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# Standing Committee on Citizenship and Immigration

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**Chair**

**Mr. Norman Doyle**

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## Standing Committee on Citizenship and Immigration

Wednesday, April 16, 2008

• (1300)

[English]

**The Chair (Mr. Norman Doyle (St. John's East, CPC)):** I want to welcome here today, from the Canadian Migration Institute, Ross Eastley, managing director and chief executive officer; and Dawn Moore, director. We also have Bruce Perreault and Associates. Mr. Perreault is a member of the Canadian Bar Association, a member of the Canadian Society of Immigration Consultants, and the founding director of the Canadian Association of Professional Immigrant Consultants.

It's good to have you here.

We're ready to begin. You have opening statements. Mr. Perreault has already informed me that he'll go overtime a little with his statement, and that's just fine.

Go ahead, Mr. Perreault.

**Mr. Bruce Perreault (Member of the Canadian Bar Association and of the Canadian Society of Immigration Consultants (CSIC), Founding Director, Canadian Association of Professional Immigrant Consultants (CAPIC), Bruce Perreault and Associates):** Honourable members of the standing committee, ladies and gentlemen, I'm hopeful that my comments will reflect an attitude that comes from wanting the very best for CSIC and for the Canadian consumer of immigration services.

Let me first introduce myself. My ancestors came to this country some 15 generations ago. I'm very proud to be Canadian and proud of the very two distinct cultures that laid the strong and well-anchored pillars of our country in such a manner that we are able to accept so many from around the world who, like the founding cultures, come to these shores in search of a better life.

My name is Bruce Perreault. I'm a native son of Nova Scotia and had my early education here. I attended St. John's High School in New York, where I obtained my high school diploma. I received a bachelor of arts degree from Loyola College at the University of Montreal, and a law degree from McGill University. I completed the bar admission course of the Law Society of Upper Canada and practised law in the province of Ontario for some ten years. I was and continue to be a member of the Canadian Bar Association and of the immigration section of the bar.

I believe I have a very unique perspective on some of the issues you've been asked to report to Parliament on because I have been a member of both the Law Society of Upper Canada and CSIC. To the best of my knowledge, in Ontario there are no other CSIC members

who are members of the bar and continue to be a member in good standing of the Canadian Bar Association.

I was a founding director of CAPIC, an organization that advocates for education and legal reforms in the field of immigration before the Government of Canada and was the predecessor organization to the founding of CSIC. CAPIC was initially composed of a majority of CSIC members.

Today, to be a full member of CAPIC, you must be a member in good standing of CSIC. You have already heard from the president of CAPIC, Mr. Phil Mooney, whose views I fully support; you have heard from the chairman of the board of CSIC, whose views I fully support; and today you will hear from Ross Eastley, the chairman of the board of the Canadian Migration Institute, whose views I fully support.

I did not come here to speak against anything, but for something. I came to share my views on a profession that came into being very recently, a profession that is still experiencing some growing pains, and with them, different views on how that growth should take place.

You have heard many testimonials and submissions for reform. Some have been born out of fear and anxiety, and others out of political posturing to gain an advantage by one group over another. I wish to address my own perspective as an observer of the process you are investigating.

The dilemma of men and women engaged in the practice of immigration law, other than lawyers or public notaries, was comparable to the Wild West, prior to the inception of CSIC. Apart from a vast majority of honest and hard-working practitioners, the professions also comprised a number of less than honourable people who brought disrepute to our country. The practice of immigration law was totally unregulated. Many ministers of immigration, from both the Liberal and Conservative parties, spent long hours trying to grasp the issue of how best to deal with this Wild West. It was finally decided that recommendations of this very committee would be acted upon, and CSIC was born.

There were caveats placed on the heads of CSIC members, however, and it may well be that we find ourselves here today because those warnings from this committee came at a very high price to the cowboys of the then industry.

I was appointed to the education and standards committee before any member of CSIC was a full member. It is my feeling that this committee, headed by a well-known British Columbia lawyer, Elizabeth Bryson, planted the seeds of discontent we see today. That committee demanded that all members be fluent in either the French or English language as a prerequisite of entering into the organization. It demanded that all future members be tested for language proficiency, whether they, like I, were born in Canada or came from another country whose language was different from mine. This brought a storm of protest from those who could not pass the required and mandatory language testing. This alienation remains to this very day, with organizations that have appeared before you claiming, quite wrongly, as in one case, that they represent over 9,000 immigration consultants.

