

The Honourable Marc Miller  
Minister of Immigration, Refugee, and Citizenship  
Ottawa, ON K1A 0A6  
[minister@cic.gc.ca](mailto:minister@cic.gc.ca)

November 22, 2024

**RE: Seeking to Address a Major Concern Raised by Your Letter to CICC**

Dear Minister Miller:

We bring to your attention a major concern expressed by CAPIC members, all of whom are licensed immigration consultants, about the potential public trust crisis in the immigration consultant profession that may have been unintentionally caused by your recent [letter](#) to the CEO of the College of Immigration and Citizenship Consultants (the College).

In the letter, you expressed your concerns about the growing number of international students claiming asylum in Canada and asked the College to investigate the possibility of licensees advising students to make false refugee claims.

**CAPIC supports the crackdown on unethical practice**

CAPIC agrees that counselling international students to seek refugee protection in Canada when they have no legal grounds or merit as stated in ss. [96](#) or [97](#) of the *Immigration and Refugee Protection Act*, SC 2001, c. 27 (IRPA) breaches [s. 12](#) of the *Code of Professional Conduct for College of Immigration and Citizenship Consultants Licensees*, SOR-2022-128. We believe such an action would also be a breach of the applicable codes of professional conduct for the other two groups authorized for paid representation under S.91 - that is immigration lawyers and Quebec notaries. Furthermore, such counselling also constitutes the counselling misrepresentation offence stipulated by [s. 126](#) of IRPA.

**CAPIC and its members have been contributing to protecting the integrity of the Canadian immigration system**

CAPIC members are dedicated immigration consultants who take safeguarding the integrity of the Canadian immigration system seriously, as immigration has a huge impact on Canada socially, culturally, and economically. If the integrity of the system fails, it would be devastating to Canadians, applicants in the system, potential applicants, stakeholder partners, and further, harm Canada's reputation abroad.

For the past 20 years, CAPIC has provided the Department with numerous [recommendations](#) on many matters including fraud, policy, and legislative issues. We are proud of our role in helping to safeguard the immigration system.

### **Bad actors in the immigration consultant profession do not represent the profession at large**

While CAPIC acknowledges the existence of bad actors in the profession, we would like to point out that immigration consultants are ethical, competent, hard-working professionals. The Standing Committee on Citizenship and Immigration ([CIMM](#)) recognized that “the vast majority of immigration consultants operate within the high standards of the profession.”

CAPIC firmly supports holding any authorized representatives who knowingly breach the code of professional conduct accountable. However, all three groups of authorized representatives (immigration consultants, lawyers, and Quebec notaries) should be treated equally and fairly.

### **Immigration consultants play a minor role in both the international student program and the asylum claims**

Herein CAPIC has prepared a brief objective analysis based on data and publicly available information to substantiate the minor role played by immigration consultants.

- Asylum Claimants – [Monthly IRCC Updates](#) - Canada - Asylum Claimants by Claim Office Type, Province / Territory of Claim, and Claim Month by the Department shows the steady increase of asylum claims since 2015 excluding that of 2020 and 2021. The numbers for 2022, 2023, and 2024 by September are 91,650, 143,365, and 132,525 respectively.
- A [paper](#) shows from 2018 to 2024, 33,985 international students claimed asylum out of 1,747,940 study permits approved.
- Refugee claims referred to the Refugee Protection Division (RPD) of the IRB have all passed the eligibility assessment set out by [s.101](#)(1) of IRPA. Unfortunately, the nature of the eligibility assessment does not allow the block of fraudulent refugee claims at this front stage. Integrity checks happen at the RPD proceedings as per [ss. 107](#)(2) and [s. 107.1](#) of IRPA.
- Ms. Roula Eatrises, the Deputy Chairperson in charge of the RPD of the IRB, when addressing the question of whether she “agrees with the Minister of Immigration when he said that there has been an increase in fraud, abuse and fake claims in the asylum program” at the CIMM on November 7, 2024, said (i) the Minister can intervene on a claim if he feels there is an integrity issue, (ii) the IRB has the power to send red letters

to signify an integrity risk on a file, and (iii) the IRB looks at every file individually on its merits.

- Immigration consultants, only with an RCIC-IRB class of licence, can practise at the IRB proceedings. Such a restriction does not apply to Canadian lawyers in good standing; any one of them can represent a client at the IRB.
- The College's [2024 Annual Report](#) shows there are 1,358 RCICs with such a licence among 12,264 RCICs as of June 30, 2024.
- This March, some [media outlets](#) began to sound the alarm about some particular colleges that have a large number of students claiming asylum.

This analysis shows an increase in claims, notes the restricted class of license for immigration consultants, and highlights the role of others involved in the process of vetting claims. It does not indicate anywhere that immigration consultants are “behind” the increase in claims. In fact, it shows the profession has made a concerted effort to restrict representation at the IRB, with a new category of license, which involves training, education, and a licensing exam, hence further safeguarding the system.

### Formal Complaint Process

A formal complaint process towards those who made false claims should be engaged for such a critical issue instead of sending a letter to the regulatory body. The Minister has a designated representative at CICC pursuant ss. [75](#) and [76](#) of the College Act, who can raise matters of concern. However, the letter to the College relied on anecdotal information rather than evidence.

The immigration consultant profession is a fledging profession. Members of the public, sometimes even government stakeholders or the media, still have difficulties in distinguishing immigration consultants from unauthorized Practitioners (UAPS). As a result, the consequences of unethical or illegitimate actions by a very limited number of individual immigration consultants, or even UAPS, harm the profession. It denigrates thousands of professional, ethical, competent immigration consultants. This also causes more confusion among the public, including people with immigration needs.

It is our goal to provide clarity and indicate the level of concern your comments have amongst the professional community and further, underscore the importance of being clear and factual rather than relying on anecdotal stories. Like you, we want to ensure that immigration consultants are competent and ethical in their practice, by educating and informing our members on such issues while supporting the College in cracking down on unethical practice.



Immigration consultants have a valuable role to play in the immigration ecosystem, offering a viable choice to the consumer. Safeguarding the integrity of the immigration system is the highest priority and we are integral to maintaining that. CAPIC has always advocated for the same and has worked consistently with you and the Department as well as other stakeholder partners on these matters. Building bridges and working together to tackle such issues should be a goal of all partners. CAPIC is happy to work with you and your team on such matters.

We would highly appreciate a meeting to further discuss this situation and find solutions.

Yours Truly,

Dory Jade, C. Dir.  
Chief Executive Officer  
CAPIC-ACCPI

cc: Prateek Babbar, Chair, Board of Directors, CAPIC