

BILL

No. 160

An Act respecting Immigration Services and Foreign Worker Recruitment

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(Assented to)

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of Saskatchewan, enacts as follows:

PART 1
Preliminary Matters

Short title

1-1 This Act may be cited as *The Immigration Services Act*.

Definitions

1-2 In this Act:

“**applicant**” means a person who applies for the issuance or renewal of a licence or a certificate of registration, as the case may be;

“**application**” means an application for the issuance or renewal of a licence or a certificate of registration, as the case may be;

“**business day**” means a day other than a Saturday, Sunday or holiday;

“**certificate of registration**” means a valid certificate of registration issued pursuant to section 4-4;

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“code” means the Code of Conduct adopted in the regulations;

“director” means, unless the context requires otherwise, a director appointed by the minister pursuant to subsection 2-1(1);

“enforcement officer” means:

- (a) a person designated by the director pursuant to section 2-2; or
- (b) any other prescribed person;

“foreign national” means a foreign national as defined in the *Immigration and Refugee Protection Act* (Canada);

“foreign worker” means a foreign national working in or seeking employment in Saskatchewan;

“foreign worker recruiter” means a person who, for a fee or compensation, provides recruitment services;

“immigration consultant” means a person who, for a fee or compensation, provides immigration services;

“immigration services” means services that assist a foreign national in immigrating to Saskatchewan, including:

- (a) researching and advising on immigration opportunities, laws or processes;
- (b) preparing or assisting in the preparation, filing and presentation of applications and documents related to immigration;
- (c) representing a foreign national to or before immigration authorities; and
- (d) providing or procuring settlement services;

“international recruitment” means the process of actively seeking and hiring foreign nationals for employment opportunities in Saskatchewan, including the identification, selection and facilitation of foreign nationals for admission into Canada for the purposes of meeting specific labour market needs in Saskatchewan;

“licence” means a valid licence issued pursuant to section 3-5;

“licensee” means a person who holds a licence;

“minister” means the member of Executive Council to whom for the time being the administration of this Act is assigned;

“ministry” means the ministry over which the minister presides;

“non-profit organization” means a corporation, organization or association that is established for the benefit of the public and not for any private profit;

“permanent resident” means a permanent resident as defined in the *Immigration and Refugee Protection Act* (Canada);

“prescribed” means prescribed in the regulations;

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“recruitment services” means services that assist a foreign national or an employer to secure employment for a foreign national in Saskatchewan, including:

- (a) finding or attempting to find employment in Saskatchewan for a foreign national;
- (b) assisting or advising an employer in the hiring of a foreign national;
- (c) assisting or advising another person in doing the things mentioned in clauses (a) and (b);
- (d) referring a foreign national to another person who does the things mentioned in clauses (a) and (b); and
- (e) providing or procuring settlement services;

“registered employer” means an employer that holds a certificate of registration;

“selection program” means a selection program established by the minister pursuant to section 10-1;

“settlement services” means services that assist a foreign national in adapting to Saskatchewan’s society or economy or in obtaining access to social, economic, government or community programs, networks and services;

“temporary resident” means a temporary resident within the meaning of the *Immigration and Refugee Protection Act* (Canada);

“undertaking” means any undertaking provided in an application to the Government of Canada or the Government of Saskatchewan for approval to recruit foreign workers.

PART 2

Administration**Director**

2-1(1) The minister may appoint one or more directors who shall, under the direction of the minister, be responsible for administering this Act and the regulations.

(2) A director may delegate to any person any responsibility imposed on the director or power conferred on the director pursuant to this Act or the regulations.

(3) A director may impose any limitations or terms and conditions that the director considers appropriate on a delegation made pursuant to subsection (2).

(4) The exercise of any of a director’s powers or the carrying out of any of a director’s responsibilities by a person delegated those powers or responsibilities pursuant to subsection (2) is deemed to be the exercise or the carrying out by the director.

Enforcement officers

2-2(1) A director may designate any employee of the ministry as an enforcement officer for the purposes of enforcing or overseeing the enforcement of this Act, the regulations, the code, any undertakings and any orders made pursuant to this Act.

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(2) The director may impose any limit or condition on any designation pursuant to subsection (1) that the director considers appropriate.

(3) All enforcement officers have the power of peace officers to enforce this Act, the regulations, the code, any undertakings and any orders made pursuant to this Act and are entitled while performing their duties to all protection to which peace officers are entitled pursuant to the *Criminal Code*.

(4) The director shall provide to each enforcement officer an identification card for the purposes of this section.

(5) An enforcement officer who is acting pursuant to this Act or the regulations shall produce the identification card if requested to do so.

PART 3

**Licensing of Foreign Worker Recruiters and
Immigration Consultants**

Licence required

3-1(1) Subject to subsection (2), no person shall:

(a) act as or imply in any manner that the person is a foreign worker recruiter or an immigration consultant or provide immigration services or recruitment services unless that person holds a licence; or

(b) if that person is a licensee, do any of the things mentioned in clause (a) while using a name other than the name that is stated on the licence or approved by the director.

(2) Subsection (1) does not apply to:

(a) in the case of recruitment services:

(i) a person who, without receiving a fee or compensation directly or indirectly, provides recruitment services for a foreign national who is a member of that person's family;

(ii) a person who is acting on behalf of a government or a municipality;

(iii) a person who is acting on behalf of a university, a regional college, the Saskatchewan Polytechnic or any prescribed educational institution;

(iv) a person who is acting on behalf of an agency, organization, association, institution or body that has entered into an agreement with the Government of Saskatchewan or the Government of Canada to provide settlement services;

(v) a person who is acting on behalf of a non-profit organization that provides settlement services;

(vi) prescribed classes of persons; or

(vii) persons who are exempted by an order of the minister pursuant to section 11-1; and

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- (b) in the case of immigration services:
- (i) a member in good standing of a provincial or territorial law society in Canada;
 - (ii) a person who, without receiving a fee or compensation directly or indirectly, provides immigration services to a member of that person's family;
 - (iii) a person who is representing a person who is the subject of Immigration and Refugee Board proceedings pursuant to section 167 of the *Immigration and Refugee Protection Act* (Canada);
 - (iv) a person who is acting on behalf of an agency, organization, association, institution or body that has entered into an agreement with the Government of Saskatchewan or the Government of Canada to provide settlement services;
 - (v) a person who is acting on behalf of a non-profit organization that provides settlement services;
 - (vi) prescribed classes of persons; or
 - (vii) persons who are exempted by an order of the minister pursuant to section 11-1.

Licensee must be individual

3-2 Only an individual is eligible to be issued a licence as a foreign worker recruiter or immigration consultant.

Application for licence

3-3(1) Every applicant for the issuance or renewal of a licence shall:

- (a) apply to the director in the form and manner specified by the director;
- (b) if financial security is required pursuant to section 3-4, file financial security with the director in accordance with that section;
- (c) provide the director with the name under which the applicant intends to carry on business;
- (d) provide any information and materials that the director may reasonably require to assess the application; and
- (e) comply with any other prescribed application requirements.

