



Canadian Association of
Professional Immigration Consultants

L'Association Canadienne des
Conseillers Professionnels en Immigration

CAPIC's Input for the College of Immigration and Citizenship Consultants Regulations

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Introduction

CAPIC studied the proposed *College of Immigration and Citizenship Consultants Regulations* (College Act Regulations) under the College of Immigration and Citizenship Consultants Act (College Act), collected CAPIC members' feedback, and conducted an in-depth analysis of the current immigration and citizenship practice landscape. CAPIC has concerns regarding the following areas:

1. The inadequate measures to tackle unauthorized practitioners (UAP) practice.
2. The lack of specific eligibility criteria for College Directors and the low Board meeting attendance requirement.
3. The lack of specific eligibility or inadequate eligibility criteria for the College's committee members.
4. The lack of College committee procedural rules.
5. Vagueness around how "capacity to practice" will be evaluated.
6. The potential negative impact of the Compensation Fund on ethical and competent Licensees.
7. The College's broad random verification powers.

Analysis and Recommendations

The College Act¹ was the federal government's response to the 2017 Standing Committee on Citizenship and Immigration (CIMM) Report, "[Starting Again: Improving Government Oversight of Immigration Consultants](#)" (the "2017 CIMM Report"). The 2017 CIMM Report recommended the creation of an independent public interest body to govern the profession of immigration consultants. It also recommended measures to tackle UAPs.

The College² was brought forth by the College Act to regulate immigration and citizenship consultants in the public interest and protect the public with measures to oversee the compliance of its Licensees and sanction UAPs. The College Regulations intend to implement the governing regime for immigration and

¹ The College Act came into force on December 9, 2020. See "Minister Mendicino announces the coming into force of the College of Immigration and Citizenship Consultants Act," IRCC, modified February 25, 2021, [online](#).

² The CICC officially opened on November 23, 2021 as the regulator of immigration and citizenship consultants. See "There's a new regulator of immigration and citizenship consultants. What does this mean?" IRCC, modified November 24, 2021, [online](#).

citizenship consultants. Tackling the problem of UAPs is also addressed in the College Regulations, to a small degree.

1. Analysis

(1) Inadequate measures to tackle UAP practice

CAPIC submits that the measures to tackle UAP practice proposed in the College Regulations are inadequate for the College to fulfill its public protection mandate.

UAP practice is the biggest threat to the integrity of the Canadian immigration system. UAPs not only exploit the vulnerability of potential immigrants but also help dishonest applicants lie their way into Canada.³ Some media outlets have difficulty distinguishing UAPs from immigration consultants. Their confusing reports unintentionally create further confusion for prospective immigrants, which makes them more prone to falling into UAPs' traps.

The measure proposed by the College Regulations to tackle UAP practice⁴ is through the disclosure of UAPs' personal information. That is, the College is empowered to disclose UAPs' personal information to other professional regulatory bodies, to any province, and to certain foreign institutions. However, this new measure is not only directed at UAPs but also applies in the event of "potential professional misconduct" by Licensees.

CAPIC has concerns about this measure. First, it addresses professional misconduct by Licensees who are authorized representatives and the practice of UAPs practicing unlawfully using the same measures, when the latter conduct is more egregious and of an entirely different nature. Practicing as a UAP is an offense under s.91(9) of the *Immigration and Refugee Protection Act*, SC 2001, c. 27 (IRPA) and should be addressed separately with stronger measures. Immigration and citizenship consultants are regulated and sanctioned by the College. Imposing the same sanctions on Licensees as UAPs (who provides paid services to clients without a license), equates the severity of their conduct. Second, the disclosure of personal information is at the discretion of the College and is not mandatory.

When the CIMM studied the immigration consultant profession in 2017, two major issues were noted: the Immigration Consultants of Canada Regulatory Council (ICRC), the College's predecessor, was neither adequately equipped to hold its members accountable for unethical or incompetent practice nor had the authority to pursue UAPs. The College was created in response to the need to address these

³ See Tricity news, "Port Coquitlam woman linked to massive immigration fraud granted appeal to care for sons," January 17, 2021, [online](#).