● (1305)

They were determined to undermine the very core of what this standing committee required, and they set out on a path to condemn any measures introduced by CSIC to educate its members, and, far worse, used their connections with newspapers and indeed with politicians to scuttle the standards. They were relentless and unforgiving, and they still are. There is to be no reasoning with them unless we agree with them that standards do not apply and are irrelevant.

I take as an example the Law Society of Upper Canada, which has over 200 years of experience and resources to provide the types of regulations and protection to the public that CSIC is being asked to provide in only four years' time. The law society has over 30,000 members to draw financial resources from, while CSIC has 1,200.

I would invite the honourable members of this committee to thoroughly investigate the services provided by CSIC by first visiting their website and visiting the many operational resources that are available to the public and CSIC members, and visiting the CSIC headquarters, where a small but very dedicated staff are devoted to maintaining standards and implementing regulations that are required on a continuing basis. I am amazed, and I know you will be as well, that an organization with such few members has, in a few short years, risen close to the bar set by the Law Society of Upper Canada. With respect, this must not go unnoticed by you, for it speaks to the very issue of CSIC attempting to meet standards that are demanded by this committee, by CIC, by Parliament, and most importantly by the Canadian people.

I have had the opportunity to read some of the submissions before you on the matter, submissions made by immigration consultants as well as members of the bars of various provinces. It would seem that lawyers complain CSIC does not discipline its members who are in violation of the rules of conduct. Allegations of complaints are being made and decisions by reputable panels are being made. The discipline committee is very active and is headed by an extremely able and dedicated barrister and solicitor by the name of Wanda Woodman. With respect, a meeting with her would allay the fears of whether or not discipline is tough and fair.

On the other hand, CSIC members complain of high fees and a non-responsive and non-transparent board. The mandate of CSIC is one that amounts to a regulatory board. Transparency would be a lot different were CSIC merely a representation and an association of

consultants. This is not the case. I have written extensively on the role of a regulator, the responsibilities that are inherent in it, and the distinction that must be made. Some do not wish to make that distinction and feel that the role of CSIC is to lower standards and make life easier for the members, all at the expense of the public to whom CSIC has a responsibility.

Most of the lampoons thrown at CSIC come from the fact that neither the organization nor the board of directors is able to stop what is referred to as "ghost consultants". CSIC is blamed, but the blame should be directed elsewhere. Enforcement of the law lies with the government and enforcement agencies. Neither the government nor these agencies take action. Prior to the establishment of CSIC, people who were found to be practising law without a licence were prosecuted by the law society of the particular province they were located in. Law societies have that power granted to them by provincial legislatures to regulate and enforce their own laws and to lay charges against someone practising law without a licence. In fact today it is quite obvious, as it was not in the past. Immigration consultants must be licensed to practise and be a member of CSIC, and any law society can lay charges against a non-CSIC member for unauthorized practice. To me, that seems clear and simple. Law societies have far more substantial means than a young struggling organization such as CSIC.

CSIC members have given evidence that would be of serious concern in a free and democratic society if it were true. In June of this year, all consultant directors will have been elected by CSIC in a free and open election. CSIC will come of age this year and consultants will have the opportunity to elect or not elect their own representatives. It would be a sorry Canada if once having elected our members of Parliament we tried to go outside Parliament to complain they were not doing what we wanted. Sometimes parliamentarians do not, and the price is paid at the polls. Why should CSIC be held to a higher standard of freedom and democracy than a law society or a parliament?

● (1310)

This brings me back to people who failed to gain entry to CSIC because they could not meet the standards of language and education. Surely this committee would not suggest that the standards be lowered to a point where we would have immigration consultants who speak neither French nor English, or alternatively, fail the required examinations that are fundamental to the fair and reasonable operation and interaction between the licensed consultants and the immigration department.

I would be remiss if I failed to mention that while this standing committee holds hearings across the country, action is already being taken by the Government of Canada, through the Immigration and Refugee Board. On April 10, 2008, the chairman of the board issued clear and concise regulations on dealing with unauthorized representatives. It is clear that the IRB will take action against anyone who is not a lawyer, a public notary in Quebec, or a member of CSIC.

Sometimes the solutions we spend thousands on are before our eyes, but we cannot see. With respect, reading these new regulations will give you a better knowledge of the correct way that the government, in the future, will put an end to what has been known as “ghost consultants”, and I commend them for it.

