



July 10, 2007

The Honorable Diane Finley, P.C., M.P.
Minister of Citizenship and Immigration
365 Laurier Avenue West
Ottawa, ON K1A 1L1

Dear Minister:

Re: CSIC and Ghost consultants

I write on behalf of the Canadian Bar Association (CBA). The CBA is a national association representing over 37,000 jurists, including lawyers, notaries, law teachers and students across Canada. The mandate of the CBA includes improving the law and administration of justice.

We continue to be concerned that the Canadian Society of Immigration Consultants (CSIC) is not meeting its mandate to protect the public from unscrupulous immigration consultants. On December 12, 2005, we wrote to then-Minister Volpe as follows:

“When the government created CSIC in 2003, its stated intention was to create an effective regulatory body that would protect the public by ensuring only competent and licensed individuals could represent Citizenship and Immigration Canada and Canadian Border Services Agency clients for a fee. The CBA supported the creation of CSIC, in the interests of public protection. The need for protection is particularly acute because clients of Canada’s immigration system represent a highly vulnerable segment of the public.

The CBA is increasingly concerned that CSIC may be unable to live up to its public protection mandate. As far as we are aware, no effective disciplinary procedures have been established or enforced and it is unclear whether effective competency assessment procedures have been finalized. Meanwhile, serious concerns have been raised regarding the organization's corporate governance.”

Attached for your reference is our letter, and the response received from Janice Charette, Deputy Minister, dated March 1, 2006. Ms. Charette’s letter states that the government set certain “important deliverables” for CSIC to meet to improve consumer protection and provides assurance that the government is “working with CSIC to ensure that all of these deliverables are met.”



The recent Toronto Star investigation suggests the regulatory scheme for consultants continues to fail the public. The CBA is not aware of any discipline hearings heard to date by CSIC, despite it being more than four years into its mandate. These concerns are heightened by an inherent flaw in the law, namely that any consultant, whether CSIC members or not, may legally provide immigration advice for a fee. Even though only lawyers and CSIC members may be listed as authorized representatives in an application or proceeding, this does not prevent consultants from providing immigration advice and filling out the paperwork for a client without signing it. It is this flaw that allows “ghost consultants” to carry out unregulated consultancy. The Toronto Star investigation suggests that CSIC members are also implicated in this “ghost” immigration practice.

CSIC has announced an investigation into three of the four immigration consultants who were captured on hidden camera advising undercover reporters to file false refugee claims. We would encourage the government to monitor this investigation and any resulting disciplinary hearings closely.

Further, we encourage the government to conduct a broader assessment of whether CSIC is meeting its mandate for the regulation of consultants, particularly given the persistent allegations of fiscal mismanagement made by past directors of CSIC’s own Board. The federal government created CSIC, provided start-up funding, and was represented at CSIC Board meetings. Most importantly, the federal government gave the imprimatur of legitimacy to CSIC through recognition of its members as “authorized representatives” of those subject to the immigration or refugee process in Canada. You cannot now disavow any responsibility for ensuring CSIC is performing its duty of protecting the public. If CSIC is not adequately performing this duty, then the government should no longer recognize CSIC members as authorized representatives and explore alternative public protection measures.

We look forward to an ongoing dialogue with you and your officials on this important public interest issue, which clearly is crying out for redress.

Yours truly,

(original signed by J. Parker MacCarthy)

J. Parker MacCarthy, Q.C.

- cc. Richard Fadden, Deputy Minister of Citizenship and Immigration
- Claudette Deschênes, Assistant Deputy Minister of Citizenship and Immigration
- Michel Dupuis, Director, Social Immigration Policy and Programs, Citizenship and Immigration Canada
- Jean-Philippe Brunet, Chair, National Citizenship and Immigration Law Section