⁴ Sections 46 to 49 of the College Regulations.

issues. Recommendations were also provided on the problem of UAPs: it is an issue that calls for cooperation between Immigration, Refugees and Citizenship Canada (IRCC), Canada Border Services Agency (CBSA), Royal Canadian Mounted Police (RCMP), and the College. While the College is empowered to seek injunctions against UAPs in accordance with [s. 78](#) of the College Act, UAP practice is an offence to be dealt with following the Criminal Code by CBSA.

After the increase in criminal penalties for UAPs in 2019⁵ and the inauguration of the College, UAPs still loom large in the Canadian immigration system. The following three examples paint a gloomy picture:

- An education agent (charged with offering advice without a license) used fraudulent letters of acceptance (LOAs) purporting to accept several Indian students into Canadian designated learning institutes (DLIs), eventually triggering a string of protests by students facing removals.⁶ The same agent filed 976 other applications, which were refused by IRCC.⁷ After this incident, IRCC enhanced its LOA system, which subsequently intercepted more than 10,000 potentially fraudulent LOAs in the 10 months after it was put into place.⁸
- The College's 2024 Annual Report indicates that nearly 2,246 UAP websites and social media pages were shut down in that reporting cycle.⁹ While this was a huge feat, very few UAPs were charged pursuant to [s. 91\(9\)](#) of IRPA.
- UAPs impersonate not only immigration consultants but immigration lawyers as well.¹⁰

Mr. Robert Kewley is a witness who appeared before the CIMM during its 2017 immigration consultant study. He is a retired RCMP officer who spent 10 years investigating immigration fraud and other related cases. Mr. Kewley was in charge of the ICCRC Investigations and Intake Team in 2015. He suggested that to effectively curb UAP practice, prosecution should extend to all UAP offenders, not just the most severe cases.¹¹

While the College Regulations may propose measures to hold Licensees accountable for professional misconduct, the proposed s. 46 fails to differentiate

⁵ See Annual Statutes: SC 2019, c. 29, s. 296, assented to June 21, 2019, [online](#).

⁶ Toronto Star, "Indian education agent arrested, charged in fake-admission-letter scandal in Canada," updated July 19, 2023, [online](#).

⁷ CIMM, [Evidence](#), 42nd Parliament, 1st session, Meeting No.71, June 14, 2023, 1707 (Christiane Fox, IRCC Deputy Minister).

⁸ CIMM, [Evidence](#), 42nd Parliament, 1st session, Meeting No.114, November 7, 2024, 1125 (Bronwyn May, Director General, International Students Branch, IRCC).

⁹ The College, [2024 Annual Report](#), p. 21, online.

¹⁰ CBC, Campaign to crack down on fake immigration lawyers aims to protect newcomers from 'scam artists', February 15, 2024, [online](#).

¹¹ CIMM, [Evidence](#), 42nd Parliament, 1st session, Meeting No. 59, May 8, 2017, 1640 (Robert Kewley).

between the misconduct of authorized Licensees and the unlawful practice of UAPs. Without creating more effective measures empowering the College to tackle the UAP issue, the efficacy of the College Regulations is limited.

(2) No specific eligibility criteria for College Directors and low attendance requirement

CAPIC submits that a high standard of eligibility criteria for College Directors and robust Board meeting attendance requirements is critical to the College's mandate. As the governing body of its Licensees, the College consists of a Board of Directors, Committees, and a Registrar. Both the committee members and the Registrar are appointed by the Board.¹² Board members are either appointed by the Minister or elected by Licensees.

a. No specific eligibility criteria for the College Directors

The Board may exercise all of the powers conferred on the College under the College Act, and holds the exclusive power to make By-laws.¹³ The College By-laws do not require approval by its members.¹⁴ A lack of voting rights with respect to the College By-laws means that College Licensees are given only one channel to have their voices heard, which is through the election of peer Directors. The governance of the profession is in the hands of the Board. The great power conferred on the Board calls for a highly qualified and sophisticated Board to fulfill the College's mandate.

