Federation of Law Societies of Canada | Fédération des ordres professionnels de juristes du Canada

Notice to the Legal Professions: Immigration, Refugees and Citizenship Canada's Administrative Penalties and Consequences Regime in force

November 2026

Overview

On October 23, 2026, the *Regulations Amending the Immigration and Refugee Protection Regulations (Administrative Penalties and Consequences)* and *Regulations Amending the Citizenship Regulations (Administrative Penalties and Consequences)* came into force. The Administrative Penalties and Consequences ("APC") regime under both regulations sets out a framework for addressing unauthorized practice and misrepresentation in the paid provision of immigration or citizenship advice or representation. It also includes a process through which lawyers, Quebec notaries, and students-at-law can assert privilege by affidavit in cases where they cannot provide requested documents or contest alleged facts.

APC Framework

Violations

Under the APC regime, it is a violation for a person to receive payment or other compensation and:

- Practice without authorization
- Knowingly provide misrepresentative information
- Refuse to provide documents

Penalties

Violations can lead to monetary penalties and publication of the individual's name and information relevant to the misconduct on an online registry. The registry will go live in 2027 once the first penalties are imposed.

The regulations specify how monetary penalties are calculated. The baseline monetary penalty for practicing without authorization is $5000. For knowingly providing misrepresentative information, the baseline is $15,000. Additional penalties may apply per the regulations, up to a maximum of $1.5 million.

Process

The APC regime is comprised of a six-step process that includes:

- Inspection
- Issuance of a Preliminary Notice
- Issuance of a Notice of Violation
- Payment of monetary penalties
- Request for review (optional)
- Publishing of information related to violation

Details on each of the steps are included in the above linked regulations.

Application of the regime to licensed legal professionals

Inspection

An officer with reasonable grounds to suspect that a person has committed a violation may conduct any inspection they deem necessary to confirm the person has not engaged in a violation. This includes inspection of any entity for which the person conducts business relating to the provision of immigration or citizenship representation or advice. An officer may make a request in writing to inspect documents which must be provided in the period and in the manner specified by the officer.

In response to a request for documents, a lawyer, Quebec notary, student-at-law, or entity described above may submit an affidavit attesting that the documents contain information that is subject to litigation privilege, solicitor-client privilege or the professional secrecy of advocates and notaries. The regulations are silent on the application to other licensed legal professionals, such as paralegals in Ontario.

Preliminary Notice

Following an inspection, an officer, where they believe on reasonable grounds that a person has committed a violation, may issue a Preliminary Notice to a person or entity for which the person conducts business relating to the provision of immigration or citizenship representation or advice.

In response to a Preliminary Notice, a lawyer, Quebec notary, student-at-law, or entity described above may submit an affidavit attesting that the they cannot contest the alleged facts without disclosing information that is subject to litigation privilege, solicitor-client privilege or the professional secrecy of advocates and notaries. The regulations are silent on the application to other licensed legal professionals, such as paralegals in Ontario.

Notice of Violation

Under the regulations, an officer must not issue a notice of violation to a lawyer, Quebec notary, or student-at-law who has provided an affidavit claiming privilege in response to a Preliminary Notice unless the person has withdrawn their attestation in writing.

Additional information

IRCC has created a webpage on “what happens if you break the rules when giving advice or representation” to assist individuals in understanding the new APC regime. The federal government also issued a news release announcing the coming into force of the APC regime.

Next Steps

The Federation continues to assess the implications of the APC regime for licensed legal professionals and law societies and any further action that may be necessary.