

Minister
of Immigration,
Refugees and Citizenship



Ministre
de l'Immigration,
des Réfugiés et de la Citoyenneté

Ottawa, Canada K1A 1L1

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Diana Gallego
President
Canadian Council for Refugees
info@ccrweb.ca

2024-01336899

Dear Diana Gallego:

Thank you for your continued interest in clarifying the scope of s.91 of the *Immigration and Refugee Protection Act* (IRPA) as it pertains to services provided by the Canadian Council for Refugees (CCR).

Immigration, Refugees and Citizenship Canada (IRCC) is committed to protecting vulnerable clients while maintaining the integrity of its programs and services. For these reasons, IRCC has been carefully weighing the impacts of various interpretations of section 91—“consideration”, in particular—to ensure any decisions continue to promote the provision of competent and professional immigration advice and representation.

I am writing to you today to confirm that IRCC has adopted an interpretation of “consideration” that excludes instances of advice or representation provided to clients by salaried non-governmental organization (NGO) staff where there is no direct or indirect payment for the services by the client. What this decision means for the CCR is that, absent any direct or indirect compensation by the client or on the client’s behalf, IRCC will accept applications on which paid staff of CCR member NGOs have provided immigration advice or representation to the client.

In conveying this interpretation, I would advise CCR members to be mindful of different scenarios that may constitute direct or indirect compensation by the client or on their behalf. For example, a client offering fundraising services to a member NGO in exchange for “free” immigration advice would still constitute consideration (unlike instances of fundraising unrelated to and not in exchange for the service received). While we cannot include every potential scenario in this letter, I trust that CCR will carefully evaluate and avoid situations where there is some form of exchange of payment (including payment-in-kind) for immigration services.

Canada 

I appreciate your patience while awaiting a decision on this matter.

Yours sincerely,

A handwritten signature in black ink, consisting of several overlapping loops and a long horizontal stroke extending to the left.

The Honourable Marc Miller, P.C., M.P.
Minister of Immigration, Refugees and Citizenship