There is an old song that talks about life and seeing both sides now. I have seen both sides. If I choose to be a barrister and a solicitor, I may reapply. I have little to lose if CSIC is defeated by a few who feel and desire it to be, but I know many of the more than one thousand good and decent members of the profession who will suffer tremendously. It is for them I am here today. The calibre and quality of professionalism that is being shown today in the industry, as compared to the pre-CSIC days, is astounding. Ask any immigration officer and even a member of the bar or public notary, and all will admit that there has been a stunning change in the quality of professionalism and respect of this new profession. We can give thanks and praise to the leadership and foresight of the board of directors of CSIC, who deserve, at the end of the day, some small thanks of gratitude. We can thank the members of CSIC who qualified to join by passing rigorous examinations, tests that most lawyers would fail to pass. I say this with respect to the legal profession, which I admire and was part of.

In closing, it is my hope that you let the profession of immigration consultants, known as CSIC, govern themselves in the belief and knowledge that only a strong regulator, as represented by CSIC, will be able to make the people of Canada have trust in those who represent new Canadians.

Thank you.

•(1315)

**The Chair:** Thank you, Mr. Perreault, for that very interesting statement.

We'll now go to Mr. Eastley, from the Canadian Migration Institute.

**Mr. Ross Eastley (Managing Director and Chief Executive Officer, Canadian Migration Institute):** Thank you.

Good afternoon. *Bonjour.*

My name is Ross Eastley, and I am present today to address the committee in my capacity as the managing director of the new Canadian Migration Institute, CMI.

I am here with Dawn Moore, who will be doing part of the presentation, as well. She is a board member of the Canadian Migration Institute and is chair of the institute's education and accreditation committee.

I would like to thank the chair and the committee for allowing us the time to speak about CMI and the importance of its work to the Canadian Society of Immigration Consultants, the members of CSIC, and the Canadian immigration system.

Today I will outline the context that led to the creation of CSIC and CMI and explain how the two organizations help address long-standing issues related to the immigration consulting industry. I'll make some recommendations for making them even more effective.

The Canadian Migration Institute is a wholly owned subsidiary of CSIC. CMI's mandate is to educate, advocate, and accredit. Let me expand on this. CMI operates independently of CSIC to provide educational and professional developmental opportunities in both of Canada's official languages for consultants working in Canada and abroad.

It conducts conferences and workshops for certified Canadian immigration consultants and other professionals who provide immigration-related advice who are looking for continuing professional development credits. One of the key benefits of creating CMI is the promotion of a wider range of professional development opportunities, including more professional development programs and workshops in French.

Additionally, CMI is undertaking the development of an online immigration practitioner program, which is the key part of the application process for membership in CSIC. The online immigration practitioner program will be available in both English and French. By having the program available online, access will be available to potential CSIC applicants from outside the major metropolitan areas.

The advocacy arm of CMI will promote the profession to interest groups and within the immigration council community. It will foster goodwill and greater understanding of the profession by advocating best practices and by building greater public awareness of industry-specific issues.

By entrusting the work to the new CMI organization, CSIC is now able to focus on its primary role as regulator, specifically as it relates to consumer protection and member accreditation. CSIC has accomplished much in this regard. CSIC has, for example, put in place membership standards, an ongoing requirement for continuing professional development, an enforceable code of conduct, a credible complaint and discipline mechanism, and an errors and omission insurance requirement for immigration consultants.

CSIC works from an established, comprehensive strategic plan and multi-year budget plan. The externally prepared audited financial statements are provided to the CSIC membership.

Even with the long history and level of effort it took to create CSIC and move forward on regulating immigration consultants, there remains much work to do. The creation of CMI will allow CSIC to focus exclusively on this work.

Governments have been considering the regulation of immigration consultants for more than 20 years. There has been a tremendous effort expended by courts, commissions, advisory committees, governments, and immigration consultants, all of which ultimately resulted in the self-regulatory model of CSIC.

In 2001, the Supreme Court of Canada ruled in the *Law Society of British Columbia v. Mangat* decision that the federal government has jurisdiction over matters related to immigration. The ruling came out the year following the Cory commission report prepared for the Attorney General of Ontario, and a similar report in Quebec, which recommended that paralegals be self-regulated. It should be noted that the law society did not wish to regulate paralegals at that stage.

• (1320)

In 2002 the third and fourth reports of the Standing Committee on Citizenship and Immigration recommended that regulation of immigration consultants be a priority. Recommendation 48 of the 4th report of the Standing Committee in 2002 reads:

Once...consultants are regulated and their marketing practices made subject to a professional code of conduct, they should be encouraged in their promotional activities.

