



**February 1, 2023**

## **Message from CAPIC CEO on Non-Citizenship Requirement Action Plan**

Dear Members,

We appreciate your continued input and comments regarding the issue of non-Canadians and permanent residents being eligible to apply for licensing as an immigration and citizenship consultant. Please continue to send your comments to [stakeholders@capic.ca](mailto:stakeholders@capic.ca) with the subject line: NON-CC/PR.

CAPIC has always been and will continue to be your voice. We will continue to gather information and ascertain next steps. I wanted to take this time to provide more information, along with a note of caution.

Some have recently signed a petition that is circulating. The author may have good intent; however, he is not a licensee who has the same unique experience and challenges that an RCIC has. It is also important that you fully read what you are signing, to ensure accuracy and veracity of what you sign for.

Section 15 of the [Canadian Charter of Rights and Freedoms \(justice.gc.ca\)](http://justice.gc.ca) (Charter) is the basis of the eligibility requirement of not being a Canadian citizen or permanent resident status to be an “immigration and citizenship consultants” (legal definition S. 2 [College of Immigration and Citizenship Consultants Act \(justice.gc.ca\)](http://justice.gc.ca)). To note, the case of *Andrews vs Law Society of British Columbia* was foundational in noting that practice of law cannot be restricted to Canadian citizens, with the final decision rendered at the Supreme Court [Andrews v. Law Society of British Columbia - SCC Cases \(lexum.com\)](http://lexum.com).



A more simplified explanation is here: [Andrews v. Law Society of British Columbia \(1989\) - LEAF](#). Challenging Section 15 of the Charter requires extensive legal research into constitutional law and collaboration with other entities, and you can see this exact issue has already been litigated. It is however one step to being considered and undertaken. Research is underway. Meanwhile, the Charter and the law must be respected as it is in its current form.

There are already steep entry requirements to enter the profession. Consideration can be commenced to add additional entry requirements such as in person Entry to Practice Exam or requiring an in Canada co-op requirement. Discussions and lobbying will begin taking place with relevant stakeholders as we continue to develop the strategy along with an action plan. Many of you may already see similar types of requirements for your clients who are working in regulated professions and as such, it is working in a more “controlled” environment (see below a sample of some entry to practice for other regulators provincially and federally regulated).

A meeting has already taken place with the CEO of the College of Immigration and Citizenship Consultants (The College) where your initial concerns have been relayed. Further meetings and discussions will continue to take place.

A second separate issue is that of unauthorized practice by non-authorized practitioners (UAPs). The impact of UAPs is monumental for many and indeed to the profession. It is acknowledged that it is exceedingly difficult to control. This may always be an insurmountable obstacle but nevertheless, CAPIC is developing a campaign and striving to work with other stakeholders including MPs, NGOs, employers, consulting firms, governments, and others. However, the admittance of foreign nationals to the profession, after passing entry requirements, would make them legal “immigration and



citizenship consultants.” As such, strong regulation and monitoring would be required for those operating overseas, just the same as for current Canadian citizens and permanent resident RCICS who live and work abroad **and have been disconnected from Canada**. Strong oversight is required and CAPIC is ready, with your ideas and collaboration to bring this forward. As already noted, stronger entry requirements into the profession may mitigate the admittance of foreign nationals.

As you can see, there is a lot of work ahead. Watch for in the coming weeks, community meetings, online sessions, and a campaign so that we can hear your voice, lay out strategy and work together. Join me in Calgary on February 17, for our first meeting on the matter at hand.

CAPIC remains committed to protecting you and the profession. We have always done so and will continue to do so. “For the members, by the members” has always been an informal motto. Together we can get the work done.

With great respect,

Dory Jade  
CEO/DG  
CAPIC-ACCPI

PS. I am including the **2003 Report to the Minister of Immigration on the Regulation of Immigration Consultants**. It provides an interesting backdrop and shows the genesis of regulation: [https://www.crrf-fcrr.ca/images/stories/Report\\_of\\_the\\_Advisory\\_Committee\\_on\\_Regulating\\_Immigration\\_Consultants-new.pdf](https://www.crrf-fcrr.ca/images/stories/Report_of_the_Advisory_Committee_on_Regulating_Immigration_Consultants-new.pdf)



## List of some regulated professions' entry requirements:

### Lawyer:

BC: <https://www.lawsociety.bc.ca/becoming-a-lawyer-in-bc/admission-program/applying-to-the-admission-program/>

Ontario: <https://lawsocietyontario.azureedge.net/media/iso/media/becoming-licensed/en-how-to-become-a-lawyer-nov-2020.pdf>

Quebec: <https://educaloi.qc.ca/en/capsules/lawyer/>

**Patent agent:** <https://ipic.ca/english/the-profession/the-profession.html/how-to-become-an-agent>

**Pilot license or permit:** <https://tc.canada.ca/en/aviation/licensing-pilots-personnel/flight-crew-licences-permits-ratings/apply-pilot-permit-licence>

### Accountant:

BC: [https://www.bccpa.ca/become-a-cpa/how-to-become-a-cpa/?utm\\_source=google&utm\\_medium=cpc&utm\\_campaign={campaign}&utm\\_keyword=become%20an%20accountant&dclid=CJ3j16nO9PwCFUPnWwodx1cHgQ](https://www.bccpa.ca/become-a-cpa/how-to-become-a-cpa/?utm_source=google&utm_medium=cpc&utm_campaign={campaign}&utm_keyword=become%20an%20accountant&dclid=CJ3j16nO9PwCFUPnWwodx1cHgQ)

Alberta: <https://www.cpaalberta.ca/Become-a-CPA>

Northwest Territories: <https://www.cpa-nwt-nu.ca/en/become-a-cpa/how-to-become-a-cpa>