The College Act does not specify the criteria for the Directors on their Board. Rather, it merely provides a high-level ineligibility framework¹⁵, leaving all other ineligibility criteria to the Regulations.¹⁶

The College Regulations propose additional ineligibility criteria for Directors. These criteria focus on capacity, conflicts of interest and past professional conduct. A Licensee is also ineligible to sit on the Board if his/her license is suspended. These ineligibility criteria are lower than the criteria applicable to committee members. The College By-laws prescribe further ineligibility criteria¹⁷, for example, convictions of any criminal or regulatory offence; however, By-law making power is held by the Directors.¹⁸ Furthermore, actions taken by Directors

¹² Subsections 29(2) and 30(1) of the College Act.

¹³ Subsection 16(1-2) of the College Act.

¹⁴ Subsection 80(5) of the College Act.

¹⁵ Section 20 of the College Act.

¹⁶ Section 9 of the College Regulations.

¹⁷ Clause 43.1 of the By-laws.

¹⁸ One of the powers of the Board that cannot be delegated is to make by-laws. See paragraph 16(2)(b) of the College Act.

are valid despite their ineligibility.¹⁹ The College Regulations set out no substantive qualifications or degree of experience required for an individual to be eligible to serve as a College Director.

The low threshold for serving on the College's Board of Directors creates risks that could affect the operation of the College negatively. One example is Directors who do not have the expertise or knowledge to govern a profession. Another example is having elected Directors with license suspensions more than five years prior, who are actively under investigation, or who are suspects/accused in criminal proceedings. Other self-regulating bodies create higher standards for their Directors. For example, to be qualified to serve as an elected council member for the Chartered Professional Accountants (CPA) of Ontario, individuals must have satisfactory results from a criminal record check, no finding of professional misconduct in the previous 10 years, and must not be the subject of a complaint, investigation, or referral to the CPA Ontario Discipline Committee by the Professional Conduct Committee.²⁰

With only the minimal ineligibility criteria for Directors under the College Act and the College Regulations, there is no guarantee that the above examples will be avoided, or that unqualified individuals will be able to serve as Directors.

b. Low minimum attendance requirement at Board Meetings

The College Act requires only one mandatory Board meeting every calendar year.²¹ Directors receive remuneration and expenses from the College.²² Three powers of the Board must be carried out by the Board without delegation: (i) amending or repealing regulations; (b) making by-laws and (iii) approving audited annual financial statements.²³

It is a step forward to prescribe when a Director will cease to be a Director.²⁴ However, the proposed minimum attendance requirement of just 50% of all Board meetings is insufficient for the Board to effectively fulfill its duties.

(3) No specific or inadequate eligibility criteria for committee members

The College Act established two committees for the College: The Complaints Committee and the Discipline Committee. The committee members are appointed

¹⁹ Section 21 of the College Act

²⁰ CPA Ontario, General By-Law (2021), s. 3.3.

²¹ Subsection 26(1) of the College Act.

²² Section 24 of the College Act.

²³ Subsection 16(2) of the College Act.

²⁴ Section 10 of the College Regulations.

by the Board.²⁵ The College Act authorizes the Board to establish other committees.²⁶ The College Regulations proposed the creation of two new committees: The Compensation Fund Committee²⁷ and the Capacity Evaluation Committee.²⁸

CAPIC submits that the effectiveness and efficiency of the proceedings of the College committees is key to fulfilling the College's public protection mandate. For the committee's proceedings to be effective and efficient, the first cornerstone is creating a high standard for committee members' eligibility.

a. Committees established by the College Act

The only restriction prescribed in the College Act for committee member appointees is not being a member of the two committees at the same time.²⁹

The College Regulations specify that the members of the Complaints Committee and the Discipline Committee are appointed by the Board on the recommendation of the employees of the College.³⁰ They require the members of these two committees to "have the necessary expertise and experience to participate in disciplinary hearings." For a Licensee to be appointed to either committee, he or she must not have committed professional misconduct or been incompetent in the five previous years.³¹ The qualification requirements for Directors prescribed in the By-laws apply to committee members.