That same year the Minister of Citizenship and Immigration created an advisory committee to identify the various problems within the immigration consulting industry and proposed recommendations on how to regulate and improve the industry. The committee comprised lawyers, immigration consultants, government representatives, members of the community groups and coalitions serving immigrants and refugees, and academics. After six months of work, the committee issued a report containing 37 recommendations, 36 of which were adopted—and again I have included a copy of the report.

As a result, the Government of Canada then made amendments to the Immigration and Refugee Protection regulations, which took effect in 2004. From that point on, all practising immigration consultants in Canada must be members in good standing of CSIC, a Canadian law society, or the *Chambre des notaires du Québec* in order to advise, represent, or consult for a fee on matters related to immigration.

Contrary to representation made to this committee earlier this month in Toronto, this means that membership in CSIC is not voluntary if an immigration consultant wishes to be an authorized representative.

**Ms. Dawn Moore (Director, Canadian Migration Institute):** Good afternoon.

I will continue on with the creation of CSIC.

CSIC, thus created through regulation, not statutes, and cooperation between industry and various levels of government and local policing agencies, is at the heart of this model. Cooperation between CSIC and the Government of Canada is particularly crucial, since CSIC was created to oversee members, and the government retains the role of enforcement, including disciplining and sanctioning of ghost or non-authorized agents.

In addition, the provincial law societies have the power to take action against the unauthorized practice of law. The Federation of Law Societies of Canada and the Law Society of Upper Canada are in litigation with the federal government over the process used for the creation of CSIC. The Federal Court has already ruled in favour of the government and CSIC, but the law societies are appealing the decision, and we've enclosed the Federal Court decision at tab 7.

One of the main reasons for the creation of CSIC was that immigration consultants do not operate under any one single provincial jurisdiction. We deal with multiple provincial jurisdictions, the federal government, and foreign governments. Therefore the creation of CSIC means a set of standard regulations throughout Canada.

A positive development in this regard is the announcement about legislative changes in Manitoba in support of the CSIC regulations. This legislation will strengthen the ability to regulate foreign recruiters in relation to the immigration process. We have put a copy of the announcement at tab 8.

Moving forward, this is the context for CSIC and CMI. Both organizations are key parts of a model that took years to develop. That was the result of considerable thought and effort by all sectors and stakeholders. That was the direct outcome of extensive consultations by the ministerial advisory committee. That was implemented through regulatory amendments, and that requires that all parties fulfill their roles and work together. It is a model that is now in place and working on behalf of the consumers of immigration services. However, much remains to be done.

We continue to wait for the provincial law societies to take up their responsibilities. Clearly, we continue to call for the government to strengthen its enforcement by clarifying the roles of federal organizations through IP-9, by making changes to the way CIC interprets and administers the regulations—such as education agents, nanny agents, employment agents—and by implementing the last remaining recommendation from the ministerial advisory committee that recommended penalty provisions be included in the IRPA to address unauthorized and improper practices.

This is why the creation of CMI is so beneficial to CSIC, to the members and consumers. CSIC can now focus exclusively on its regulatory responsibilities and work with other key players to move forward. At the same time, there is a dedicated organization operating independently from CSIC that educates, accredits, and advocates. Together we can take this effective model to the next level and continue protecting consumers, developing the skills and expertise of the CSIC membership, and raising public confidence in the organization and the profession.

Thank you.

• (1325)

**The Chair:** Thank you.

Those were very interesting presentations.

I will go to Mr. Telegdi, for five minutes please.

**Hon. Andrew Telegdi (Kitchener—Waterloo, Lib.):** Thank you very much.

May I say to the members that they really want to check out some of the reports issued by the parliamentary committee? It's very interesting how they say that this point system is going to create big problems. It's kind of sad that those recommendations were not taken into account by the department and the parliamentary secretary at the time. Anyway, that's how these things go.

Mr. Perreault, the most difficult time I have as a member of Parliament is when somebody comes forward to me and they're under deportation orders, and there's essentially very little I can do. Some have had lawyers who missed notifying them of critical dates, times for appeal. Others had unregulated consultants.

So when we called for a consultant system to be set up, we didn't expect it to be perfect, but we expected it to work. On this, too, I have heard from a number of witnesses, which causes me concern, both in Fredericton and Quebec City.

Let me first ask you, what's the cost to belong, for a year?

**Mr. Bruce Perreault:** To belong to CSIC, I believe—and I could stand corrected, Mr. Chair—it would be around \$4,000 or \$5,000.

**The Chair:** I recall—back in Vancouver, I think it was—one of the witnesses mentioned \$2,300.

**Mr. Bruce Perreault:** I apologize. Actually I paid two fees, for my wife and me.

**The Chair:** Yes. Okay. That's probably close to it, \$2,300.

**Hon. Andrew Telegdi:** The complaint we have heard is that the organization is not as democratic as it should be. Let me ask something, because this is a specific complaint. Is the membership of the organization made available to individual members?

