

CSIC - RULES OF PROFESSIONAL CONDUCT

CSIC is the regulatory body for immigration consultants in Canada. Under Canadian law, all immigration consultants in Canada, except practising lawyers, are required to be a member of CSIC. For more information on CSIC please visit www.csic-scci.ca. The Migration Bureau employs members of CSIC or members of a Canadian Law Society.

PART 1

Introduction

- 1.1 The Rules of Professional Conduct (the "Rules") establish the expected standard of professional conduct and competence for Immigration Consultants. The Rules also provide guidance to the profession, with the goal of protecting the public from unprofessional, improper or incompetent practice.
- 1.2 A breach of the Rules may result in an Immigration Consultant being disciplined. The Rules cannot address every situation of professional or ethical misconduct. Immigration Consultants shall endeavour to follow the spirit of these rules at all times.
- 1.3 A person who wishes to practice as an Immigration Consultant must be a member of the Canadian Society of Immigration Consultants.
- 1.4 The Canadian Society of Immigration Consultants is responsible for administering the Rules.
- 1.5 It is the duty of any person to whom the Rules applies to comply with its provisions.

PART 2

Definitions

"Agent" means a person who:

- (a) represents an Immigration Consultant with respect to Clients;
- (b) solicits Clients on behalf of an Immigration Consultant; or
- (c) liaises with a Client with the intent to provide information to assist the Immigration Consultant in representing, advising or consulting with a Client.

Commentary:

1. An Agent is not an Immigration Consultant and may not represent, advise, or consult with a Client. Any person, either domestic or foreign, assisting Immigration Consultants with obtaining Clients or information regarding Clients, will be deemed to be an Agent.

"Board" means the Immigration and Refugee Board, which consists of the Refugee Protection Division, Refugee Appeal Division, Immigration Division and Immigration Appeal Division.

"Canadian Society of Immigration Consultants" means the corporation designated by the Minister pursuant to section 91 of the Immigration and Refugee Protection Act, S.C. 2001, c. 27, as amended, (the "IRPA") or subsequent provisions of the IRPA Regulations pursuant to IRPA section 91 to establish standards and regulate the conduct of Immigration Consultants.

"Client" means a person on whose behalf an Immigration Consultant undertakes to represent, advise or consult with in respect of any proceeding or application before the Minister, an Officer, or the Board.

"Conduct Unbecoming an Immigration Consultant" means conduct in an Immigration Consultant's personal or private capacity that tends to bring discredit upon the profession including, for example:

- (a) committing a criminal act that reflects adversely on the Immigration Consultant's honesty, trustworthiness, or fitness as an Immigration Consultant;
- (b) taking improper advantage of the youth, inexperience, lack of education, lack of sophistication, ill health, or un-businesslike habits of another;
- (c) engaging in conduct involving dishonesty; or
- (d) failing to abide by a fee dispute resolution either resolved by the Society or a court of competent jurisdiction.

Commentary:

1. Dishonourable or questionable conduct on the part of an Immigration Consultant in either private life or professional practice will reflect adversely on the integrity of the profession and the administration of justice. If the conduct, whether within or outside the professional sphere, is such that knowledge of it would be likely to impair the Client's trust in the Immigration Consultant, the Society may be justified in taking disciplinary action.
2. Generally, however, the Society will not be concerned with the purely private or extra-professional activities of an Immigration Consultant that do not bring into question the Immigration Consultant's integrity.

3. An Immigration Consultant must abide by any fee dispute resolution of either the Society or a court.

"Designated Professional Body" means a law society of a province or territory or the Chambre des notaires du Quebec.

"Employee" means a person who is in an employee/employer relationship with an Immigration Consultant but does not include an Immigration Consultant.

Commentary:

1. An Employee is not an Immigration Consultant but assists an Immigration Consultant with respect to his or her duties as an Immigration Consultant. As such, an Employee may not represent, advise or consult with a person in respect of a proceeding or application before the Minister, an Officer, or the Board. An Employee may merely facilitate the Immigration Consultant in his or her practice.

