



Bill C-97 Webinar Q&A

1. Any idea whether membership fees will be affected?

Enforcement is a costly process. While initial funding may be available from the government, one can expect fees to increase over time.

2. Does Bill C-97 give the new College teeth to go after ghost consultants (i.e. those who are not RCICs)?

Yes, however it's not an instant process. Cease and desist warnings must be followed with example-setting by prosecution. Realistically, it will take time, and total elimination will probably not be possible as with any other profession. However, there will be a major impact inside and outside Canada.

3. The government is giving the new self-regulator the "teeth" but not funding. How would this impact the members, with respect to fees leviable by the regulator, in particular to those new ones who need time to build up a business?

While initial funding may be available from the government, one can expect a reasonable fee increase over time. But it is difficult to predict at this stage.

4. This is to thank every member and the CAPIC administration for their outstanding work and for having our profession reach the federal statute.

It's the start of a new era, but greater effort may be required. We are grateful to members who funded the cause for their selfless and relentless efforts and support.

5. I guess everybody has this question: what happens to existing RCICs? Is there a grand gathering provision in the new regulation, or is it only new applicants for membership that may be affected?

We expect grandfathering for several reasons, and the Act reflects this currently. But of course, final determination on this topic can be made after the regulations are finalized. You can expect that CAPIC will continue to lobby on members' behalf.

6. Are law societies under a federal or provincial statute?

Provincial, and RCICs are regulated federally due to the profession's legal history and extra-territorial legislation.

7. First, thank you to CAPIC for their hard work. What happens to the complaints that are currently filed with ICCRC against RCICs? Do they get transferred over and, if so, will they be assessed on the current or the new code of conduct? Thank you!

While the regulator is better placed to answer this question, we believe that yes, existing complaints will continue to be processed. If rules change, they may contain retroactive provisions that may have the best of both worlds in terms of public interest.

8. Will the new federal regulator abolish double-regulations and replace provincial bodies?

Provincial regulations will have to align with the new Act and many provinces and territories that do not currently have provincial regulations may no longer see it as necessary to have one. In fact, the regulator has started to talk with provinces about MOUs between them.

9. Will Bill C-97 pass all its stages in the House of Commons and Senate until October 2019?

It is expected to speed through faster than that.

10. Great session. Thank you all for making it happen.

It would not happen without your participation and contribution.

11. Do existing RCICs need to take an exam for the new regulatory body or not? Will the rights and powers of RCICs be more or the same as now? As for temporary resident applications such as study permits in Canada, can we submit to Ottawa? How about the Canada biometric application?

It is highly likely that there will be new entry exams for RCICs. The rights will remain as per IRPA. C-97 does not directly impact IRCC intake and processing in this regard and is not expected to change. Constant improvements are always in the works, including in Canada biometric testing. Having said the above, C-97 will affect IRB process and refugee applicants.

12. I believe a lot of the ghost "consultants" are outside Canada, who negatively impact our profession the most. I don't see how any of the new recommendations can tackle these problems.

This is where each RCIC will play a major role, gathering information and sending it to the regulator, who will help to contact foreign governments in Canada or overseas. Over time, international agreements with other governments are made possible through this tool. Time will tell but a dent is anticipated.

13. Will the ICCRC remain and have a change of name or will a new regulator be installed, after which we go through the entire qualification process again? Please shed some light on this aspect.

From our analysis of C-97 it is likely that the ICCRC will morph into a college with greater control at the top by the government. This control will permeate downwards in making the necessary adjustments to rules and standards and will improve operational efficiency.

14. Lawyers who have not studied the immigration course can still conduct immigration business. In future, will lawyers register with the college to do immigration business?

Lawyers remain outside the purview of these changes currently.

15. Excellent! Well done CAPIC!

Thank you for your appreciation. We count on your continued support.

16. As consultants, do we have to apply and get approval to become a member of the new entity and to practise?

Grandfathering is anticipated and must be negotiated if not. It is evident that the "takeover" plan has factored this aspect, as the show must go on uninterrupted.

17. We must all support this great opportunity for RCICs. If we achieve a 2/3 vote to become the College, it is essentially status quo. Why would fees change?