**Mr. Bruce Perreault:** I'm not sure I understand the question, sir.

**Hon. Andrew Telegdi:** I'm a member. I'm a consultant. I pay my fees. I'm a member in good standing. Can I access all those who are members, for one thing? And can I access their contacts, such as their address or phone number in case I want to communicate with them?

**Mr. Bruce Perreault:** Well, the answer, sir, is yes. What happens is if I wish to contact another member, there are two ways. First of all, we have a membership list on the website. You can go to that. You'll get the name. Then you can send an e-mail through our system to that person with a request that they reply to you.

**Hon. Andrew Telegdi:** Okay. We'll have to check it out.

•(1330)

**The Chair:** You can record and store that.

**Hon. Andrew Telegdi:** But if I have to go to the website, and I want to send something out to all the members, I'm going to have to go and do a lot of work. I'll have to go to each one individually and punch in an e-mail to each one individually, or phone each one individually. I'm not sure how it breaks down by the province or different regions of the country. That's an important point of concern.

When is your next general meeting that's going to be taking place?

**Mr. Bruce Perreault:** The next general meeting, I believe, will be after our elections, which are in June.

**Hon. Andrew Telegdi:** How does one campaign to be elected if one wants to be on the governing organization?

**Mr. Bruce Perreault:** Sir, I can tell you that campaigning for CSIC is, with all respect, sir, certainly much cheaper, much more democratic, and much more open in terms of communication to everyone than is being a member of Parliament, as you are.

We do have free advertising on our website. Each name has equal space, equal time, regardless of who it is. Everyone has the same access to go out across Canada and across the world and get their message spread. There is absolutely no difference in anyone's ability to do that, sir.

**Hon. Andrew Telegdi:** If you're running for a campaign, then you'd have to use the board website?

**Mr. Bruce Perreault:** If you were running for the campaign?

**The Chair:** If you were running to become a member, I would think.

**Hon. Andrew Telegdi:** Not a member, because I am a member.

**The Chair:** Or an executive director.

**Mr. Bruce Perreault:** I want to go back to one thing that you said, sir, which is why we had little access to each other at the time. When CSIC was formed we had everybody's names and addresses, and members strongly objected to that. Some of the very members who now want it back objected to it. So a decision was made that in fairness, if you want somebody's name, you can come to us and get it. That was one of the reasons this happened, sir.

Now back to your last question....

**Hon. Andrew Telegdi:** How do you run the elections?

**Mr. Bruce Perreault:** Remember, in answering this particular question I will answer just as a member.

The elections are run by an independent election committee that is set up. If I were going to run—which I am not, I never have run, and never would—I would be allowed to have my name placed before the nominating committee. As long as I was not subject to a discipline or a disciplinary matter that was before the society, I would be allowed to run with the signature of only 15 members. So with 15 members I could run for the election. Our standards are very low. Then in the end everyone is equal in terms of access to our website.

You did ask, could I advertise in other mediums? I believe you could, sir, but I could stand corrected on that.

**The Chair:** Okay, I'll ask you to wrap up your comments, Mr. Telegdi, with another comment.

Oh, Mr. Eastley. Sorry, sir. Go ahead

**Mr. Ross Eastley:** I can add something in terms of the election process. It was on the website. It's run by an externally appointed what we call senior elections official. The process is very similar to processes put in place for the election of school division officials, trustees, and municipal officials in the province of Manitoba. I come from Manitoba, and I used that as a manual for putting that in place.

The information the candidates can put on the website—there's a limit of, I forget, 500 words or something like that, that you can put on the website in French and English. All the candidates have access to that. All the candidates can submit material to the senior elections official, and it's distributed to all the members of CSIC. In addition, there are what we call election forums that are run online. It's done live so that you can listen to it over the computer. Members have the ability to text in messages or questions that the host will ask the candidates to comment on. That takes place during the election campaign.

At the time of the actual election, there is what we call a three-day window of time for people to vote, and it's turned over to an external elections online organization that runs the election for CSIC itself. All the voting is done online.

•(1335)

**The Chair:** I'll have to get back to you, Andrew, because you're at ten minutes. Just a very quick comment.

**Hon. Andrew Telegdi:** Thank you.

Yesterday a number of people came forward and made complaints, and we'll be looking into that. And we will watch the elections with interest.

