



DELIVERED VIA E-MAIL: Eric.Johansen@gov.sk.ca

Eric Johansen
Director of Program Integrity and Legislation, Immigration Services Branch
Ministry of Economy
7th Floor - 1945 Hamilton Street
Regina SK S4P 2C8

Wednesday, March 17, 2016

Dear Mr. Eric Johansen,

We are pleased by your initiative to reach out to FWRISA licensees to clarify matters regarding procedure and answering any queries that they may have! As the voice of Regulated Canadian Immigration Representatives (RCICs) we understand the importance of following protocol and having sound governing principles.

CAPIC is recognized federally as the representative of all RCICs, and as such we would respectfully like to highlight a few items referencing the FWRISA program, your letter to all FWRISA licensees, and existing federal regulation:

1. **Double Regulation** – Regulated Canadian Immigration Consultants are regulated federally under the Immigration and Refugee Protection Act, however, double regulation arises under section 91 of the Immigration and Refugee Protection Act *Representation or Advice for Consideration* and the *Regulations Designating a Body for the Purposes of Paragraph 91(2)c* of the Immigration and Refugee Protection Act and sections 4(1) and section 8(2) of the Foreign Worker Recruitment and Immigration Services Act which mandates immigration representatives to comply with Saskatchewan legislation in order to practice in the province.

Please consider: As RCICs are federally regulated should they also be provincially regulated which seems to discount the doctrine of paramountcy as established in the Mangat decision by the Supreme Court? What does being regulated provincially in addition to federal regulation yield for the province of Saskatchewan? Would the harmonizing of the SK legislation with the existing federal representatives regulation rules –e.g. with a MOU with the regulator ICCRC- not allow Saskatchewan to free up and allocate crucial provincial resources for other provincial goals? Could this not help to clear up issues leading to potential conflicts with other parties and using up even more resources?

2. **Information sharing** – Information sharing is governed by law, and in the case of FWRISA, client information can be shared with government affiliates.

Please consider: Which government bodies are entitled to receive information shared with them by the FWRISA department? Is there a guarantee in place that the information shared will not be routed to alternate government agencies? What will the government bodies do with the information that they have collected?



3. **Collection of information** – The Integrity Unit is mandated to collect information from individuals.

Please consider: Could you please provide more clarification as to which information will be procured from foreign nationals? How will this information be utilized in screening the candidates' eligibility for the FWRISA program?

4. **Immigration to Saskatchewan** – Planning to immigrate to Saskatchewan would require the use of a FWRISA licensed RCIC.

Please consider: If a foreign national decides that they want to immigrate only to Saskatchewan and they announce it to their RCIC who does not hold a FWRISA license, what is the necessary protocol for the RCIC to follow through with? Will the RCIC be able to continue consulting the client about immigration to Saskatchewan? Should the RCIC terminate the application or refer the client to a FWRISA licensee? What is the foreign national required to provide to proving their objective of immigrating to Saskatchewan?

5. **Portal Representative** – There is no dedicated representative portal for Saskatchewan online submissions.

Please consider: From a program integrity perspective would a dedicated representative portal not yield greater efficiency for applicants and hinder exploitation by unauthorized immigration representatives?

Please note that we emphasize our support for the efforts of the Saskatchewan government in improving the FWRISA and we look forward to our continuing relationship with the Immigration Services Branch and the government of Saskatchewan.

Therefore, we would be honored to have the chance to meet with you to discuss issues and concerns that RCICs have regarding the FWRISA. Our goal would be to clarify and to find solutions for conflicting issues while keeping in mind consumer protection, the needs of the province of Saskatchewan, and existing federal regulation rules and policies.

Kindly let us know when you would be available so that we may make travel arrangements accordingly.

We appreciate your kind attention to that matter, and are looking forward to meeting with you as soon as possible.

Sincerely yours,

Dory Jade, RCIC, C.Dir.
President