(2) The director may make inquiries into and conduct investigations of the character, financial history and competence of an applicant for a licence if the director considers it necessary to determine whether the applicant meets the requirements of this Act, the regulations and the code.

Financial security may be required

3-4(1) For the purposes of section 3-3, if the director considers it necessary and in the public interest to do so, the director may require:

- (a) an applicant to file financial security with the director as part of the applicant's application;

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- (b) a licensee whose licence has been suspended to file financial security with the director before the licence is reinstated; or
 - (c) subject to section 8-1, a licensee to file financial security with the director at any time during the term of a licence.
- (2) No person required to file financial security with the director pursuant to this section shall fail at any time to maintain that financial security.
- (3) Financial security filed pursuant to this section:
- (a) must be in the prescribed amount and in the prescribed form; and
 - (b) may be forfeited in the prescribed manner.

Issuance or refusal of licence

3-5(1) Subject to subsection (2), on receipt of an application pursuant to section 3-3, the director may, if the director is satisfied that the applicant has complied with this Act, the regulations and the code, issue a licence to the applicant or renew the applicant's licence.

(2) Subject to section 8-1, the director may refuse to issue or renew a licence if the director is satisfied of any of the following:

- (a) the applicant has not complied with this Act, the regulations or the code;
- (b) any financial security required pursuant to section 3-4 has not been filed or maintained in the manner and within the period required by the director;
- (c) the applicant has provided incomplete, false, misleading or inaccurate information in support of the application;
- (d) the applicant fails to meet any qualification or satisfy any requirement of this Act, the regulations or the code;
- (e) having regard to the past conduct of the applicant, including a conviction, if any, there are reasonable grounds to believe that the applicant will not act in accordance with the law;
- (f) there are reasonable grounds to believe that the applicant will not act with integrity, honesty or in the public interest, while carrying out the activities for which the licence is required;
- (g) the applicant is carrying on activities that are in contravention of this Act, the regulations or the code, or will be in contravention if the licence or renewal is granted;
- (h) the applicant has a confirmed relationship, whether professional, business or other, with any person who has not complied with this Act, the regulations, the code, any undertakings or any orders made pursuant to this Act;
- (i) any other prescribed circumstances exist.

Terms and conditions

3-6(1) Subject to section 8-1, the director may, if the director is satisfied that it is in the public interest to do so, include as a provision of a licence any terms and conditions that the director considers appropriate:

- (a) at the time of issuing or renewing the licence pursuant to section 3-5; and
- (b) at any other time during the term of the licence.

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(2) No licensee shall fail to comply with any terms and conditions imposed on the licensee's licence pursuant to this section.

Term of licence

3-7(1) Subject to subsection (2), a licence is valid for the period stated on it.

(2) No licence is valid for more than 5 years after the date on which it was issued.

Licence not transferable

3-8(1) A licence is not transferable.

(2) No person other than the licensee named in a licence is authorized to act pursuant to that licence.

Amendment, suspension or cancellation of licence

3-9 Subject to section 8-1, the director may, on any terms and conditions the director considers appropriate, amend, suspend or cancel a licence if:

- (a) the licensee consents;
- (b) any financial security required pursuant to section 3-4 has not been filed or maintained in the amount and within the period required by the director;
- (c) the licensee has provided the director with incomplete, false, misleading or inaccurate information in any application or other document or has failed to provide any information the director may require;
- (d) the licensee has failed to meet any qualification or satisfy any requirement of this Act or the regulations;
- (e) having regard to the conduct of the licensee, there are reasonable grounds to believe that the licensee is not acting or will not act in accordance with the law;
- (f) there are reasonable grounds to believe that the licensee is not acting or will not act with integrity, honesty or in the public interest, while carrying out the activities for which the licence is required;
- (g) the licensee has failed to comply with this Act, the regulations, the code or an order made pursuant to this Act; or
- (h) any other prescribed circumstances exist.

Effect of suspension or cancellation

3-10(1) If a licensee's licence is suspended or cancelled pursuant to this Act, that licensee's rights and privileges:

- (a) in the case of a suspension, are removed for the period during which the licence is suspended; or
- (b) in the case of a cancellation, are terminated.

(2) Nothing in this section affects the validity of any services provided by a licensee before the date on which the licensee's licence was suspended or cancelled.

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PART 4

Registration of Employers of Foreign Nationals**Registration required**

4-1(1) Subject to subsection (2), no employer shall recruit foreign nationals for employment, either directly or through the services of another person, without holding a certificate of registration.

(2) Subsection (1) does not apply with respect to:

- (a) prescribed classes of employers; or
- (b) employers that are exempted by an order of the minister pursuant to section 11-1.

Application for registration

4-2 Every applicant for the issuance or renewal of a certificate of registration shall:

- (a) apply to the director in the form and manner specified by the director;
- (b) if financial security is required pursuant to section 4-3, file financial security with the director in accordance with that section;
- (c) provide any information and materials that the director may reasonably require to assess the application; and
- (d) comply with any other prescribed application requirements.

Financial security may be required

4-3(1) For the purposes of section 4-2, if the director considers it necessary and in the public interest to do so, the director may require:

- (a) an applicant to file financial security with the director as part of the applicant's application;
- (b) a registered employer whose registration has been suspended to file financial security with the director before the registration is reinstated; or
- (c) subject to section 8-1, a registered employer to file financial security with the director at any time during the term of a registration.

(2) No person required to file financial security with the director pursuant to this section shall fail at any time to maintain that financial security.

(3) Financial security filed pursuant to this section:

- (a) must be in the prescribed amount and in the prescribed form; and
- (b) may be forfeited in the prescribed manner.

Issuance or refusal of registration

4-4(1) Subject to subsection (2), on receipt of an application pursuant to section 4-2, the director may, if the director is satisfied that the applicant has complied with this Act, the regulations and any undertakings, register the applicant and issue a certificate of registration to the applicant or renew the applicant's certificate of registration.

(2) Subject to section 8-1, the director may refuse to issue or renew a certificate of registration if the director is satisfied of any of the following:

- (a) the applicant has not complied with this Act or the regulations;

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- (b) any financial security required pursuant to section 4-3 has not been filed or maintained in the manner and within the period required by the director;
- (c) the applicant has provided incomplete, false, misleading or inaccurate information in support of the application;
- (d) the applicant has failed to meet any qualification or satisfy any requirement of this Act or the regulations;
- (e) the applicant has failed to comply with any undertakings;
- (f) the applicant has failed to comply with *The Saskatchewan Employment Act* or any other prescribed Act;
- (g) having regard to the past conduct of the applicant, including a conviction, if any, there are reasonable grounds to believe that the applicant will not act in accordance with the law;
- (h) there are reasonable grounds to believe that the applicant will not act with integrity, honesty or in the public interest, while carrying out the activities for which the certificate of registration is required;
- (i) the applicant is carrying on activities that are in contravention of this Act, the regulations or any undertakings, or will be in contravention if the certificate of registration is issued or renewed;
- (j) the applicant has a confirmed relationship, whether professional, business or other, with any person who has not complied with this Act, the regulations, the code, any undertakings or any orders made pursuant to this Act;
- (k) any other prescribed circumstances exist.