Just as a reminder to everybody, testimony given before the committee is covered by parliamentary privilege. We want to make sure there is no retaliatory action taken against any member who strays from the party line, if you will. It's a reminder.

**The Chair:** Good, thank you.

Mr. St-Cyr.

[Translation]

**Mr. Thierry St-Cyr (Jeanne-Le Ber, BQ):** That is a very good reminder, Mr. Telegdi.

Listening to your various presentations, I heard a lot of self-congratulations. All the organizations you represent are intimately linked to the Canadian Society of Immigration Consultants, the creation of which is due to CAPIC. You also stated that the Canadian Migration Institute is an independent organization, which is not the case. It is a creation of the Canadian Society of Immigration Consultants and the same people sit on both boards.

I find it hard to understand your presentation, Mr. Perrault. You said that one cannot expect the same degree of transparency from that organization since its purpose is to pass regulations and to monitor. Then, at the end, you said that we should trust the ability of the Canadian Society of Immigration Consultants to regulate itself.

If a professional organization wants to self-regulate, absolute transparency and maximum democracy are required. I can say that because I too am a member of a professional association, l'Ordre des ingénieurs du Québec. I have presided at elections and I know very well how it works. All the candidates have distribution lists and they can send mass e-mails to all the members in one shot. Of course, one cannot talk by phone to thousands of members. In any case, the list of engineers, as is the case with all professional organizations, is available on the web with their contact information. This is also useful to the public if someone wants to check that someone claiming to be a member of the Association is indeed one. However, that cannot be done if you cannot get that information from the website.

You also underlined the rather important matter of language tests, which nobody is challenging. You also said that, if some people are speaking against the Canadian Society of Immigration Consultants, it is because they have not been able to pass the language tests. That is not what the committee has heard. The people who criticized the Society or raised various issues before the Committee were all, or nearly all, members of the Canadian Society of Immigration Consultants. They were persons who were quite fluent in English, who had obviously passed all the tests of the CSIC but who wanted to criticize its governance.

From what I have heard, from the questions I have asked and the answers I have been given, I can hardly look at you through rose-colored glasses and state that the Canadian Society of Immigration Consultants does not have any governance problems. When a professional association has been unable for several years to hold a general assembly, when the assembly it finally holds is not one that people can attend individually, when the members do not have any possibility to call for a special general assembly, and when the same problems and issues are raised continually, that association definitely has governance problems, let us be frank about it.

What is the cause of that situation? That is what I want to know and what is of interest to me. I believe that, right from the start, the creation of that organization as been a problem. The Canadian Society of immigration consultants has been set up at the wrong level of government. All professional organizations in Canada are created at the provincial level with very specific and detailed legislative frameworks. Furthermore, they come under monitoring bodies having the power to discipline their members. Even if one accepts that an organization should regulate itself, it must still come under the control of an external body. Nothing of the sort exists at the federal level. The regulatory framework applying to the CSIC is but a few paragraphs long and, for the rest, it is supposed to regulate itself.

Do you not think that it would be more effective to have the profession regulated at the provincial level the same way it is done with other professions? Why should you, against all logic, keep insisting on the creation of a regulatory framework of this profession from scratch at the federal level?

•(1340)

[English]

**The Chair:** Whoever wishes to respond, please feel free to jump in. We have a minute and a half or two minutes left on that round, and then I have to go to Ms. Chow.

**Mr. Bruce Perreault:** I would like to respond very briefly.

Thank you for your very interesting remarks, sir.

The first thing you seem to have a problem with is the fact that CSIC is not set up by a statutory scheme like so many federal or provincial matters or other organizations, such as engineers. I can share that problem in the sense of CSIC being different, but in order to understand the foundation of CSIC, one has to go back in history as to really who controlled immigration into Canada.

This was a matter litigated for many, many years. Finally, when the provinces didn't step in, the federal government did. The provinces had every opportunity under the BNA Act to step in, and they didn't. As I refer to in my paper, with respect, sir, we had a cowboy system, and it wasn't until the federal government finally did step in....

In some parts, you are right. The governance of CSIC could be improved, yes, but to say that we don't have fairness or transparency is simply not true. We do have transparency.



We'll find out all about transparency in June, when for the first time we will elect all our directors. What more transparency is there to that? If our members are unhappy, some of whom are, and they appeared before you, it's a small minority. The majority are happy.

