

## THE CRACKING DOWN ON CROOKED CONSULTANTS ACT BECOMES LAW

On June 30, 2011, the Cracking Down on Crooked Consultants Act became law. Originally passed in March 2011, this law makes it a crime for individuals not authorized under the Immigration and Refugee Protection Act to provide immigration advice for a fee.

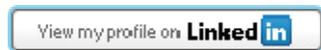
**July 2011 Issue  
Vol. 1 No. 5**

*Immigration Law  
News is brought to you  
monthly by Reis  
Pagtakhan,  
Immigration lawyer at  
Aikins.*



Email: [rrp@aikins.com](mailto:rrp@aikins.com)  
Phone: (204) 957.4640

30th Floor  
360 Main Street  
Winnipeg, Manitoba  
R3C 4G1



### **Who can now provide immigration advice for a fee?**

As of June 30, 2011, only “authorized representatives” will be allowed to provide immigration advice for a fee. Previously, advice provided before an immigration application was filed or an immigration proceeding was commenced was not regulated.

Please note that the law prohibits both “direct” and “indirect” payments for immigration advice to representatives who are not authorized.

### **Who are “authorized representatives”?**

“Authorized representatives” include lawyers licensed to practice law in a Canadian jurisdiction, Quebec notaries, certain paralegals and law students, licensed immigration consultants, and certain organizations that have agreements with the Government of Canada.

Organizations and individuals who do not charge fees to assist individuals with immigration matters would still be allowed to provide advice on immigration matters.

### **What happens if my business hires a representative who is not “authorized”?**

Businesses who hire immigration representatives to act on their behalf and on the behalf of their employees should confirm that their representative is an “authorized representative”. If a representative is not authorized, an application may be returned resulting in delays.

### **What if the name of a representative is not disclosed?**

The failure to disclose the name of a representative may be a violation of the law and could result in an immigration application being returned or a person being refused entry to Canada.

[View my JD SUPRA profile](#)

twitter

## **If I hire an immigration lawyer, how do I know he or she is authorized?**

To determine whether a lawyer is licensed to practice law in a Canadian jurisdiction, call the Law Society in that province or territory.

## **What are some examples of what only an authorized immigration representative can do for a fee?**

According to Citizenship and Immigration Canada, only authorized representatives can do the following for a fee:

- Explain and provide advice on someone's immigration options
- Provide guidance to someone on how to select the best immigration stream and complete the appropriate forms
- Communicate with CIC/CBSA/IRB on someone's behalf
- Represent someone in an immigration application or proceeding
- Represent someone in Arranged Employment Opinion or Labour Market Opinion applications
- Advertise that they can provide immigration advice

*This article is prepared for general information purposes only. The contents should not be viewed as legal advice or opinion. If you have specific questions concerning immigration law, you should discuss them with a legal advisor of your choice.*

*[Reis Pagtakhan](#) practices immigration and corporate and commercial law at Aikins. Reach him at [rrp@aikins.com](mailto:rrp@aikins.com).*

---

Read our [Privacy Policy](#)

[Subscribe](#) | [Unsubscribe](#) | [Report Spam](#)

Powered by  
**Comm100** Newsletter