The mandatory expertise and experience requirements may help with the appointment of satisfactory members to the two committees. Barring Licensees who are unethical or incompetent is also important. That said, CAPIC submits that the absence of professional misconduct within just five years is inadequate, and a longer period should be substituted, as more time may be required for the individual to be rehabilitated.

b. Committees proposed by the College Regulations

The composition of the proposed new Compensation Fund Committee and the Capacity Evaluation Committee, their member appointment protocol, member

²⁵ Subsections 29(1) and (2) of the College Act.

²⁶ Subsection 29(7) of the College Act.

²⁷ Sections 13 to 16 of the College Regulations.

²⁸ Section 17 of the College Regulations.

²⁹ Subsection. 29(6) of the College Act.

³⁰ Subsections 11(2) for the Complaints Committee and subsections 12(2) for the Discipline Committee.

³¹ Paragraph 11(4)(b) for the Complaints Committee and s. 12(4)(b) for the Discipline Committee.

selection criteria, and restrictions for appointments are not specified in the College Regulations.

Both of these proposed committees will be conferred immense power. Even though the qualification requirements prescribed in the By-laws apply to all committee members, the lack of clear guidance in the College Regulations for these particular committees is concerning.

(4) Lack of committee proceeding rules

The powers, duties, and functions of the Board are defined in the College Act.³² The powers of the Registrar are stipulated in the College Act, as well.³³ The College Act also prescribes the powers of the Discipline Committee.³⁴ The College Act Regulations specify the powers, duties, and functions of the four committees.³⁵

The College Regulations remain largely silent on how the Registrar and four committees are to operate to carry out their functions and duties. While the Discipline Committee is empowered to make rules respecting the practice and procedure before it under the College Act³⁶, in CAPIC's submissions, procedural rules governing investigations and disciplinary proceedings should be set out in the College Regulations for greater certainty and transparency.

For example, no time limits are set in the College Regulations for any of the College's investigations and disciplinary procedures. The 2017 CIMM Report shows that the nonexistent or prolonged enforcement procedures contributed to ICCRC's failure to govern the profession effectively.³⁷ No time limits on investigations are a major contributing factor to such an effect.

Regulations are expected to be practical and set out rules that can be followed to ensure the implementation of their parent statutes. Both legal and administrative proceedings need to be transparent. The College Regulations set no specific rules for committee proceedings. Without rules as signposts, once a proceeding is initiated by a party, the parties involved will be waiting in the dark for the next step. This is not a favourable situation for public protection. Nor is it good for the

³² Subsections 11(3)(b) for the Complaints Committee and subsections 12(3)(b) for the Discipline Committee.

³³ Section 35 of the College Act.

³⁴ Sections 66 and 69 of the College Act.

³⁵ Subsection 11(1) for the Complaints Committee, subsection 12(1) for the Discipline Committee, subsection 14(1) for the Compensation Fund Committee, and subsection 18(1) for the Capacity Evaluation Committee of the College Regulations.

³⁶ Section 59 of the College Act.

³⁷ See 2017 CIMM Report, "a. Complaint Mechanism," p. 22 to 23.

profession at large. When bad actors are not held accountable promptly, it is the reputation of the profession that suffers.

(5) Vagueness around the evaluation of “capacity to practice”

The Capacity Evaluation Committee is a new committee proposed by the College Regulations.³⁸ A capacity evaluation can be triggered by the request of the Registrar, the Complaint Committee, or the Discipline Committee before they make a decision.³⁹ CAPIC acknowledges that adding a layer to decision-making processes that affect the practice of College Licensees is a good-intentioned initiative; however, we notice two issues.

