

The Honourable Marc Miller  
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November 29, 2024

## **RE: Comments on CILA's Letter on the College of Citizenship and Immigration Consultants**

Dear Minister Miller:

We are writing to provide feedback on the recent letter from the Canadian Immigration Lawyers Association (CILA) concerning the College of Immigration and Citizenship Consultants (CICC). While we share the goal of protecting the public and ensuring the integrity of Canada's immigration system, we believe that CILA's critique of immigration and citizenship consultants (immigration consultants) is overstated and does not accurately reflect the vital role that immigration consultants play.

Immigration consultants are an essential part of Canada's immigration system, offering professional, affordable, and accessible services to individuals navigating complex processes. Governed by the CICC, immigration consultants are held to rigorous standards under the *College of Immigration and Citizenship Consultants Act* (the College Act), including mandatory training, certification, and adherence to the *Code of Professional Conduct for College of Immigration and Citizenship Consultants Licensees* (the Code). While no regulatory system is flawless, the CICC has made significant strides in ensuring accountability and public protection.

The CICC employs a range of disciplinary actions to regulate its licensees, including:

- **Revocation of Licenses:** Permanent removal of a consultant's authorization to practice.
- **Suspension of Licenses:** Temporary prohibition from practicing for a specified period.
- **Fines:** Monetary penalties imposed for breaches of the Code.
- **Restrictions:** Impose conditions or restrictions on a consultant's practice.

These measures stipulated in s. 69(3) of the College Act are designed to uphold professional standards and protect the public from professional misconduct or incompetent practices.

### **Response to CILA's Concerns**

CILA's letter highlights anecdotal instances of wrongdoing among a handful of immigration consultants but fails to acknowledge that such cases are exceptions rather than the norm. A fact to note is that such wrongdoing exists in other types of authorized representatives. Like other types of authorized representative professions, the vast majority of immigration

consultants adhere to high professional standards and deliver invaluable services to their clients. Furthermore, the CICC has established robust mechanisms to address complaints and enforce discipline where necessary.

We believe that CILA's suggestion to require immigration consultants to work under the supervision of lawyers is not in the best interest of public protection because it will deprive people with immigration needs of a more affordable and equally competent alternative. Immigration consultants are highly regulated, and the CICC was specifically established to address public protection concerns. Lawyers and immigration consultants have distinct but complementary roles, and collaboration—not subordination—is key to improving client outcomes and ensuring affordable access to justice.

### **Addressing Unauthorized Practitioners**

We agree with CILA that unauthorized practitioners (UAPs) pose a significant threat to public confidence in the immigration system. Addressing this issue requires a collaborative approach involving immigration consultants, who are often at the forefront of combating immigration fraud. It is important to note that UAPs are not exclusive to the immigration consultant profession; some individuals also falsely present themselves as lawyers or other types of authorized representatives. The solution lies in stronger enforcement by responsible stakeholders, including law societies, education to the public to raise awareness, and collaboration between regulators and authorized representatives rather than diminishing the role of immigration consultants. CAPIC has been actively taking action to combat UAPs and is fully committed to collaborating with all parties to address this critical issue effectively.

We propose the introduction of Administrative Monetary Penalties (AMPs) as a deterrent to UAPs. AMPs offer an expedient enforcement mechanism compared to traditional court proceedings, allowing CICC and other authorized representatives' regulators to address UAP practice swiftly. This efficiency is particularly beneficial in sectors requiring prompt corrective actions. An additional measure would be allocating more resources to the Canada Border Services Agency (CBSA) to establish a special unit for investigating and prosecuting UAPs. This would significantly enhance enforcement efforts.

### **International Operations of Immigration Consultants**

Regarding CILA's concerns about some immigration consultants operating internationally, it is important to note that many of these consultants serve as crucial links between Canada and prospective immigrants abroad. Rather than prohibiting international practice, efforts should focus on enhancing oversight through measures such as virtual audits and reporting requirements to ensure accountability.

## Recommendations

The issues raised by CILA underscore areas for improvement but should not overshadow the vital role immigration consultants play in Canada's immigration system. We advocate for constructive measures to enhance the CICC's oversight capacity and introduce penalties and mechanisms to deter UAPs. Furthermore, public education initiatives should focus on clearly distinguishing authorized representatives –whether immigration consultants or lawyers—from UAPs to protect vulnerable individuals from exploitation.

To address the concerns made, CAPIC recommends the following:

1. Establish a collaborative task force involving immigration consultants, lawyers, other authorized representatives, regulatory bodies, your department, and other key stakeholders to effectively address the issue of unauthorized practitioners (UAPs).
2. Use Administrative Monetary Penalties as a deterrent against UAPs.
3. Allocate additional resources to CBSA, including creating a special unit for investigating and prosecuting UAPs.
4. Grant the CICC additional measures and jurisdiction to sanction UAPs effectively.
5. Implement a dedicated whistleblower hotline to report UAPs.
6. Provide the public with clear processes for reporting UAPs.
7. Increase public education and awareness campaigns about the extrinsic difference between UAPs and authorized representatives.
8. Add a line in every application form to require applicants to confirm if they are represented and also explain the consequences of misrepresentation for failing to disclose their representative.

As the professional association representing more than 4000 Immigration Consultants, CAPIC is committed to:

1. Supporting all entities in addressing UAPs and participating in a collective task force.
2. Upholding the public interest and integrity of the immigration system.
3. Promoting ongoing education on ethical principles and the Code within the profession.
4. Enhancing awareness about the scope of immigration consultant licenses and practice.
5. Supporting the CICC to address violators more effectively and efficiently.
6. Advocating for immigration consultants and their vital role in the immigration ecosystem.
7. Ensuring the public has a viable choice in representation and access to justice.

Minister Miller, there is much at stake and much to be done. We are eager to collaborate in a professional and steadfast environment committed to the highest ethical standards. The public must be protected, and the immigration consultant profession is critical to ensuring Canada's immigration system remains accessible, effective, and fair. We welcome the opportunity to engage further on this issue and to collaborate in advancing the shared goal of public protection.

Sincerely,



Dory Jade, C. Dir.  
Chief Executive Officer  
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