Terms and conditions

4-5(1) Subject to section 8-1, the director may, if the director is satisfied that it is in the public interest to do so, include as a provision of a certificate of registration any terms and conditions that the director considers appropriate:

- (a) at the time of issuing the certificate of registration pursuant to section 4-4; and
 - (b) at any other time during the term of the certificate of registration.
- (2) No registered employer shall fail to comply with any terms and conditions imposed on the employer's certificate of registration pursuant to this section.

Term of certificate of registration

4-6(1) Subject to subsection (2), a certificate of registration is valid for the period stated on it.

- (2) No certificate of registration is valid for more than 5 years after the date on which it was issued.

Certificate of registration not transferable

4-7 A certificate of registration is not transferable.

Amendment, suspension or cancellation of certificate of registration

4-8 Subject to section 8-1, the director may, on any terms and conditions the director considers appropriate, amend, suspend or cancel a certificate of registration if:

- (a) the registered employer consents;

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- (b) any financial security required pursuant to section 4-3 has not been filed or maintained in the amount and within the period required by the director;
- (c) the registered employer has provided the director with incomplete, false, misleading or inaccurate information in any application or other document or has failed to provide any information that the director may require;
- (d) the registered employer has failed to meet any qualification or satisfy any requirement of this Act or the regulations;
- (e) the registered employer has failed to comply with *The Saskatchewan Employment Act* or any other prescribed Act;
- (f) having regard to the conduct of the registered employer, there are reasonable grounds to believe that the registered employer is not acting or will not act in accordance with the law;
- (g) there are reasonable grounds to believe that the registered employer is not acting or will not act with integrity, honesty or in the public interest, while carrying out the activities for which the certificate of registration is required;
- (h) the registered employer has failed to comply with this Act, the regulations, any undertakings or an order made pursuant to this Act; or
- (i) any other prescribed circumstances exist.

Effect of suspension or cancellation

4-9(1) If a registered employer's certificate of registration is suspended or cancelled pursuant to this Act, that registered employer's rights and privileges:

- (a) in the case of a suspension, are removed for the period during which the certificate of registration is suspended; or
 - (b) in the case of a cancellation, are terminated.
- (2) The suspension or cancellation of any certificate of registration does not affect the validity of any contracts entered into by a registered employer before the date on which the registered employer's certificate of registration was suspended or cancelled.

PART 5

**Prohibited Practices, Standards of Service
and Complaints Process**

Prohibited practices

5-1 No foreign worker recruiter, employer or immigration consultant shall:

- (a) produce or distribute false or misleading information;
- (b) take possession of or retain a foreign national's passport or other official documents or property;
- (c) misrepresent employment opportunities, including misrepresentations respecting position, duties, length of employment, wages and benefits or other terms of employment;
- (d) threaten deportation or other action for which there is no lawful cause;

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- (e) contact a foreign national or a foreign national's family or friends after being requested not to do so by the foreign national;
- (f) take action against or threaten to take action against a person for participating in an investigation or proceeding by any government or law enforcement agency or for making a complaint to any government or law enforcement agency;
- (g) take unfair advantage of a foreign national's trust or exploit a foreign national's fear or lack of experience or knowledge;
- (h) withhold any information or documentation in relation to an immigration application to a federal or provincial selection program that was provided by or belongs to the foreign worker;
- (i) use any communication, information or decisions made in relation to a federal or provincial selection program as leverage for personal or financial gain; or
- (j) do any other prescribed thing.

No charge for hiring or providing information

5-2 No person shall request, charge or receive, directly or indirectly, from a foreign national seeking employment a payment for:

- (a) seeking employment or obtaining employment for the foreign national;
- (b) employing the foreign national; or
- (c) providing information about employers recruiting foreign nationals.

Recruitment fee

5-3(1) Subject to subsection (2), no person shall, directly or indirectly, charge any person other than an employer a fee or expense for recruitment services.

(2) Subsection (1) does not apply with respect to any settlement services provided pursuant to a contract for immigration services.

(3) The term of any contract that requires the payment by any person other than an employer of fees or expenses mentioned in subsection (1) is void and any fee or expense paid may be recovered by the person who paid the fees or expenses in any manner authorized by law.

(4) No employer shall reduce the wages of a foreign worker, or vary, reduce or eliminate any other benefit or term or condition of a foreign worker's employment, in order to recover the cost of recruiting the foreign worker and any agreement by the foreign worker to a variation, reduction or elimination is void.

(5) No immigration consultant, foreign worker recruiter or employer shall, directly or indirectly, charge a fee or expense to a foreign worker for employment.

Disclosure of referral fee

5-4 No immigration consultant or foreign worker recruiter shall fail to clearly disclose in writing to a foreign national that the immigration consultant or foreign worker recruiter, as the case may be, is receiving a fee or compensation for referring the foreign national to another person.

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Disclosure if licensed as a foreign worker recruiter and as an immigration consultant

5-5(1) A person who is licensed as a foreign worker recruiter and as an immigration consultant and who provides recruitment services to an employer and immigration services to a foreign national who will be employed by that employer shall:

- (a) disclose to both the employer and foreign national that the person is acting for both parties and the nature of the services that the person is providing to each party;
- (b) obtain the written consent of the employer and the foreign national to provide those services to both parties; and
- (c) have signed, written contracts with:
 - (i) the employer; and
 - (ii) the foreign national.

(2) No person licensed as a foreign worker recruiter and as an immigration consultant shall fail to comply with subsection (1).

Disclosure of partners

5-6(1) Every immigration consultant, foreign worker recruiter and registered employer shall disclose to the director the names and addresses of all partners, affiliates or agents of the immigration consultant, foreign worker recruiter or registered employer, as the case may be, that are located or operating inside or outside of Saskatchewan:

- (a) at the time of application for a licence; and
- (b) at any other time after the time mentioned in clause (a) that there is a material change in the information.

(2) Licensees and registered employers are accountable for the conduct of any partners, affiliates or agents conducting business on their behalf in relation to any offence against this Act.

Contract requirements

5-7(1) All contracts for recruitment services or immigration services must:

- (a) be in writing;
- (b) be written in clear and unambiguous language;
- (c) state the services to be provided;
- (d) state the fees and expenses to be charged to the foreign national or the employer, as the case may be, and a description of the services for each fee and expense charged;
- (e) contain any terms required by the director; and
- (f) contain any prescribed terms and conditions.

(2) Every immigration consultant and foreign worker recruiter shall take reasonable measures to ensure that foreign nationals whose first language is not the language of the contract understand the terms and conditions of the contract before the foreign nationals enter into the contract.

