



Monday April 10th, 2017

Vance Langford
Chair, CBA National Immigration Law Section
500 - 865 Carling Avenue
Ottawa, Ontario K1S 5S8

Dear Mr. Vance Langford,

On Monday April 3rd 2017, the Parliamentary Standing Committee on Citizenship & Immigration held its second meeting on the subject of Immigration Consultants. During this meeting, the CBA was represented by Ravi Jain, who provided concerning testimony and made recommendations inconsistent with the CBA's previous position on the role of Regulated Canadian Immigration Consultants (RCICs)

As the President of the Canadian Association of Professional Immigration Consultants (CAPIC), Canada's leading professional association representing immigration consultants, I feel obligated to address the counterproductive recommendations made by the CBA.

As part of Mr. Jain's testimony to the Immigration Committee, he stated that the CBA recommended restricting the representation or advice provided to immigration applicants, as spelled out under section 91 of IRPA, to lawyers in good standing of a Canadian law society. This recommendation is a shocking reversal of the CBA's position with respect to the role of RCICs in the Canadian immigration system. As recently at 2010, the CBA is on record recommending to the same parliamentary committee that RCICs should be permitted to operate in Canada provided they are sufficiently regulated by federal statute with investigatory powers, akin to law societies in Canada – CAPIC's recommendation.

I noted that a number of Committee members were quick to point out that this was obviously a self-interested position for the Association representing immigration lawyers. MPs also questioned the capacity for immigration lawyers to meet the needs of applicants, considering they currently only provide 25 % of the market, with RCICs delivering the majority of services.

CAPIC is keenly aware of the problem unauthorized immigration representatives pose not only for consumers, but to our profession's reputation. Unauthorized representatives exploit the trust of those looking to come to Canada, sometimes resulting in terrible stories of financial loss and deportation of the client.

Our organization recognizes the importance of properly regulating our profession. Since 2010, there have been various actions taken to regulate immigration consultants, with varying degrees of success. Currently, the Immigration Consultants of Canada Regulatory Council (ICCRC) serves as the national regulatory body for our profession, designated by the Government of Canada as per Section 91(5) of the Immigration and Refugee Protection Act. Their role is to safeguard consumers of Regulated Canadian Immigration Consultants (RCICs) and Regulated International Student Immigration Advisors (RISIAs) who provide Canadian immigration and citizenship services.



As we discussed at committee, while much has been accomplished under this system, the problem of unauthorized representatives persists. This is due in part to ICCRC being subject to the Canada Not for Profit Corporations Act (CNCA), which was not intended to be a governing model for professional regulatory bodies, but rather to protect members' rights for associations, charities and not for profit organizations. This legal framework does not properly balance the powers of the membership with the governance and disciplinary authority required of a regulatory body. By contrast, the Law Society of Upper Canada is exempt from the CNCA and has disciplinary capacity.

We feel an important step in the right direction to correct the problem of unauthorized representatives would be to make ICCRC exempt from the CNCA, in addition to allowing for the professional self-regulation of our profession under a Federal Statute. This would strengthen the mandate of the regulator to the benefit of consumers.

CAPIC would like to work constructively with the CBA to improve the regulation of our profession. We were disappointed by the CBA's testimony to the Immigration Committee and call on the leadership of the CBA to support our advocacy for professional self-regulation under federal statute to strengthen consumer protection for immigration applicants in Canada.

Thank you for your attention to this matter.

Sincerely,

Donald Igbokwe, BA (Hons).MA.CIP.RCIC
President