



May 5, 2017

Via email: CIMM@parl.gc.ca

Borys Wrzesnewskyj
Chair, Citizenship and Immigration Committee
Sixth Floor, 131 Queen Street
House of Commons
Ottawa, ON K1A 0A6

Dear Mr. Wrzesnewskyj:

Re: Immigration Consultants

Thank you for the opportunity to contribute to the Citizenship and Immigration Committee's study on immigration consultants on April 3, 2017. I am writing in response to Donald Igobkwe's letter from the Canadian Association of Professional Immigration Consultants (CAPIC) to the Committee on April 10, 2017.

The CBA Section has consistently recommended that representation or advice for consideration in section 91 of the *Immigration and Refugee Protection Act* (IRPA) and its predecessors should be limited to lawyers and, as an alternative, to consultants – *if they are effectively regulated*. Immigration applicants are amongst the most vulnerable consumers of Canadian legal services, and our sole concern is ensuring adequate protection for the public through the integrity of Canada's immigration system.

The Canadian experience raises serious questions about whether immigration consultants can be effectively regulated – even with significant changes in oversight. Despite the introduction of two consecutive self-regulating bodies, the measures taken to regulate immigration consultants are not working.¹ The prevailing trends of misconduct and numbers of unscrupulous consultants have changed little over time, as demonstrated by ICCRC's complaint statistics.² Our members continue

¹ See Laura Lynch, CBC News, *Council Overseeing Canada's Immigration Consultants Faces Criticism Over Transparency, Directors' Fees* (November 11, 2016), available [online](http://ow.ly/lafx30alevV) (<http://ow.ly/lafx30alevV>). See also House of Commons Standing Committee on Citizenship and Immigration, *Evidence, Meeting Number 053, 1st Session, 42nd Parliament* (March 8, 2017), available [online](http://ow.ly/ZYkn30alexM) (<http://ow.ly/ZYkn30alexM>).

² See House of Commons Standing Committee on Citizenship and Immigration, *Evidence, Meeting Number 053, 1st Session, 42nd Parliament* (March 8, 2017), available [online](http://ow.ly/ZYkn30alexM) (<http://ow.ly/ZYkn30alexM>), see also *Immigration Consultants of Canada Regulatory Council, Registrar Update Complaints and Professional Standards as of 31 March 2016*, (March 2016), available [online](http://ow.ly/tu0630aleC6) (<http://ow.ly/tu0630aleC6>).

to be frustrated by regular examples of incompetent or fraudulent representation by both regulated and non-regulated consultants – too often with dire consequences for applicants and their families.

These longstanding problems flow from the complex nature of Canadian immigration system and laws, as well as confusion over the qualifications of representatives. Immigration applicants need competent, ethical professionals with oversight from experienced regulators to resolve problems.

We recognize the significant impact of the CBA Section's recommendations on CAPIC's members. In view of the critical importance and challenges in maintaining access to justice, further study is required on the possibility of an ongoing role for those currently working as immigration consultants and paralegals. For example, paralegal members of a law society could perform a limited scope of tasks – not extending to appearances before the Immigration and Refugee Board of Canada (IRB) – *under the direct supervision of a lawyer who would ultimately be responsible for each file.*³ Strong standards to ensure adequate education and training in competencies related to immigration law would be required.

Our recommendations apply only to services offered for remuneration, and do not include immigration services offered for free, and in good faith, by community non-governmental organizations such as settlement agencies. These are not caught by IRPA section 91.⁴

We share CAPIC's desire to work constructively towards an effective resolution of this issue, in a professional and collegial manner.

We trust that these comments will be helpful to the Committee in your deliberations, and would be pleased to discuss how our recommendations can be accomplished further.

Yours truly,

(original letter signed by Kate Terroux for Vance P. E. Langford)

Vance P. E. Langford
Chair, CBA Immigration Law Section

Cc: Donald Igbokwe

³ See for example, Law Society of Upper Canada, *Rules of Professional Conduct* (at Chapter 6: Relationship to Students, Employees, and Others - section 6.1 Supervision), available [online](http://ow.ly/WJbI30aPK73) (http://ow.ly/WJbI30aPK73).

⁴ See also House of Commons Standing Committee on Citizenship and Immigration, *Evidence, Meeting Number 055, 1st Session, 42nd Parliament* (April, 2017), available [online](http://ow.ly/3T2C30aPKJ3) (http://ow.ly/3T2C30aPKJ3).