"Immigration Consultant" means any person who is a member of the Society who is thereby authorized to represent, advise or consult with a person in respect of a proceeding or application before the Minister, an Officer, or the Board.

"Minister" means the Minister or Ministers responsible for the administration of IRPA. The Minister or Ministers are the members of the Queen's Privy Council designated as such by the Governor in Council.

"Officer" means any person or class of person designated as Officers by the Minister to carry out any purpose of any provision of IRPA.

"Professional Misconduct" means conduct in an Immigration Consultant's professional capacity that tends to bring discredit upon the profession including:

- (a) violating or attempting to violate one of the rules in the Rules or a requirement of the IRPA or its regulations or the by-laws of the Society;
- (b) knowingly assisting or inducing another Immigration Consultant to violate or attempt to violate one or more of the Rules or a requirement of IRPA or its regulations or the by-laws of the Society;
- (c) knowingly assisting or inducing an Employee or Agent to violate or attempt to violate one or more of the Rules or a requirement of the IRPA or its regulations or the by-laws of the Society;
- (d) misappropriating or otherwise dealing dishonestly with a Client's or a third party's money or property;
- (e) stating or implying an ability to influence improperly a government agency or official; or
- (f) engaging in conduct that is prejudicial to the administration of justice.

"Society" means the Canadian Society of Immigration Consultants.

PART 3

Competence and Quality of Service

- 3.1 An Immigration Consultant owes the Client a duty to be competent to perform any services undertaken on the Client's behalf.
- 3.2 An Immigration Consultant should serve the Client in a conscientious, diligent and efficient manner, and should provide a quality of service at least equal to that which Immigration Consultants generally would expect of a competent Immigration Consultant in a like situation.

Commentary:

1. The quality of an Immigration Consultant's work reflects on the entire profession. While minor errors and omissions do not constitute professional misconduct, a pattern of shoddy work or unprofessional habits may amount to professional misconduct. To avoid claims of professional misconduct, an Immigration Consultant should endeavour:

1.
 - (a) to keep the Client reasonably informed;
 - (b) to answer reasonable requests from the Client for information;
 - (c) to not mislead the Clients as to steps to be taken;
 - (d) to do all work in a professional manner without omissions or mistakes;
 - (e) to not withhold information from the Client or mislead the Client about the position of a matter in order to cover up the fact of neglect or mistake; and

- (f) to make a prompt and complete report when the work is finished, or if a final report cannot be made, failure to make an interim report when one might reasonably be expected.
- 2. An Immigration Consultant will accept only assignments for which he or she is qualified and in which it is believed there may be real benefits to the Client. An Immigration Consultant will recommend that other professionals be retained whenever their special knowledge and skills may be needed by the Client. In particular, an Immigration Consultant has a positive duty to refer a Client to a competent lawyer where the legal issues are complex and require an analysis and interpretation of the applicable law by a lawyer, or where the matter clearly requires representation by a lawyer, such as a proceeding before the Federal Court of Canada.
- 3. An Immigration Consultant should not undertake representation of the Client before the Board unless the Immigration Consultant has the ability and capacity to deal adequately with the matters to be undertaken.
- 4. An Immigration Consultant will act responsibly and with due diligence in the handling of a Client's case and act within the bounds of the law to obtain the best results possible for the Client in the circumstances.
- 5. An Immigration Consultant may permit an Employee to act only under the supervision of the Immigration Consultant. The extent of supervision will depend on the type of matter, including the degree of standardization and repetitiveness of the matter, and the experience of the Employee generally with regard to the matter in question. The burden rests on the Immigration Consultant who uses his or her Employee to educate the latter concerning the duties that may be assigned to the Employee and then to supervise the manner in which such duties are carried out. An Immigration Consultant should review his or her Employee's work at sufficiently frequent intervals to enable the Immigration Consultant to ensure its proper and timely completion.
- 3.3 An Immigration Consultant will keep his or her knowledge and skills up-to-date in compliance with Continuing Professional Development requirements established by the Society.
- 3.4 An Immigration Consultant has a responsibility to adapt to changing professional requirements, standards, techniques, and practices.
- 3.5 An Immigration Consultant should assume complete professional responsibility for all work entrusted to him or her and should directly supervise Employees to whom particular tasks and functions are delegated.
- 3.6 Where Agents are utilized, the Immigration Consultant should ensure that all Agents are qualified for the task undertaken. An Immigration Consultant shall be responsible for the acts or omissions of his or her Agents. Agents must be made aware in writing of the requirements that the client's information be retained in confidence as more particularly described in Part 5.