It is anything but status quo. Coming out from under the CNCA with a majority of the board appointed by the government is a major change. Additional need for enforcement infrastructure setup is costly, and fees may go up over time. Frankly, no one knows at present. Most likely, there would also be some government help. Additionally, a compensation fund will be created for those who become victims of criminal acts by consultants. This is to protect the public but also to inspire confidence in the public to use consultants.

18. What happens if we don't make the 2/3 vote to move from the ICCRC to the College? Thank you.

The government might set up a new entity of their own under a different ministry, but all options are open (e.g. it may be considered that consultants do not want self-regulation after all). It may signal the end of immigration consulting as a profession.

19. As members of the College we must vote on an increase of fees, etc., correct?

RCICs will no longer be considered "members," as we would be out from under the CNCA. They will then be licensees without the right to vote in such matters.
CNCA

20. How can this Bill help the ICCRC (or whoever the new regulator is) go after overseas ghost consultants, fraudsters, etc. They don't fear getting in trouble overseas as they say Canadian laws don't apply to them. I can see ghost consultants being in big trouble here in Canada. But what about overseas? There are thousands of them overseas!

Please see our reply above. Over time, international agreements with other governments are made possible through this tool. Time will tell but a dent is anticipated. Once it is against the federal Law, regulations will prescribe penalties. Prosecutions can happen in absentia.

21. Will the new Bill enforce restrictions upon consultants representing certain areas of immigration and refugee law? For example, do we know if consultants will still be able to represent refugee claimants before the tribunal?

Yes, that is why classes of licences are included in the new ACT. With them come specialization requirements to be a licensee who can practise at the IRB.

22. Are we going to have to pass a new exam?

No, but upgrades may be required.

23. Do lawyers have a similar compensation fund?

Yes. See: <https://iso.ca/protecting-the-public/compensation-fund/frequently-asked-questions-about-the-compensation>

24. Is error and omission insurance a kind of compensation fund?

No, it only covers errors and omissions, not criminal activity.

25. Do immigration consultants have to be residents of Canada?

Yes, either citizens or PRs.

26. Thank you, Dory and Gerd, for your huge contribution to the profession. In your opinion, what is the advantage if the ICCRC becomes the new College of Immigration Consultants versus starting a new body from scratch?

Millions have already been invested in capacity and infrastructure building, besides establishing processes and making rules. It will be wasted if the wheel is reinvented. It is preferable to tweak the existing model by re-engineering it than to build a new one, and we get to keep its self-regulatory elements.

27. Can we get copies of Bill C-97?

Yes, please visit <https://www.capic.ca/EN/AdvocacyandConsultationPapers>

28. Will there be a scale of fees mandated?

We do not know. For lawyers it is meant as guidance.

29. What about RISIA members for international students? Would they still exist?

Yes, it is clear in Bill C-97.

30. Does the extra-territorial power extend to regulate unscrupulous practitioners "practising" in foreign countries, such as China/India?

This is where each RCIC will play a major role, gathering information and sending it to the regulator, who will help to contact foreign governments in Canada or overseas. Over time, international agreements with other governments are made possible through this tool. Time will tell but a dent is anticipated.

31. Will our ICCRC licences be recognized by the new College? Is there going to be a process in which we will need to re-train and re-licence?

Most likely not for existing ICCRC licenses, if we may label them as such.

32. This may be a somewhat premature question: Do we know where the Federal Conservatives stand on C-97? And how will they manage this if they form the next government given that the Conservatives will likely be coming in on a fiscal restraint platform and the Liberals have committed \$52M over the next few years?

The CIMM consists of all parties. These changes are largely in keeping with their recommendations. So far, the opposition has not objected to the proposal. If it passes, then it becomes law. The financial budget provision of \$51M is a separate matter that is indirectly connected. How much of that will go to this project is unknown.

33. Thanks for the presentation. I believe there is some reference to graded licensing. Could you please explain?

RISIA is a class of licence, as is RCIC. RISIAs provide other services to be another class. Specialization in some fields, such as representing at tribunals, will be another class of licence.

34. Would we get more diversification or be licensed in a certain field? For example: only TWP or only LMIA, like surgeons who are not licensed to be a family physician?

Managing such micro tasks in our profession currently appears impractical. However, the emphasis shall remain on the competency to do a task that is undertaken in this vast field will.