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(3) If a contract for immigration services or recruitment services is unclear, ambiguous or incomplete with respect to the requirements of subsection (1) or if no reasonable measures are taken pursuant to subsection (2), the interpretation of the contract that is least favourable to the immigration consultant or foreign worker recruiter prevails.

Contracts governed by Saskatchewan law

5-8 Notwithstanding the form of any contract for immigration services or recruitment services or any Act or law, a contract for immigration services or recruitment services is to be governed by and construed in accordance with the laws of Saskatchewan, and the courts of Saskatchewan have jurisdiction over all matters arising out of or related to that contract.

No employer shall require foreign workers to use an immigration consultant

5-9 No employer shall require a foreign worker to use the immigration services of a specific immigration consultant.

PART 6

Registries, Records, Sharing of Information and Complaints**Registry**

6-1(1) In this section, “**registry**” means the registry established by the director pursuant to subsection (2).

(2) The director shall establish and maintain a registry that contains information respecting:

- (a) licensees; and
- (b) registered employers.

(3) For the purposes of exercising the director’s powers or performing the director’s duties pursuant to this Act, the director may use any information contained in the registry.

(4) Subject to the regulations, the director shall publish any information in the registry that the director considers necessary to protect the public in any manner that the director considers appropriate, including publishing the information on the ministry’s website.

Records

6-2(1) No licensee, former licensee, registered employer or former registered employer shall fail to prepare and retain:

- (a) complete and accurate records concerning that person’s activities relating to immigration services or recruitment services; and
- (b) any other prescribed records.

(2) Records required to be retained pursuant to this section:

- (a) must be retained in the form and manner approved by the director for a period of at least 5 years after the date on which they were created; and
- (b) must be made available for inspection by the director on the request of the director.

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(3) If a person who is required to retain records pursuant to this section retains those records in an electronic format, that person shall:

- (a) ensure that the records are easily retrievable, and easily convertible into a readable format, in the manner the director may specify; and
- (b) make those records available to the director in the format in which they are retained when requested by the director to do so.

(4) For the purposes of clause (3)(b), the person shall allow the director to access any database or computer system, or to obtain downloads or make copies from any database or computer system, that contains or may contain any records required to be retained pursuant to this section.

Sharing of information

6-3 For the purposes of administering and enforcing this Act, the director may provide information collected and obtained pursuant to this Act, including personal information as defined in *The Freedom of Information and Protection of Privacy Act*, to:

- (a) a ministry or agency of the Government of Saskatchewan;
- (b) a department or agency of the Government of Canada;
- (c) a department or agency of another province or territory of Canada or of another country or state within that country;
- (d) a police service as defined in *The Police Act, 1990*;
- (e) any other person or body that governs or regulates the conduct of individuals who provide immigration services or recruitment services to foreign nationals entering Canada; and
- (f) any other prescribed persons or classes of persons.

Restrictions on access to record

6-4(1) Notwithstanding *The Freedom of Information and Protection of Privacy Act*, any information submitted or provided to a director or an enforcement officer or obtained by a director or enforcement officer as a result of an audit, examination, inspection or investigation pursuant to this Act is not open to inspection or available for access except by:

- (a) those members of the public service of Saskatchewan employed by the ministry whose responsibilities require them to inspect or allow them to have access to the information; and
- (b) those persons who are authorized in writing by a director or an enforcement officer to inspect or to have access to the information.

(2) Unless authorized by this Act or by any other law or with the consent of the person to whom any information relates, no person employed by the ministry and no person authorized by a director or an enforcement officer to inspect or have access to the information shall:

- (a) communicate or allow to be communicated any information obtained pursuant to this Act to any person who is not legally entitled to the information; or
- (b) allow any person who is not legally entitled to the information obtained pursuant to this Act to inspect or have access to it.

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(3) No person to whom information is provided pursuant to this section is compellable to give evidence concerning that information unless:

- (a) the person to whom the information relates consents; or
- (b) a court orders the evidence to be given.

(4) Notwithstanding subsections (1) and (2), a director may authorize the publication of, or make available to the public, any information mentioned in subsection (1) if, in the opinion of a director, it is in the public interest to do so.

(5) On the application for an order pursuant to clause (3)(b):

- (a) a director or enforcement officer and the person to whom the information relates are entitled to appear before the court and to make submissions; and
- (b) the person seeking the order compelling the evidence has the onus of showing why it is in the public interest that the order be made.

Interjurisdictional cooperation

6-5 Subject to the approval of the minister, for the purposes of fulfilling the director's responsibilities or exercising the director's powers pursuant to this Act, the director may enter into agreements with any person or body empowered by an Act of the Parliament of Canada, the legislature of any province or territory of Canada or the government of any other country or any jurisdiction within that country, to administer or regulate foreign worker recruitment and immigration services programs.

Complaint to director

6-6(1) In this section and sections 6-7 and 6-8, "**complainant**" means a person who makes a complaint pursuant to this section.

(2) A person may make a complaint to the director if the person has reason to believe that a foreign worker recruiter, immigrant consultant or registered employer has contravened a provision of this Act, the regulations, the code, any undertakings or any order made pursuant to this Act.

(3) A complaint pursuant to subsection (1) must:

- (a) be made in a form and manner specified by the director; and
- (b) contain any information that the director may require.

(4) At any time after receiving a complaint, the director may:

- (a) investigate the complaint;
- (b) require the complainant to provide further information;
- (c) send a warning letter to the foreign worker recruiter, immigrant consultant or registered employer, as the case may be;
- (d) decide not to act on the complaint; or
- (e) take any action the director considers appropriate that is authorized by this Act or the regulations.

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(5) The director may take reasonable steps to notify the complainant, in the manner determined by the director, if the director decides not to act on the complaint or not to continue acting on a complaint.

(6) The director is not required to give reasons for any decision made pursuant to this section.

Complaint confidential

6-7(1) In this section and section 7-1:

“**government institution**” means a government institution as defined in *The Freedom of Information and Protection of Privacy Act*;

“**local authority**” means a local authority as defined in *The Local Authority Freedom of Information and Protection of Privacy Act*.

(2) Notwithstanding any other provision in this Act, no person, including the director, shall, without the prior written consent of the complainant:

(a) disclose the identity of a complainant, or any information by which a complainant may be identified, to another person or to a court, government institution, local authority or law enforcement agency; or

(b) disclose, provide access to or produce the complaint, or another document or thing by which the complainant may be identified, to another person or to a court, government institution, local authority or law enforcement agency without redacting any information by which the complainant may be identified.

(3) Subsection (2) applies notwithstanding *The Freedom of Information and Protection of Privacy Act* or *The Local Authority Freedom of Information and Protection of Privacy Act*.

Non-compellability

6-8 Notwithstanding any other provision in this Act, the director, the director’s delegate or any person acting for or under the direction of the director is not compellable in a court or in any other proceeding:

(a) to identify a complainant or give evidence about information or produce a document or thing by which the complainant may be identified;

(b) to give evidence about other information obtained by or on behalf of the director in relation to a complainant or a complaint made pursuant to section 6-6; or

(c) to produce any other document or thing obtained by or on behalf of the director in relation to a complainant or a complaint made pursuant to section 6-6.