Commentary:

- 1. If an Immigration Consultant utilizes an Agent, the Immigration Consultant is responsible for the activities of the Agent. An Agent includes not only someone who assists the Immigration Consultant but someone who directs clients to an Immigration Consultant or co-markets with an Immigration Consultant.
- 3.7 Except with the written permission of the Society, an Immigration Consultant may not employ or retain in any capacity having to do with the practice of Immigration law a person whose membership or registration has been removed or suspended by the Society or any Designated Professional Body or share space or be partner or associate with such a person.
- 3.8 An Immigration Consultant should seek help from colleagues and appropriately qualified professionals for personal problems that adversely affect his or her service to Clients, The Society or the profession.
- 3.9 An Immigration Consultant should avoid impugning the reputation of colleagues for personal motives; however, subject to the duty of confidentiality, he or she should report to the appropriate authority any unprofessional, illegal or unethical conduct by colleagues or others. Wherever possible, the Immigration Consultant should request an explanation from this individual to assist the consultant in determining whether there is any obligation to report this individual's conduct.
- 3.10 An Immigration Consultant should not engage in professional misconduct or conduct unbecoming an Immigration Consultant.

**PART 4
Advising Clients**

- 4.1 When advising Clients, an Immigration Consultant must be both honest and candid.
- 4.2 When advising a Client, an Immigration Consultant must exercise due care and must never knowingly assist in or encourage any dishonesty, provision of misleading information, omission of any required relevant information, fraud, crime or illegal conduct, or instruct the Client on how to violate the law and avoid punishment.
- 4.3 When advising a Client who does not speak English or French, nor any other language in which the Immigration Consultant is fluent and proficient, it is

imperative that the Immigration Consultant make every reasonable effort to engage the services of an interpreter when communicating with the Client.

- 4.4 An Immigration Consultant must advise the Client promptly and fully regarding any error or omission that has occurred in the matter for which an Immigration Consultant was retained, that is or may be damaging to the Client and cannot be readily corrected. The duty includes recommending that the Client seek independent advice regarding any rights that may arise out of the error or omission. An Immigration Consultant shall further advise the insurer promptly regarding any potential claim arising out of the matter.

Commentary:

- 1. An Immigration Consultant has a duty to give the Client competent advice based on sufficient knowledge of the relevant facts, sufficient appreciation and consideration of the applicable law, operational policies and practices, and an Immigration Consultant's own experience and expertise.
- 2. An Immigration Consultant should avoid overly bold and confident assurances to the Client, especially when the Immigration Consultant's employment may depend on advising in a particular way.
- 3. An Immigration Consultant must be aware of and refer Clients in appropriate circumstances to services or benefits for which the Client may be eligible, such as legal aid or legal clinic services.
- 4. An Immigration Consultant should be on guard against becoming the tool or dupe of an unscrupulous Client, Agent, or persons associated with a Client or Agent.
- 5. An Immigration Consultant must exercise due diligence to prevent the commission of an offence with respect to any proceeding or application before the Minister, an Officer, or the Board.