35. If the ICCRC had done its job, we would not be in this situation. If the ICCRC is going to show interest in becoming a college, then it's going to be the same with a new name. What is your opinion on this?

Not entirely. UAPs are a major problem and no solution has been provided. After the CIMM Report, they may have stepped up efforts to determine what needed improving. By gaining control in appointing a majority of Directors at the Board, the regulations will contain the direction they wish to take. Your comment appears to be in line with those made at the CIMM Town Hall when the regulator was blamed for not doing anything about the ghost consultants whom they had no jurisdiction over, and of course there were disgruntled members who had complaints against them in progress.

36. Clarification: if the ICCRC was maintained as regulator, it would still be subject to government-regulated impact/requirement, no?

With the long-awaited federal statute coming into place, a governmental impact on the regulator is to be expected.

37. The transitional provisions allow for the current regulatory framework to be moved to the new College... Why will there be any changes?

It appears as simple as that but it's not. The new regulations supporting this act and the modifications to the bylaws, which the Board members now make without input from members, says a lot about "control."

38. If the Bill becomes law, what will happen to those who had been disciplined/suspended? Will they have a clean slate with the College?

No, because the new entity (the College) takes over the assets, liabilities, and obligations of the ICCRC.

39. Was CAPIC consulted in the development of Bill C-97, or only before the report?

For years CAPIC has written submissions on a federal statute and the provision of additional regulatory powers to combat UAPs. Following the CIMM Report there was even more focus on self-regulation in these submissions. Most of our lobbying activities are works in progress.

40. Would the membership fees be different or higher? As members, would we be able to match our professional standards to those of other regulated parties?

This depends on what we can expect from the regulations. Given only the new enforcement power, one can expect the fees to go up. If done well and sufficient funding is provided, they may also go down.

41. Please provide your thoughts regarding classes of licences.

So far, as announced, we know that RISIA is a class of licence, as is RCIC. RISIAs provide other services to be another class. Specialization in some fields, such as representing at tribunals, will be another class of licence.

42. There was only a 34% turnout for the ICCRC elections. How will we ensure that members turn up for this important vote? Will the voting be mandatory?

Voter turnout has always been a challenge in our profession and in government elections. The good news is that the regulatory board is now able to do real-time voting online.

43. What will happen to the Regulated Canadian Immigration Consultants currently under investigation?

There is no reason why investigations should not continue, and, in fact, they could speed up.

44. Any chance we would be able represent clients in court instead of lawyers?

No chance; and let it be clear, we are not lawyers.

45. What classes of licence do you anticipate?

RISIA is a class of licence, as is RCIC. RISIAs provide other services to be another class. Specialization in some fields, such as representing at tribunals, will be another class of licence.

46. Can you guide us to the Act that governs the legal profession as a way of comparison?

See <https://lso.ca/>, <https://lso.ca/protecting-the-public/compensation-fund/frequently-asked-questions-about-the-compensation>

47. How does the new College's role in policing unauthorized practitioners differ from the CBSA's existing enforcement powers?

When proclaimed, the regulations will answer this question for all of us. At this time, we can only say that there is now extraterritorial jurisdiction and that the focus will no longer be limited to large-scale cases.

48. The best way to help is for all ICCRC members to vote 2/3 majority to become the College and control our own destiny!

Yes, and each RCIC has the task of giving this information to another RCIC to make that happen.

49. The Bill hints at different classes of membership. Would the existing members need to go through the process of membership again?

If they need a licence to practise in an area in which they have no training or experience.

50. The Bill creating the College is part of the omnibus package containing the Budget. As the Liberals have a majority in Parliament, it will 100% pass and become law. It is most important for us to lobby each other as ICCRC members to get the 2/3 majority vote for transitioning to become the College.

Yes, and each RCIC has the task of giving this information to another RCIC to make that happen.

51. Is your book in French too?

No.

52. Is that all? Many of the topics are all about how hard you guys worked for this Bill and we appreciate it. I just wish I could hear more on its benefits and the pros and cons.

Almost every CAPIC submission during the last three years has discussed the pros and cons. These are all online and available to members. We tried to reemphasize the pros and cons in our session.

53. Do we have a formal reaction from the CBA immigration section?

No, only informal opinions. However, we expect that the CBA will continue to write submissions that express these opinions.