First, no definition is given in the College Regulations for “capacity to practice.” Under clause 38.1 of the By-laws, a Licensee is incapacitated if, “by reason of physical or mental illness, condition, or disorder, they are incapable of meeting their obligations under the By-laws, Regulations, or Code of Professional Conduct.” It is unclear if this definition will apply when the Capacity Evaluation Committee is making determinations on capacity. On this point, CAPIC notes that under the Ontario *Law Society Act*, a Licensee is incapacitated if, “by reason of physical or mental illness, other infirmity or addiction to or excessive use of alcohol or drugs, he or she is incapable of meeting any of his or her obligations as a licensee.”⁴⁰

Second, there are no procedural rules for setting out how the Capacity Evaluation Committee is to form an opinion. The By-laws provide some guidance applicable to a Fitness to Practise Committee, which is permitted to obtain the opinion of a physician or psychologist to determine whether a Licensee is incapacitated. That said, the powers of the Fitness to Practise Committee are substantially different from the proposed Capacity Evaluation Committee.⁴¹

Without a definition of “capacity to practice” and clear rules regarding its operation, the Capacity Evaluation Committee is likely to add one more layer of complexity to proceedings, prolonging the time necessary to complete complaints or disciplinary proceedings, which the College Act is intended to improve.

(6) Potential negative impact on ethical and competent Licensees by the compensation fund

³⁸ Section 17 of the College Regulations.

³⁹ Clause 18(1)(d)(iii) of the College Regulations.

⁴⁰ Law Society Act, RSO 1990, c. L.8, s. 37(1).

⁴¹ Article 38 of the By-laws.

The College Act prescribes the creation of a Compensation Fund.⁴² Funds of this nature exist in many professions. However, the funding sources and costs of administering the fund prescribed by the College Regulations may have unintended consequences: compliant Licensees will have to foot more of the bill than those who engage in misconduct.

a. Conclusion of no impact on Canadian small businesses is problematic

99% of Licensees of the College are estimated to be small businesses.⁴³ The “Regulatory Impact Analysis Statement” for the College Regulations indicates that a potential increase in annual fees is likely. Specifically, two sections imply a potential fee increase:

- The “Costs to licensees” section reads, “As an alternative and last course of action, the College may revisit the need to increase annual fees or require the payment of other fees for the purposes of financing the compensation fund, should a compensation fund deficit occur.”
- The “Summary of monetized costs and benefits” reads “A potential deficit in the compensation fund due to the introduction of payments could require, as a last course of action, increases to licensees’ annual fees or other fees, so that the College can ensure the fund’s sustainability. Potential increases to fees would be incurred by licensees.”

The “Small business lens” of the Regulatory Impact Analysis Statement shows that the impact on Licensees who are themselves almost all small businesses was not considered when developing the College Regulations. Therefore, the conclusion that “the proposed Regulations would not impact Canadian small businesses” is misguided.

While the Regulatory Impact Analysis Statement describes increasing Licensees’ annual fees or requiring payment of other fees to finance the Compensation Fund as “an alternative and last course of action,” these fees are listed first before any other source of funding in the proposed College Regulations⁴⁴, other than amounts paid into the fund from Licensee penalties under s.69(7) of the College Act.

CAPIC notes that recovering penalties from culpable Licensees can be a lengthy and difficult process. It also notes that only the College Regulations and not the Regulation Impact Analysis Statement are enforceable, which makes Licensees’ annual fees and other new Licensee fees (i.e. two funding streams from

⁴² Section 13 of the College Act.

⁴³ See “Small Business lens,” Canada Gazette, Part I, Volume 158, Number 51: Regulations Amending the Immigration and Refugee Protection Regulations (Administrative Penalties and Consequences), December 21, 2024, [online](#).

⁴⁴ Section 3 of the College Regulations.