**PART 5
Confidentiality**

- 5.1 An Immigration Consultant has a duty to hold in strict confidence all information concerning the personal and business affairs of the Client acquired during the course of the professional relationship, and should not disclose such information unless disclosure is expressly or impliedly authorized by the Client, is required by law, or is otherwise permitted by the Rules.
- 5.2 An Immigration Consultant shall take all reasonable steps to ensure the privacy and safekeeping of a Client's confidential information.
- 5.3 An Immigration Consultant shall not disclose the fact of having been consulted or retained by a person unless the nature of the matter requires such disclosure.
- 5.4 Subject to being compelled by law or legal process, an Immigration Consultant shall preserve the Client's confidential information even after the termination of the retainer, whether or not differences have arisen between the Immigration Consultant and the Client.
- 5.5 An Immigration Consultant should ensure that Employees and Agents maintain and preserve the Client's confidential information.

Commentary:

- 1. An Immigration Consultant owes a duty of confidentiality to every Client whether a casual or continuing Client. This duty survives the professional relationship and continues indefinitely even after the professional relationship has terminated, and regardless of whether there are differences between the Client and Immigration Consultant.
- 2. An Immigration Consultant is forbidden from ever using confidential information for his or her own benefit, for the benefit of a third party, or to the disadvantage of the Client.
- 3. Disclosure of confidential information may be permitted where expressly or impliedly authorized by the Client or where compelled by law or legal process. Disclosure may also be permitted where the fee or conduct of an Immigration Consultant has been called into question by the Client – but, in such cases, disclosure may only be permitted to the extent necessary to defend against such allegations.
- 4. An Immigration Consultant should avoid indiscreet conversations or gossip, and should not repeat gossip or information about a Client's affairs, even though the Client is not named or otherwise identified.

**PART 6
Conflicts Of Interest**

- 6.1 An Immigration Consultant shall not represent parties with potentially conflicting interests in an immigration matter, save after adequate disclosure to and with the consent of the parties, and shall not act or continue to act in a matter when there is or is likely to be a conflict of interest.

Commentary:

- 1. A conflicting interest is one that would be likely to affect adversely the Immigration Consultant's judgment or advice on behalf of, or loyalty to a Client or prospective Client.

2. Conflicting interests include, but are not limited to, circumstances where the Immigration Consultant and his or her Employees or family members have an undisclosed financial interest in a Client's affairs, including the receipt of undisclosed commissions, referral fees or other real or potential benefits.
3. In the case of an Investor Category (as defined in the IRPA) applicant or any Provincial Nominee Class Client (as defined in the IRPA) where the Immigration Consultant may receive referral fees or commissions from a financial institution or other company which may enter into an agreement with the Client, the Immigration Consultant shall disclose that he or she may receive fees or commissions and should encourage the Client to receive independent legal advice on any contract or agreement the Client may be entering into with said financial institution or company.
4. A conflict also exists where an Immigration Consultant acts for more than one Client and must favour the interest of one Client to the material detriment of another.
5. An Immigration Consultant who practices in association with, or in partnership with a lawyer is obligated to abide by the professional standards ascribed to by these rules.
6. This rule requires adequate disclosure to enable the Client to make an informed decision about whether or not to have an Immigration Consultant act for him or her despite the existence or possibility of a conflict of interest.
7. Generally speaking, in disciplinary proceedings arising under this rule the Immigration Consultant will have the burden of showing good faith and that adequate disclosure was made in the circumstances and that the Client's consent was obtained.

PART 7 Preservation of Clients' Property

- 7.1 An Immigration Consultant owes a duty to the Client to ensure the safekeeping of the Client's property in accordance with the law and with the same care of such property as a careful and prudent owner would when dealing with property of like description.

Commentary:

1. With respect to the Client's money paid on account of services to be rendered, or on account of disbursements, an Immigration Consultant should maintain a proper trust account and adequate records so that at any time the Immigration Consultant may promptly account for and if necessary deliver such property to the Client.
2. It is generally improper for an Immigration Consultant to withhold from the Client immigration documents or other valuable property held on behalf of the Client as collateral for an unpaid debt.

PART 8 Immigration Consultant as Advocate

- 8.1 When representing the Client before the Board, the Immigration Consultant should resolutely, and honourably, within the limits of the law, represent the Client's interest while treating the Board members, the Minister and Officers with courtesy and respect.