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PART 7

Inspections, Investigations and Enforcement

DIVISION 1

Preliminary Matters**Director's responsibilities**

7-1 For the purposes of administering and enforcing this Act, the director may conduct joint inspections, examinations, audits and investigations with any government institution, local authority or law enforcement agency pursuant to Division 2.

DIVISION 2

Inspections and Investigations**Inspections**

7-2(1) The director or an enforcement officer may make inquiries and conduct inspections, examinations and audits respecting the business and activities of any person governed by this Act.

- (2) Every licensee and registered employer shall, at all reasonable times:
- (a) cause the commercial premises used by the licensee or registered employer, as the case may be, including any building or structure used in connection with the provision of immigration services or recruitment services or employment of foreign nationals, to be open for inspection by the director or an enforcement officer; and
 - (b) cause all books, documents and other records required to be kept pursuant to this Act or the regulations or related to the administration of this Act or the regulations available for inspection by the director or an enforcement officer.
- (3) The director or an enforcement officer may do all or any of the following things in the course of making an inquiry or conducting an inspection, examination or audit:
- (a) enter at any reasonable time and inspect any commercial premises used by a person governed by this Act, including entering any building or structure used in connection with the provision of immigration services or recruitment services, the employment of foreign nationals or the implementation of any selection program;
 - (b) enter at any reasonable time commercial premises containing any records or property required to be kept pursuant to this Act or related to the administration of this Act and make inquiries about, inspect, examine or audit those records or that property;
 - (c) require the person and any agent, representative, partner, director, officer or employee of the person to:
 - (i) answer any questions that may be relevant to the inquiry, inspection, examination or audit; and
 - (ii) provide the director or an enforcement officer, as the case may be, with all reasonable assistance, including using any computer hardware or software or any other data storage, processing or retrieval device or system to produce information;

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- (d) use any machinery, equipment, appliances or things that the director or an enforcement officer, as the case may be, considers necessary while at any premises mentioned in clause (a) or (b);
 - (e) in order to produce information, use any computer hardware or software or any other data storage, processing or retrieval device or system that is used in connection with the business or activities of any person governed by this Act;
 - (f) remove for examination and copying anything that may be relevant to the inquiry, inspection, examination or audit, including removing any computer hardware or software or any other data storage, processing or retrieval device or system in order to produce information.
- (4) If the director or an enforcement officer requires a person to answer questions or to provide assistance in accordance with this section, the person shall do so in the manner and within the period specified by the director or enforcement officer, as the case may be.
- (5) The director or an enforcement officer shall:
- (a) give a receipt for anything that the director or enforcement officer, as the case may be, removes for examination and copying;
 - (b) promptly return anything removed pursuant to this section to the place from which it was removed or any other place agreed to by the director or enforcement officer, as the case may be, and the person who provided it; and
 - (c) take all reasonable steps to ensure that, if a record is taken, a copy of the record is left at the premises to allow business to be carried on.

Investigations

- 7-3(1)** If the director or an enforcement officer believes on reasonable grounds that an offence against this Act has occurred, the director or an enforcement officer may apply to a justice of the peace or a judge for a warrant to be issued pursuant to subsection (2).
- (2) If a justice or a provincial court judge is satisfied by information under oath that there are reasonable grounds to believe that an offence against this Act has occurred and that evidence of that offence is likely to be found, the justice or the provincial court judge may issue a warrant to do all or any of the following:
- (a) enter and search any place or premises named in the warrant;
 - (b) stop and search any vehicle described in the warrant;
 - (c) seize and remove from any place, premises or vehicle searched anything that may be evidence of an offence against this Act.
- (3) With a warrant issued pursuant to subsection (2), the director or an enforcement officer may:
- (a) enter at any time and search any place or premises named in the warrant;
 - (b) stop and search any vehicle described in the warrant;
 - (c) photograph or create images of the premises or place;
 - (d) conduct any type of audio or visual recordings in or on the premises;

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- (e) open and examine the contents within any trunk, box, bag, parcel, closet, cupboard or other receptacle that the director or enforcement officer, as the case may be, finds in the place, premises or vehicle;
 - (f) require the production of and examine any records or property that the director or enforcement officer, as the case may be, believes, on reasonable grounds, may contain information related to an offence against this Act;
 - (g) remove, for the purpose of making copies, any records examined pursuant to this section; and
 - (h) seize and remove from any place, premises or vehicle searched anything that may be evidence of an offence against this Act.
- (4) Subject to subsection (5), the director or enforcement officer may exercise all or any of the powers mentioned in subsection (3) without a warrant issued pursuant to this section if:
- (a) the conditions for obtaining a warrant exist; and
 - (b) the director or enforcement officer, as the case may be, has reasonable grounds to believe that the delay necessary to obtain a warrant would result:
 - (i) in danger to human life or safety; or
 - (ii) in the loss, removal or destruction of evidence.
- (5) The director or an enforcement officer shall not enter any premises that are a private dwelling without the consent of the occupier or a warrant issued pursuant to this section.
- (6) The person named in a warrant issued pursuant to this section may request the assistance of a peace officer in enforcing the warrant.

Copies admissible as evidence

7-4 A record certified by the director, an enforcement officer or any person authorized by the director to be a copy of a record made pursuant to section 7-2 or 7-3 is admissible in evidence, without proof of the office or signature of the person appearing to have certified the document, and has the same probative force as the original document.

Director or enforcement officer may obtain information

7-5(1) The director or an enforcement officer may direct any person to provide the director or enforcement officer, as the case may be, with any information that the director or enforcement officer is satisfied is reasonably required:

- (a) to determine compliance with this Act, the regulations, the code, any undertakings or any orders made pursuant to this Act; or
 - (b) to assist in the performance of the duties or the exercise of the powers of the director or the enforcement officer, as the case may be.
- (2) The person to whom a direction is issued pursuant to subsection (1) shall provide that information in any form and manner and within any period that the director or enforcement officer, as the case may be, may specify in the direction.