Licensees) appear to be the primary source of financing for the Compensation Fund, instead of a last resort.

b. Annual fee and other fee(s) to be paid by Licensees may be the most reliable source for the compensation fund

The College Regulations prescribe five funding sources for the Compensation Fund.⁴⁵ CAPIC examined them in turn:

First, the annual fee and other fee(s) to be paid by Licensees, which appear to be the main funding source for the fund.

Second, money that the College recovers from a Licensee to reimburse the Compensation Fund (after the College has already paid compensation to an individual) through a subrogated proceeding.⁴⁶ The reality could be that the costs associated with recovering this money may exceed the compensation itself. That may make recovery from the Licensees an additional burden on compliant Licensees who have nothing to do with the culpable Licensee's conduct.

Third, is the money recovered from an insurer. It is unclear if this will work. According to an information session jointly held by IRCC and the College, this seems unlikely to be the main funding source for the Compensation Fund.

Fourth, the interest accrued on the amounts held by the Compensation Fund is another funding source unlikely to generate material contributions.

Fifth, is the "any other amount the College assigns to the fund." While it can assign a certain amount to the Compensation Fund, generally, the College's source of income comes from its Licensees.

c. Lack of Compensation Fund Committee Administrative Rules

The College Act provides immunity to the College personnel, including committee members. While the Compensation Fund Committee has significant power over the Compensation Fund, no administration rules are prescribed in the College Regulations. By contrast, procedural rules relating to the filing and reviewing of claims, and payments from compensation funds administered by other self-regulated bodies, such as the Motor Vehicle Dealers Compensation Fund in Ontario and the Real Estate Special Compensation Fund in British Columbia, are enacted in associated statutes and regulations.⁴⁷

⁴⁵ Subsection 3(1) of the College Act.

⁴⁶ Subsection 6 of the College Act.

⁴⁷ See the General, O Reg 333/08, ss. 79-86, under the Motor Vehicle Dealers Act, SO 2002, c 30, Sch B; and the Real Estate Services Act, SBC 2004 c. 42, ss. 60 to 72.4.

99% of Licensees are small businesses, and deficits in the Compensation Fund caused by mismanagement of the Fund may result in higher fees and will be an unacceptable burden on them. Therefore, proper management of the Compensation Fund is vital. The lack of clear and transparent rules for the administration of the Funds is concerning.

d. Emergency allocation mechanism may cause unintended consequences

Although CAPIC agrees that the mechanism⁴⁸ for allocating emergency funds to an individual for urgent expenses, may protect victims of misconduct by Licensees, the absence of a definition for “urgent expenses” and the absence of rules governing the administration of the Fund confers too much power on the Compensation Fund Committee, which is immune to any liability.

In addition, after payment of such “urgent expenses” has been made, if a penalty of an equivalent amount is ultimately not imposed by the Disciplinary Committee on the culpable Licensee, recovering the payment from the Licensee could pose new issues. For example, payment may be costly to recover, such that the net amount recovered is next to none. Or, worse, the recovered amount may be less than the cost of the recovery proceedings. If no steps to recover the penalty are taken at all, then the profession must solely bear the burden of the culpable Licensees’ actions. This would only benefit the culpable Licensee who must be held accountable through the College Regulations.

(7) Broad random verification

The random verification provisions under the College Regulations give the Registrar power to verify a Licensee’s business premise or dwelling-house.⁴⁹ The College Act requires the occupant’s consent to enter a dwelling-house that is also the Licensee’s business premises.⁵⁰

No triggering factors are given for random verification, which means that all Licensees are subject to random verification, including a Licensee who has been ethical and competent throughout his or her career as a Licensee. At the very least, due process and procedural fairness measures should be followed.

2. Recommendations

⁴⁸ Section 16 of the College Regulations.

⁴⁹ Subsection 25(2) of the College Regulations.

⁵⁰ Subsection 35(2) of the College Act.