Commentary:

1. An Immigration Consultant as advocate must fearlessly raise every issue and advance every argument in advancing the Client's interests, but must do so fairly and honourably, without illegality, and in a manner consistent with the duty to treat Board members, Officials, and other practitioners with candour, fairness, courtesy and respect, and must abide by the procedural rules of the Board.
2. The duty to fearlessly raise every issue and advance every argument is limited by the concurrent duty of an Immigration Consultant to not abuse the immigration or tribunal process by pursuing manifestly unfounded or spurious applications or claims.

PART 9 Retainer and Fees

- 9.1 It is a mandatory requirement that the Immigration Consultant provide the Client with a written retainer agreement or engagement letter that clearly states the matter and scope of services for which the Immigration Consultant is retained, fully discloses the fees and disbursements being charged, such fees being fair and reasonable in the circumstances, any other remuneration being received as a consequence of the matter, and payment terms and conditions. The retainer agreement must disclose that the Immigration Consultant is a member of the Society and must provide electronic, telephonic and address details as to how the Client may contact the Society.
- 9.2 An Immigration Consultant must not appropriate any money or property of a Client held in trust or otherwise under the Immigration Consultant's control for or on account of fees or disbursements without the express or implied authority of the Client.

- 9.3 An Immigration Consultant may not hold Client money, for the benefit of a third party except for money to pay the Immigration Consultant's fees, including Agent's fees, Citizenship and Immigration Canada's ("CIC") fees and disbursements related thereto. For greater clarity, the prohibition on holding Clients' money applies to money that the Client needs to qualify for any eligibility program under the IRPA.

Commentary:

1. Factors to be considered when determining whether a fee is fair and reasonable in the circumstances include: the nature of the services to be performed; the time required; the Immigration Consultant's experience, ability and the degree of responsibility assumed; and the benefits that accrue to the Client.
2. The Immigration Consultant must not receive hidden fees or commissions or other remuneration arising out of his or her representation of the Client unless possible receipt of the same has been disclosed in the retainer agreement or engagement letter.
3. Contingent fees can be appropriate, where the terms are fully disclosed in writing and understood by the Client.
4. An Immigration Consultant is not to hold money for a Client, aside from fees necessary to process the Client's application or filing fees for a proceeding. In particular, an Immigration Consultant must not take possession of money that the Clients are required to expend for any qualifying program authorized by CIC, including investor programs.
5. It is in keeping with the best traditions of the profession to provide services pro bono and to reduce or waive a fee where there is hardship or poverty or the Client or prospective Client would otherwise be deprived of adequate professional advice and representation.
6. An Immigration Consultant must issue receipts, proper statements of account and retain proper records for the safeguarding of, and timely reporting to the Client with respect to, payments received or funds held in trust.
7. Breaches of this rule and misunderstandings about fees and financial matters bring the profession into disrepute. The Immigration Consultant must try to avoid such conflicts and must be prepared to explain the basis of charges, especially if the Client is unsophisticated or uninformed about the proper basis and measurement for fees. Furthermore, the Immigration Consultant is under a positive duty and should either in the retainer agreement or engagement letter, or upon an issue with respect to fees arising, advise the Client in writing that a procedure exists for reviewing the account on behalf of the Client by the Society.

PART 10 Withdrawal From Representation

- 10.1 Obligatory withdrawal – An Immigration Consultant shall sever the consultant-client relationship or withdraw as representative if:
 - (a) discharged by the Client;
 - (b) instructed by the Client to do something illegal or in contravention to any rules in the Rules;
 - (c) the Immigration Consultant's continued involvement will place the Immigration Consultant in a conflict of interest; or
 - (d) the Immigration Consultant is not competent to handle the matter.
- 10.2 Optional withdrawal – An Immigration Consultant may, but is not required, to sever the consultant-client relationship or withdraw as representative if there has been a serious loss of confidence between the Immigration Consultant and Client, such as where:
 - (a) the Client has deceived the Immigration Consultant;
 - (b) the Client has refused to give adequate instructions to the Immigration Consultant; or
 - (c) the Client has refused to accept and act upon the Immigration Consultant's advice on a significant point.
- 10.3 Residual right to withdraw - In situations not covered by rules 10.1 and 10.2, an Immigration Consultant may sever the consultant-client relationship or withdraw as representative only if the severance or withdrawal:
 - (a) will not be unfair to the Client; and
 - (b) is not done for an improper purpose.