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DIVISION 3

Offences and Penalties and Administrative Penalties**Offences****7-6(1)** No person shall:

- (a) fail to provide any notice or other document that the person is required to provide pursuant to this Act;
 - (b) fail to complete any information required on any notice or other document or fail to provide any information required pursuant to this Act;
 - (c) make or sign any false statement or provide any false, misleading or inaccurate information to the director or the director's delegate, to an enforcement officer, to the minister or to any employee of the ministry with respect to any matter or thing with respect to which information is required pursuant to this Act;
 - (d) omit to state a fact that is required to be stated or that is necessary to make a statement not misleading in light of the circumstances in which it was made to the director or the director's delegate, an enforcement officer or any employee of the ministry;
 - (e) destroy, mutilate, alter or fail to retain any records required to be retained pursuant to this Act;
 - (f) fail to produce any records required to be retained pursuant to this Act to a person entitled to inquire into, inspect, examine or audit the records;
 - (g) fail to provide all reasonable assistance when required to do so for the purposes of aiding in the conduct of an inquiry, inspection, examination or audit;
 - (h) unlawfully obstruct or interfere with the director or any person authorized by the director while making an inquiry, inspection, examination or audit or carrying out duties pursuant to this Act or pursuant to a warrant issued pursuant to section 7-3;
 - (i) counsel others to commit offences;
 - (j) fail to report significant changes in circumstances when required; or
 - (k) fail to comply with any provision of this Act, the regulations, the code, any undertakings or an order made pursuant to this Act.
- (2) Every person who contravenes subsection (1) is guilty of an offence and liable on summary conviction to:
- (a) in the case of an individual, a fine of not more than \$750,000, to imprisonment for a term of not more than 2 years or to both; and
 - (b) in the case of a corporation, a fine of not more than \$1,250,000.
- (3) Any contravention of subsection (1) that affects more than one foreign national or other person constitutes a separate offence for each foreign national or other person affected.

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(4) If a person is convicted of an offence pursuant to this Act, the director may publish or otherwise make available to the public the name of the person, a description of the offence, the date of the conviction and the person's sentence.

(5) If the court convicts a person of an offence, the court may, in addition to any penalty it may impose, do all or any of the following:

(a) order that person to comply with the provision of this Act with respect to which that person was convicted;

(b) if the court is satisfied that the convicted person has acquired any monetary benefits or that monetary benefits have accrued to the convicted person or to another person associated with or related to the convicted person:

(i) order the convicted person to pay an additional fine in an amount equal to the amount of the monetary benefits;

(ii) order the convicted person to pay compensation or make restitution to any person to whom the monetary benefits should be paid; or

(iii) issue both of the orders mentioned in subclauses (i) and (ii).

(6) Every director, officer or agent of a corporation who directed, authorized, assented to, acquiesced in or participated in an act or omission of the corporation that would constitute an offence by the corporation is guilty of that offence and is liable on summary conviction to the penalties provided for that offence whether or not the corporation has been prosecuted or convicted.

Evidence re certificate of director

7-7 A certificate of the director certifying all or any of the following facts is admissible in evidence as proof, in the absence of evidence to the contrary, of the facts stated in the certificate without proof of the signature or official position of the person purporting to have signed the certificate:

(a) that a person named in the certificate was or was not licensed or registered;

(b) that a licence or a certificate of registration was issued to a person on a date set out in the certificate;

(c) that the licence or certificate of registration of a person was amended, suspended or cancelled at a particular time;

(d) that a licence or certificate of registration issued to a person was made subject to terms and conditions.

Evidence of carrying on business without a licence

7-8 If, in a prosecution for an alleged contravention of this Act, the regulations, the code or any orders made pursuant to this Act or in a proceeding before the director, it is alleged that the accused operated or acted as a foreign worker recruiter or an immigration consultant without being the licensee, evidence that the accused provided recruitment services or immigration services to a person is proof, in the absence of evidence to the contrary, that the accused operated or acted as a foreign worker recruiter or an immigration consultant without being the licensee.

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Vicarious liability

7-9 In any prosecution of a person for a contravention of this Act, the regulations, the code, any undertakings or any orders made pursuant to this Act or in any proceeding before the director, it is sufficient proof of the offence to establish, in the absence of any evidence that the offence was committed without the person's knowledge, that it was committed by an employee, helper, contractor, partner, affiliate or agent of the person, whether or not the employee, contractor, helper, partner, affiliate or agent:

- (a) is identified; or
- (b) has been prosecuted or convicted for the offence.

Limitation on prosecutions

7-10 No prosecution for a contravention of this Act, the regulations, the code, any undertakings or any orders made pursuant to this Act is to be commenced more than 4 years after the facts on which the alleged contravention is based first came to the knowledge of the director.

Administrative penalties

7-11(1) The director may assess a penalty against a person for contraventions of this Act, the regulations, the code, any undertakings or any orders made pursuant to this Act.

- (2) The penalty may consist of:
 - (a) a single monetary amount not exceeding the prescribed amount;
 - (b) a daily amount not exceeding the prescribed amount for each day the infraction continues; or
 - (c) a combination of clauses (a) and (b).
- (3) Before assessing a penalty, the director shall serve notice on the person:
 - (a) setting out the facts and circumstances that, in the director's opinion, render the person liable to a penalty;
 - (b) specifying the amount of the penalty that the director considers appropriate in the circumstances; and
 - (c) informing the person of the person's right to make written representations to the director.
- (4) No penalty is to be assessed by the director more than 4 years after the act or omission that renders the person liable to a penalty first came to the knowledge of the director.
- (5) A person to whom notice is served pursuant to subsection (3) may make written representations to the director respecting whether a penalty should be assessed and the amount of any penalty.
- (6) Written representations pursuant to subsection (5) must be made within 30 days after the person received the notice.
- (7) After considering any written representations, the director may:
 - (a) assess a penalty in the amount set out in the notice and set a date by which the penalty is to be paid in full;

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- (b) assess a revised penalty and set a date by which the penalty is to be paid in full; or
 - (c) determine that no penalty should be assessed.
- (8) The director shall serve a copy of the decision pursuant to subsection (7), with reasons, on the person who made the written representations.
- (9) The director may assess a penalty pursuant to this section notwithstanding that the facts and circumstances giving rise to the penalty arose due to the actions of an employee, helper, contractor, partner, affiliate or agent of the person required to pay the penalty.
- (10) If a corporation commits a contravention mentioned in subsection (1), the director may, in accordance with this section, assess a penalty against an officer, director or other person of the corporation who authorized, permitted or acquiesced in the contravention, whether or not the corporation is liable for or pays an administrative penalty.
- (11) If a penalty is assessed against a person pursuant to this section, the director may publish or otherwise make available to the public the name of the person, a description of the offence, the date the penalty was assessed and the amount of the penalty.
- (12) A penalty payable pursuant to this section is a debt due to and recoverable by the Crown in right of Saskatchewan and may be recovered in any manner authorized by *The Financial Administration Act, 1993* or in any other manner authorized by law.

Enforcement of administrative penalty

7-12(1) The director may file in the Court of King's Bench a certificate signed by the director and setting out:

- (a) the amount of the penalty assessed pursuant to subsection 7-11(7); and
 - (b) the person from whom the penalty is to be recovered.
- (2) A certificate filed pursuant to this section has the same force and effect as if it were a judgment obtained in the Court of King's Bench for the recovery of a debt in the amount set out in the certificate, together with reasonable costs and charges with respect to its filing.

Appeal to Court of King's Bench re administrative penalty

7-13(1) Any person aggrieved by a decision of the director to assess a penalty against that person pursuant to section 7-11 may appeal that decision on a question of law to a judge of the Court of King's Bench within 30 days after the date of service of the director's decision.