[Translation]

**Mr. Thierry St-Cyr:** You say that in June all the members of the board will be elected members.

[English]

**Mr. Bruce Perreault:** Absolutely, sir, for the first time.

[Translation]

**Mr. Thierry St-Cyr:** How many directors are there on the board?

[English]

**Mr. Bruce Perreault:** There are nine.

[Translation]

**Mr. Thierry St-Cyr:** So, the nine members will have to be elected.

[English]

**Mr. Bruce Perreault:** No, sir. Three are public appointees to our board. Six are elected by consultants. They must be consultants.

• (1345)

[Translation]

**Mr. Thierry St-Cyr:** So, only three members will have been elected.

[English]

**Mr. Bruce Perreault:** There will be one public interest member appointed and two elected. But my point is that as of this June, every director on that board will have faced an election and been elected by all of the CSIC members, all of them.

**The Chair:** Thank you.

Ms. Chow.

**Ms. Olivia Chow (Trinity—Spadina, NDP):** Mr. Perreault, you are a lawyer, a member of the Canadian Bar Association. You're familiar with their educational materials on immigration.

**Mr. Bruce Perreault:** Absolutely, Madam.

**Ms. Olivia Chow:** Do you think it's adequate? Is it on par? Is it useful for consultants?

**Mr. Bruce Perreault:** Are you asking me if the educational material for consultants is comparable to that of the law society?

**Ms. Olivia Chow:** The law society has seminars.

**Mr. Bruce Perreault:** Yes.

**Ms. Olivia Chow:** Are they of high quality?

**Mr. Bruce Perreault:** I can tell you, Madam Chow, only last November I had the opportunity to attend an excellent program that the law society puts on every year. It's an excellent program: two days at the law society, on immigration.

**Ms. Olivia Chow:** Yes, it's great. It's good quality.

**Mr. Bruce Perreault:** Absolutely. I agree.

I've also had the opportunity to go to the two-day seminar of CMI, I believe it was three weeks ago, and I can tell you, Madam Chow, it was, I would say, quite comparable.

**Ms. Olivia Chow:** Okay, so they both are high quality.

**Mr. Bruce Perreault:** Yes.

**Ms. Olivia Chow:** If I asked you to grade them from 1% to 100%, would you rank them above 90%, a grade of "A"?

**Mr. Bruce Perreault:** Similar.

**Ms. Olivia Chow:** They're similar.

**Mr. Bruce Perreault:** It certainly wasn't Immigration 101. It would not have been Immigration 101.

**Ms. Olivia Chow:** No, it would be Immigration 303.

**Mr. Bruce Perreault:** Yes, Madam.

But if I may, just on that point, I see in some of the materials published that, with respect, we have a tendency in the committee to divide up consultants as—

**Ms. Olivia Chow:** But that's not my question. Can I just ask my question?

My question really then is, if both are of high quality, should they be given the same merit? If I'm a consultant and I go to one that is by the CBA, or whether I do the SMI one, should it be of the same quality, the same points, the same...? Yes?

**Mr. Bruce Perreault:** I would say yes.

**Ms. Olivia Chow:** Okay. Then why isn't it? Right now, you give different points—right?

**Mr. Bruce Perreault:** Yes, Madam. I don't; CSIC does.

**Ms. Olivia Chow:** Okay, CSIC does.

Can I then ask another question? What if the number of points that are given are different? The difference is about 50%. How would you know, in terms of CSIC, if a person with a 10-point course pays their funds and doesn't show up? Will they still get the points?

**Mr. Bruce Perreault:** Well, now, that's an interesting question you ask, Madam Chow.

**The Chair:** Do you want to get to your object, Ms. Chow, because Mr. Eastley—

**Ms. Olivia Chow:** I just want to finish this, please.

**The Chair:** Okay. It's totally up to you.

**Ms. Olivia Chow:** I don't want to run out of time.

**The Chair:** Okay, you have four minutes, so we can go to Mr. Eastley then.

**Ms. Olivia Chow:** I'll come to that in a minute.

**Mr. Bruce Perreault:** Buzzing in my head, Madam Chow, is a number of things. You have to remember that CSIC is composed of consultants. We are a separate profession. It is very beneficial to have that profession mix and amalgamate, to be attending its own seminars, good quality seminars.

The committee, with respect, seems to throw and lump together lawyers and consultants, always the bad consultants but never the bad lawyers. And the interesting thing is that we have both.

**Ms. Olivia Chow:** That wasn't my question. I'm talking about structure; I'm not talking about individuals. There are good apples and bad apples everywhere.

**Mr. Bruce Perreault:** Yes, I agree.

**Ms. Olivia Chow:** I'm just talking about structurally—

**The Chair:** Order.

I'm just trying to give you some silence here. Everyone is speaking.