Based on the issues identified and the analysis above, CAPIC recommends the following:

(1) Measures to tackle UAPs

- a. Split s. 46 into two sections and revise ss. 47 to 49 to deal with by Licensees and UAP practices separately.
- b. For UAPs
 - Address and enhance the College's ability to seek injunctions under s. 78 of the Act.
 - Make it mandatory for the College to report UAPs to the authorities responsible for the administration or enforcement of the laws and regulations prescribed in s. 46(1).
- c. For professional misconduct by Licensees
 - The threshold for disclosure of personal information should be amended to require "reasonable grounds to believe" that a Licensee committed any violation or offence or engaged in professional misconduct instead of being "suspected of committing any violation of offence" or engaging in "potential professional misconduct."

(2) Eligibility criteria and attendance for directors

- a. Prescribe the following specific criteria in the College Regulations as enabled by s. 20(f) of the College Act:
 - Directors must have no criminal record as a mandatory requirement and must not be subject to any ongoing criminal or regulatory proceedings during the process of appointment or election.
 - Directors must have specific credentials, including industry expertise, legal knowledge, and prior Board governance experience.
- b. Set out basic rules for Board meetings
 - Require that a minimum of four Board meetings be held per fiscal year.
 - Require that Directors attend all Board meetings.
 - Permit the By-laws room to require additional meetings.

(3) Eligibility criteria for committee members

- a. Prescribe the following specific criteria for all committee members:
 - Committee members must have no criminal record as a mandatory requirement and must not be subject to any ongoing criminal or regulatory proceedings during the process of appointment or election.

- Committee members must have specific credentials relevant to the committee's mandate.
- Increase the ineligibility period for Licensees to 10 years in s.11(4)(b)
- Create additional ineligibility criteria, including under any proceedings of a committee.

(4) Transparent proceeding protocols

- a. Create procedural rules for investigation and disciplinary proceedings, including time limits within which such proceedings must be concluded.

(5) Capacity to practice evaluation

- a. Define "capacity to practice."
- b. Create procedural rules for the operation of the Capacity Evaluation Committee, including time limits within which they must make determinations.

(6) Funding and rules for the compensation fund

- a. Add more sources of financing from the College's own resources, including interest from the College's accounts, and investment income, should the Fund monies be invested.
- b. Conduct a small business analysis to understand the impact of the Compensation Fund on College Licensees who are small businesses.
- c. Should the College begin charging Licensees fees to fund the Compensation Fund, creates different tiers of fees based on Licensees' practice capacity to allow part-time Licensees or those on-leave to pay less.
- d. Create rules regarding Compensation Fund management, including on the recovery of money from culpable Licensees who should reimburse the fund.
- e. Remove emergency allocation under s. 16.

(7) Random verification

- a. Set random verification as part of a verification regime.
- b. Set out the circumstances that would trigger verification.
- c. Prescribe a minimum notice period of random verification.

Conclusion



Protecting the public is the mandate of the College. To fulfill this mandate, tackling both UAP practice and Licensees' misconduct effectively is crucial. To best achieve this goal, the College Regulations ought to be revised in line with the recommendations above.

About CAPIC

The Canadian Association of Professional Immigration Consultants (CAPIC) is a non-profit professional organization representing the interests of Canadian Immigration Consultants. Our headquarters is located in Toronto (M5C 1C4) with staff from across Canada and members in Canada and overseas.

The organization advocates for competency, ethical conduct, and consumer protection in the immigration consulting industry. CAPIC's mission is to lead, connect, protect, and develop the profession, serving the best interests of its nearly 5000 members. It is the only association recognized by the Government of Canada as the voice of Canadian immigration and citizenship consultants. CAPIC is a major stakeholder consulting with federal and provincial governments and their respective departments on legislation, policy, and program improvements and changes.

All CAPIC submissions are publicly available on the CAPIC Advocacy web page to facilitate communication between CAPIC and our 4,400-strong membership and the general public.

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