- (2) The record of an appeal pursuant to subsection (1) consists of:
- (a) the director's decision;
 - (b) any written representations made to the director by the person named in the decision;
 - (c) the notice of motion commencing the appeal;
 - (d) any other prescribed documents or material; and
 - (e) any other material that the Court of King's Bench may require.

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(3) On hearing an appeal pursuant to this section, the judge of the Court of King's Bench may issue an order:

- (a) confirming the penalty;
- (b) amending the amount of the penalty; or
- (c) quashing the director's decision to assess a penalty.

DIVISION 4
Enforcement

Legal disability

7-14 Any person who does not have a licence or a certificate of registration as required by this Act is not capable of commencing or maintaining any action or other proceeding in any court in Saskatchewan with respect to a contract made for immigration services or recruitment services in whole or in part within Saskatchewan, or against any person resident in Saskatchewan, in the course of or in connection with any immigration services or recruitment services.

Compensation order or reinstatement order

7-15(1) In this section, "**unlicensed person**" means a person who is required by this Act to hold a licence or certificate of registration but who does not hold a licence or certificate of registration.

(2) Subject to section 8-1, the director may order that a licensee compensate a person who paid a fee or expense or suffered any loss or damage if the director is satisfied that the licensee:

- (a) required the person to pay a fee, expense or other sum contrary to this Act;
- (b) charged a fee or expense not clearly stated in a contract with a foreign national; or
- (c) caused loss or damage to the person if the person satisfies the director that the loss or damage is a direct result of the licensee's contravention of this Act.

(3) Subject to section 8-1, the director may order that a employer or a prospective employer of a foreign national compensate a person who paid a fee or expense or suffered any loss or damage if the director is satisfied that the employer or prospective employer:

- (a) required the foreign national to use the immigration services of an unlicensed person;
- (b) reduced the wages of a foreign national or varied, reduced or eliminated any other benefit or term or condition of the foreign national's employment in order to recover the cost of recruiting the foreign national; or
- (c) received compensation from a foreign worker for a job offer, approval for a selection program or any other prescribed thing.

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(4) Subject to section 8-1, the director may order that an unlicensed person compensate a person who paid a fee or expense or suffered any loss or damage if the director is satisfied that the unlicensed person:

- (a) required the person to pay a fee, expense or other sum contrary to this Act; or
- (b) caused loss or damage to the person if the person satisfies the director that the loss or damage is a direct result of the unlicensed person's contravention of this Act.

(5) Subject to section 8-1, in addition to any compensation order provided pursuant to this section, the director may, if the director is satisfied that an employer of a foreign worker dismissed that foreign worker as a reprisal for making a complaint or taking any other action pursuant to this Act, order the employer to reinstate the foreign worker.

(6) If the director orders that compensation be paid pursuant to subsection (2), (3) or (4), the director shall determine the amount of the compensation.

(7) No amount is to be assessed by the director pursuant to this section more than 4 years after the act or omission that renders the person liable to the payment of that amount first came to the knowledge of the director.

(8) The director may file in the Court of King's Bench a certificate signed by the director and setting out:

- (a) the amount assessed pursuant to this section; and
- (b) the person from whom the amount is to be recovered.

(9) A certificate filed pursuant to this section has the same force and effect as if it were a judgment obtained in the Court of King's Bench for the recovery of a debt in the amount set out in the certificate, together with reasonable costs and charges with respect to its filing.

(10) The director may assess an amount of compensation pursuant to this section notwithstanding that the facts and circumstances giving rise to the order arose due to the actions of an employee, helper, contractor, partner, affiliate or agent of the person required to pay the amount.

Enforcement of compensation order

7-16 The director may enforce a certificate filed pursuant to section 7-15 with respect to an order that compensation be paid to any or all of the following as if the amount of compensation ordered to be paid were unpaid wages owing pursuant to *The Saskatchewan Employment Act*, and that Act applies, with any necessary modification, for the purposes of enforcing that order:

- (a) a foreign national;
- (b) any individual who paid a fee or expense or suffered any loss or damage on behalf of a foreign national.

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PART 8
Decisions and Reviews**Opportunity to be heard**

8-1(1) Before the director takes any action pursuant to clause 3-4(1)(c), subsection 3-5(2), section 3-6 or 3-9, clause 4-3(1)(c), subsection 4-4(2), section 4-5 or 4-8 or subsection 7-15(2), (3), (4) or (5), the director shall provide the person affected with:

- (a) written notice of the director's intended action and the reasons for that intended action as soon as is reasonably practicable; and
 - (b) an opportunity to make written representations to the director, within a period set by the director, as to why the intended action should not be taken.
- (2) The director is not required to give an oral hearing to any person to whom a notice has been provided pursuant to subsection (1).
- (3) After considering the representations mentioned in subsection (1), the director shall issue a written decision and shall serve a copy of the decision on the person.
- (4) Notwithstanding subsection (1), if the director considers that it is necessary to protect the public interest, the director may immediately amend, suspend or cancel a licence or a certificate of registration without giving the licensee to whom the licence was issued or the registered employer to whom the certificate of registration was issued an opportunity to be heard, but shall give the licensee or registered employer an opportunity to be heard within 20 business days after the date on which the director takes any of those actions.
- (5) If the director amends, suspends or cancels a licence or certificate of registration pursuant to subsection (4), the director shall, as soon as possible, notify the licensee or registered employer and any foreign national affected by the amendment, suspension or cancellation that the licence or certificate of registration has been amended, suspended or cancelled.
- (6) Notwithstanding any other provision of this Act, if the director receives new information or representations with respect to any decision issued pursuant to subsection (3), the director may:
- (a) reconsider the matter; and
 - (b) rescind, alter or amend that decision.

Internal reviews

8-2(1) Subject to the regulations, any person directly affected by a decision of the director made pursuant to section 8-1 may request that the minister review the decision.

- (2) A request must be submitted to the minister:
- (a) in the form and manner specified by the minister; and
 - (b) within 20 business days after the decision was served on the person mentioned in subsection (1).

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- (3) A request for a review does not stay or otherwise affect the validity of the action or decision in relation to which the review is requested.
- (4) On receiving a request for a review the minister may:
 - (a) investigate the situation; and
 - (b) provide the person requesting the review an opportunity to make representations personally or with the assistance of counsel.
- (5) On completing the review the minister may confirm, reverse or vary the action or decision in relation to which the review was requested.
- (6) A decision of the minister pursuant to this section is final.

PART 9

International Recruitment, Settlement and Integration**Minister's powers and responsibilities****9-1** The minister may:

- (a) establish, operate and provide any employment, settlement and integration programs or services that the minister considers necessary to assist the following persons:
 - (i) foreign nationals who are being recruited to work in Saskatchewan;
 - (ii) temporary residents;
 - (iii) permanent residents; and
- (b) monitor, promote and coordinate the development and implementation of programs and initiatives respecting foreign worker recruitment, including international recruitment.

