f. "Required documentation" means those documents to be submitted by a Member to the Council as specified in the Notice of Compliance Audit sent to Members.

## Section 3 INTERPRETATION

If there should arise any conflict between this Regulation and the Council's *By-law*, the *By-law* will prevail.

## Section 4 EXPECTATIONS

- i. Members must submit ALL required documentation, complete and correct, by the prescribed deadlines set by the Council in Section 5 hereof to complete the compliance audit process.
- ii. All documents received by the Council must be in English or French. Documents translated to English or French must be completed by a certified translator.
- iii. Members must comply with the findings of the compliance audit including but not limited to, completing remedial education and/or re-submitting selected documentation for re-assessment within the prescribed deadlines.

- iv. Members are responsible for all expenses incurred as a result of a financial inspection required by the Council.

## **Section 5 AUDIT CYCLE**

- i. The compliance audit cycle begins on July 1 of each calendar year. Members must submit all required documentation complete and correct in the two-month period between May 1 and July 1 of each year.
- ii. Further to subsection i, new Members are required to submit all required documentation on or before July 1 and January 1 for the first two years of membership.
- iii. Members are required to submit a *Background and Good Conduct Statutory Declaration* biennially.

## **Section 6 REVIEW PROCESS**

- i. Level 1 – Council reviews the required documentation and gives notice to the Member that:
  - a. the compliance audit is approved; or
  - b. issues have been identified requiring support and resubmission of documentation.
- ii. Level 2 – if applicable, the Member implements the support identified in Level 1 and resubmits the documentation identified in the notice from the Council within thirty (30) days of the date of the notice. The Council reviews the documentation resubmitted and gives notice to the Member that:
  - a. the compliance audit is approved; or
  - b. issues have been identified requiring the Member to complete Professional Management Education (PME) course(s) and to resubmit the required documentation.
- iii. Level 3 – if applicable, the Member completes the required PME course(s) identified in Level 2 and resubmits the documentation identified in the notice from the Council within thirty (30) days of the date of the notice. The Council reviews the documentation resubmitted and gives notice to the Member that:
  - a. the compliance audit is approved;
  - b. a financial inspection will be conducted;
  - c. the issues will be referred to the Review Committee; or
  - d. the issues will be referred to the Complaints and Discipline Department of the Council.

## **Section 7 FINANCIAL INSPECTION**

- i. If the Council refers issues to a financial inspection, the inspector appointed by the Council has the powers provided for in the *By-law* and the Member shall not obstruct the inspector executing his or her duties or withhold from him or her or conceal, alter or destroy any document or thing relevant to the inspection.
- ii. The inspector shall, in his or her sole discretion, determine the number and type of Client Account documents to be reviewed.
- iii. At the conclusion of the inspection, the inspector shall prepare a draft report setting out any Reportable Deficiencies. For this purpose, “Reportable Deficiencies” means matters which are departures from the rules and standards established or adopted by the Council from time to time.
- iv. The Council or delegate will provide the draft report to the Member and invite him or her to make comments within twenty-one (21) calendar days.
- v. The Council shall review the draft report and any comments received from the Member and shall amend the draft report, as appropriate, concluding with recommendations as to a course of action and shall submit the final report to the Review Committee for review.
- vi. The Review Committee shall consider the materials pertaining to the financial inspection and shall do one or more of the following:
  - a. deem the inspection complete;
  - b. require the Member to provide further written submissions on the intended correction of any identified deficiencies and consider the matter further once such submissions have been received or the time for making submissions has expired;
  - c. order the Member be subject to a full inspection within one (1) year;
  - d. require the Member to undertake certain specified actions; or
  - e. refer the Member to the Complaints and Discipline Department of the Council.

## **Section 8 PENALTIES**

- i. Submissions are deemed late and are subject to a fine of \$150.00 plus applicable taxes if received electronically after 11:59 PM ET on July 1 or January 1, or postmarked after July 1 or January 1 by mail or courier. The fine is due and payable within thirty (30) calendar days of receipt of an invoice from the Council.
- ii. Members are required to submit missing documentation or other documentation at the request of the Council within thirty (30) calendar days of the date of the request.

iii. Failure to:

- a. submit required documentation at any stage of the compliance audit process;
- b. comply with the findings of a compliance audit, including but not limited to, completing remedial education and/or re-submitting selected documentation for re-assessment within the prescribed deadlines; or
- c. undertake a financial inspection directed by the Council within the prescribed deadlines

may result in administrative suspension and/or subsequent administrative revocation of membership in accordance with the *By-law*.