Commentary:

1. Unfairness to the Client will depend on the circumstances of each case, but will normally include consideration of whether the severance or withdrawal will:
 - 1a. (a) occur at a stage in the proceedings where the Client will have to retain another Immigration Consultant to do the same work, or part of it, again;
 - (b) leave the Client with insufficient time to retain another Immigration Consultant; and

- (c) give the newly retained Immigration Consultant insufficient time to prepare to represent the Client.
- 2. Improper purpose will depend on the circumstances of each case, but will include severance or withdrawal in order to:
- 2a. (a) delay any proceeding or application before the Minister, an Officer, or the Board; and
- (b) assist the Client in effecting an improper purpose.
- 10.4 Withdrawal for non-payment of fee – Where, after reasonable notice, the Client fails to provide funds on account of disbursements or fees, an Immigration Consultant may withdraw unless serious prejudice to the Client would result.
- 10.5 Manner of withdrawal - When an Immigration Consultant withdraws, the Immigration Consultant should try to minimize expense and avoid prejudice to the Client and should do all that can reasonably be done to facilitate the orderly transfer of the matter to the successor Immigration Consultant. Upon discharge or withdrawal, an Immigration Consultant should:
 - (a) deliver to or to the order of the Client all papers and property to which the Client is entitled;
 - (b) give the Client all information that may be required in connection with the case or matter;
 - (c) account for all funds of the Client then held or previously dealt with, including the refunding of any remuneration not earned during the representation;
 - (d) promptly render an account for outstanding fees and disbursements;
 - (e) co-operate with the successor Immigration Consultant so as to minimize expense and avoid prejudice to the Client; and
 - (f) notify in writing Citizenship and Immigration Canada or the Immigration and Refugee Board where the Immigration Consultant's name appears as representative for the Client that the Immigration Consultant has withdrawn.
- 10.6 Duty of successor Immigration Consultant - Before agreeing to represent a Client, a successor Immigration Consultant should be satisfied that the former Immigration Consultant has withdrawn, or has been discharged by the Client.

PART 11 **Advertising, Solicitation and Making Services Available**

- 11.1 An Immigration Consultant should make professional services available to the public in an efficient and convenient manner that will command respect and instil confidence, and by means that are compatible with the integrity, independence and effectiveness of the profession.
- 11.2 An Immigration Consultant or his or her Agent shall not engage in false or misleading advertising or representations. In particular, an Immigration Consultant or his or her Agent shall not misrepresent or mislead a Client as to his or her qualifications, services, fees, available programs or benefits. In addition, an Immigration Consultant or his or her Agent shall not provide false or unrealistic expectations as to either results or processing times. Under no circumstances shall an Immigration Consultant or his or her Agent purport to have special access or influence with respect to the Minister, an Officer, or the Board.
- 11.3 In all instances, advertising should be in good taste and is not such as to bring the profession or the Society into disrepute.

Commentary:

- 1. Example of "purported special access or influence" includes but is not limited to: pictures with or letters received from employees or officials of the Canadian Government.
- 2. Use of the term "guarantee" when describing services or fees is inappropriate, and must be avoided. Wording such as "refund policy" or reference to contingent fee arrangements, if factual and supported in writing in a retainer agreement or engagement letter, may be appropriate.
- 3. An Immigration Consultant has a positive duty to promote the Society and Rules, and to prevent unregulated practice, and is encouraged where appropriate to educate the public at large regarding the Society and the regulatory system and safeguards with respect to Immigration Consultants.
- 4. Former government officials currently acting as Immigration Consultants must take special care to ensure representations regarding their qualifications and past employment are strictly factual, and must not promote the notion that they may have special access or influence since any suggestion of special access or influence regarding the immigration process brings the integrity of the immigration process into disrepute. Furthermore, former immigration officials must abide by and ensure they are in compliance with the Government's own post-employment rules.
- 5. An Immigration Consultant shall clearly distinguish his or her own credentials from those of a lawyer licensed to practise law in any province or territory, and shall not refer to any foreign credential or in any other way make representations that may reasonably lead to a misapprehension that the Immigration Consultant is a lawyer, provides legal services or has credentials as a lawyer when that is not the case.