PART 10

Selection Programs**Selection programs**

- 10-1(1)** Subject to the regulations, the minister may establish selection programs if the Government of Saskatchewan has entered into an agreement with the Government of Canada pursuant to subsection 8(1) of the *Immigration and Refugee Protection Act* (Canada) that authorizes the Government of Saskatchewan to establish or continue the program, as the case may be.
- (2) A selection program established pursuant to subsection (1) must set out a process for selecting foreign nationals for admission to Canada as either permanent residents or temporary residents.
- (3) A selection program established pursuant to subsection (1) terminates immediately if it is no longer authorized by the *Immigration and Refugee Protection Act* (Canada) or an agreement mentioned in subsection (1).

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PART 11
General**Exemptions**

11-1 The minister may, by order, exempt any person from any requirement set out in this Act, if in the opinion of the minister it is necessary and not contrary to the public interest to grant the exemption.

Service of notice or documents

11-2(1) Any notice, order or decision required by this Act or the regulations to be given or served is to be served personally or mailed by ordinary or registered mail to the last known address of the person being served or by any other prescribed means.

(2) A document served by ordinary mail or registered mail is deemed to have been received on the tenth business day following the day of its mailing, unless the person to whom it was mailed establishes that, through no fault of the person, the person did not receive the document or that the person received it at a later date.

(3) Irregularity in the service of a notice, order or decision does not affect the validity of an otherwise valid notice, order or decision.

Immunity

11-3 No action or proceeding lies or shall be commenced against the minister, the ministry, a director, an enforcement officer, the Crown or officers, employees or agents of the Crown for any loss or damage suffered by a person by reason of anything in good faith done, caused, permitted or authorized to be done, attempted to be done or omitted to be done by any one or more of them, pursuant to or in the exercise or supposed exercise of any power conferred by this Act or in the carrying out or supposed carrying out of any duty imposed by this Act.

Regulations

11-4(1) The Lieutenant Governor in Council may make regulations:

- (a) defining, enlarging or restricting the meaning of any word or expression used in this Act but not defined in this Act;
- (b) prescribing persons for the purposes of the definition of “enforcement officer” in section 1-2;
- (c) respecting the powers and duties of a director;
- (d) prescribing educational institutions and classes of persons for the purposes of subsection 3-1(2);
- (e) prescribing classes of employers for the purposes of subsection 4-1(2);
- (f) respecting licences and certificates of registration;
- (g) respecting businesses that provide either or both immigration services and recruitment services, including imposing any licensing requirements on the owners or operators of those businesses;
- (h) respecting application requirements for the purposes of sections 3-3 and 4-2;
- (i) respecting the collection and setting of fees, for the purposes of applications and any program established pursuant to this Act, including authorizing the minister to set the fees;

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- (j) respecting the forfeiture of financial security pursuant to section 3-4 or 4-3, including:
 - (i) prescribing the amount and form of financial security to be provided, including authorizing the minister to determine the amount and form of financial security; and
 - (ii) the conditions under which and the manner in which a bond or other financial security may be forfeited;
- (k) prescribing circumstances for the purposes of sections 3-5, 3-9, 4-4 and 4-8;
- (l) prescribing any other thing that is prohibited for the purposes of section 5-1;
- (m) prescribing contract terms and conditions for the purposes of section 5-7;
- (n) prescribing records for the purposes of section 6-2;
- (o) prescribing persons or classes of persons for the purposes of section 6-3;
- (p) prescribing the amounts of administrative penalties that may be assessed for the purposes of subsection 7-11(2);
- (q) prescribing documents or materials for the purposes of section 7-13;
- (r) prescribing things for the purposes of clause 7-15(3)(c);
- (s) respecting appeals and internal reviews;
- (t) respecting selection programs;
- (u) prescribing means of service for the purposes of section 11-2;
- (v) adopting a code to be known as the Code of Conduct;
- (w) with respect to any matter governed by this Act:
 - (i) adopting, as amended from time to time or otherwise, all or any part of any relevant code or standard;
 - (ii) amending for the purposes of this Act or the regulations any code or standard adopted pursuant to subclause (i);
 - (iii) requiring compliance with a code or standard adopted pursuant to subclause (i);
- (x) prescribing any matter or thing that is required or authorized by this Act to be prescribed in the regulations;
- (y) respecting any other matter or thing that the Lieutenant Governor in Council considers necessary to carry out the intent of this Act.

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- (2) The code may contain all or any of the following provisions:
- (a) provisions respecting any matter, activity or thing that is governed by this Act or that may be prescribed;
 - (b) provisions determining any criteria, terms, conditions or requirements that must be met in order to carry out any activity governed by this Act;
 - (c) provisions adopting a standard, including a standard developed or established by the director, as amended from time to time or otherwise.

PART 12

Repeal, Transitional and Coming into Force**SS 2013, c F-18.1 repealed**

12-1 *The Foreign Worker Recruitment and Immigration Services Act* is repealed.

Transitional – former Act

12-2(1) In this section, “**former Act**” means *The Foreign Worker Recruitment and Immigration Services Act* as that Act existed on the day before the coming into force of this Act.

(2) Every licence, certificate of registration, identification card or other document issued pursuant to the former Act that is valid on the day before the coming into force of this Act continues in force until its expiry date, if any, and may be dealt with pursuant to this Act as if it were issued pursuant to this Act.

(3) Every contract or agreement entered into pursuant to the former Act that was valid on the day before the coming into force of this Act continues in force and may be dealt with pursuant to this Act as if it were entered into pursuant to this Act.

(4) Any financial security filed pursuant to the former Act that is in existence on the day before the coming into force of this Act continues in force and may be dealt with pursuant to this Act as if it had been filed pursuant to this Act.

(5) The appointment of a director or any person appointed to act on the director’s behalf pursuant to the former Act that is in existence on the day before the coming into force of this Act continues in force and may be dealt with pursuant to this Act as if the appointment were made pursuant to this Act.

(6) The appointment of an adjudicator as defined in the former Act that is in existence before the coming into force of this Act is to be continued pursuant to the former Act in accordance with the provisions of the former Act for the purposes of completing any appeal to the registrar of appeals as defined in the former Act that was commenced before the coming into force of this Act.

(7) An appeal to the registrar of appeals as defined in the former Act that was commenced before the coming into force of this Act and not completed is to be continued pursuant to the former Act in accordance with the procedures set out in the former Act.

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(8) The Lieutenant Governor in Council may make regulations respecting any matter or thing that the Lieutenant Governor in Council considers necessary to facilitate the transition from the former Act to this Act, including:

- (a) suspending the application of any provision of this Act; and
- (b) declaring that provisions of the former Act are to apply to persons or any class of persons and respecting the conditions on which provisions of the former Act are to apply.

(9) If there is any conflict between the regulations made pursuant to subsection (8) and any other provision of this Act or any other Act or law, the regulations made pursuant to this section prevail.

Coming into force

12-3 This Act comes into force by order of the Lieutenant Governor in Council.