PART 12 **Outside Interests**

- 12.1 An Immigration Consultant who engages in another profession, business, or occupation concurrently while acting as an Immigration Consultant shall not allow such outside interest to jeopardize his or her professional integrity, independence and competence.

Commentary:

- 1. The term "outside interest" covers the widest range of activities such as, but not limited to: real estate agent; mortgage broker; financial advisor; tax consultant; and accountant. Where the outside interest is not related to the services provided as an Immigration Consultant, then there will likely be no issue of concern. However, there will be a concern if the outside interest compromises the Immigration Consultant's competency, either because a conflict with a Client's interest or because too much time is spent on the "outside interest" resulting in a lack of attention to or preparation in a particular matter or in the failure to maintain professional standards.

PART 13 **Non-discrimination**

- 13.1 No Client or anyone else with whom an Immigration Consultant interacts shall be discriminated against on such grounds as age, gender, sexual orientation, same-sex partnership status, marital status, family status, national or ethnic origin, ancestry, race, colour, religion, creed, citizenship, physical or mental disability, political affiliation, or socio-economic status. This does not abrogate the Immigration Consultant's right to refuse to accept a Client for legitimate reasons.
- 13.2 An Immigration Consultants shall respect the dignity and integrity of all individuals and ensure fair and equitable treatment in all aspects of the provision of immigration services.

PART 14 **Errors and Omissions**

- 14.1 Every Immigration Consultant shall maintain errors and omissions insurance in an amount as to be prescribed by the Society from time to time.
- 14.2 An Immigration Consultant must advise the Client promptly and fully regarding any error or omission that has occurred in the matter for which an Immigration Consultant was retained, that is or may be damaging to the Client and cannot be readily corrected. The duty includes recommending that the Client seek independent advice regarding any rights that may arise out of the error or omission. An Immigration Consultant shall further advise his or her insurer promptly regarding any potential claim arising out of the matter.

Commentary:

- 1. It is the responsibility of an Immigration Consultant to maintain the requisite minimum amount of errors and omissions insurance coverage. The Society does not establish the maximum insurance required by an Immigration Consultant. If an Immigration Consultant reasonably believes that more insurance coverage is needed, it is the obligation of that Immigration Consultant to obtain the necessary insurance.

PART 15 **Disciplinary Authority**

- 15.1 An Immigration Consultant is subject to the disciplinary authority of the Society regardless of where the person's conduct occurs or where the person resides.
- 15.2 The Society may discipline an Immigration Consultant for Professional Misconduct.
- 15.3 The Society may discipline an Immigration Consultant for Conduct Unbecoming an Immigration Consultant.
- 15.4 An Immigration Consultant subject to discipline, may also be required to pay all or a portion of the costs associated with the investigation and hearing of the discipline proceeding.

PART 16 **Responsibility to the Society and Others**

- 16.1 An Immigration Consultant shall immediately notify the Society and clients of any changes in contact information, including but not limited to home and business address, telephone, facsimile and electronic address.
- 16.2 An Immigration Consultant shall reply promptly to any communication from the Society.
- 16.3 An Immigration Consultant shall not in the course of a professional practice send correspondence or otherwise communicate with a complainant, another Immigration Consultant, or any other person in a manner that is abusive, offensive or otherwise inconsistent with the proper tone of a professional communication from an Immigration Consultant.
- 16.4 The Immigration Consultant shall not communicate with a complainant on a matter if the complainant has so requested.