**Ms. Olivia Chow:** They're excited.

**The Chair:** Go ahead.

**Ms. Olivia Chow:** If I'm a consultant and I pay  $x$  dollars to attend this course, if I just pay and I don't show up, is that okay?

• (1350)

**Mr. Bruce Perreault:** No, it's not, with the exception—

**Ms. Olivia Chow:** How do you know whether they show up or not, or whether they attend the entire course?

**Mr. Bruce Perreault:** Madam, I suppose, in reality, the fair and truthful answer to that is that neither organization knows if they show up. There's no registration for the law society. There is registration for CSIC. Once someone registers....

Someone could come in here today and just skip out. How do we control this? We're not a fascist organization. So it's very difficult.

You're right, and I've heard stories from both the law society and CSIC of people going down in the morning, checking up in their room. I don't know what the answer to that is.

I would go one point further. Both organizations make videos available of everything that happens so that a member can watch those videos.

**The Chair:** Do you want to let Mr. Eastley in on it?

**Mr. Ross Eastley:** Certainly I can address some of the questions you're posing there.

On the continuing professional development point, it depends on a number of things, in terms of how the program is evaluated, from my knowledge there. It depends on the content, obviously. It also depends on the style of delivery. If it's a lecture style of delivery, it's not rated as highly for CPD points as it would be if it's interactive, where part of it is a workshop undertaking and part of it is a lecture.

I know in the case of the recent CMI event that we put on just two or three weeks ago here, it consisted of a lecture, and then there was an interactive discussion with the people who were attending. Plus, there is a provision that for them to receive their CPD points they must complete an online questionnaire on the content of the particular program that was done.

Those are some of the items that are taken into account. There's a whole list of criteria, but off the top of my head, those are the ones I'm aware of.

**The Chair:** Mr. Komarnicki.

**Mr. Ed Komarnicki (Souris—Moose Mountain, CPC):** Thank you, Mr. Chair.

There's no doubt in my mind that when you have an organization that's supposed to regulate others, the matter of discipline is important, as is the setting of standards and a national education program. CMI is attempting to fulfill that role. I agree with you that there are growing pains in every organization. You're fairly young, four years plus. It takes a while before things work themselves out.

I have a few questions. One of your members raised this, and it is a very interesting point. In your bylaws there's no provision for the membership to call an extraordinary or special meeting. It can be called only at the call of the chair or the vice-chair, or at the call of the board. This provision struck me as one that perhaps needs to be changed or addressed.

Do you have any comments?

**Mr. Bruce Perreault:** I'm not a member of the board, but I am directly affected. I agree with you. I think we should have the same provisions as any organization in this regard. We should be looking at that.

**Mr. Ed Komarnicki:** One of the concerns was that the membership should be able to call a special meeting, if it chose to. In my reading of the bylaws, it doesn't appear that it can. It's something that perhaps needs to be addressed.

Also, the definition of "authorized representative" says that such people can represent, advise, or consult for a fee, which is the kind of thing lawyers do. Would the law society be able to sanction those who do the same kinds of things for a fee without being registered with CSIC?

**Mr. Bruce Perreault:** One has to remember that there is no distinction between a CSIC member and a lawyer, a barrister, a solicitor, or a public notary. The only thing that a CSIC member cannot do, with respect to applying the law to immigration, is go to Federal Court.

• (1355)

**Mr. Ed Komarnicki:** My question is, though, could the law society regulate those who are providing consultant-type services but are not registered?

**Mr. Bruce Perreault:** Absolutely. They have that power. They've written about it. They know they have the power.

But what's been going on over the last few years, sir, is a fight between the law society and CSIC. They're playing little games, political games. You're used to little games, I'm sure. I say this with all respect.

**Mr. Ed Komarnicki:** I'm appreciative of that.

**Mr. Bruce Perreault:** Basically, the law society now realizes that CSIC is here to stay, and they want to put an end to this little feud. They know they have the power and they've decided to exercise it. If you read the IRB statement of last Friday, you'll see that's precisely what they're saying.

**Mr. Ed Komarnicki:** I'll come back to that.

You were saying that unauthorized practice could be prosecuted by the law society. Have there been instances of this actually happening? I don't recall any.

**Mr. Bruce Perreault:** Do you mean since CSIC or prior to CSIC?

**Mr. Ed Komarnicki:** Prior or after.

**Mr. Bruce Perreault:** You have the famous Harry Kopyto. You remember him, sir.

**Mr. Ed Komarnicki:** I don't, but go ahead.

**Mr. Bruce Perreault:** Madam Chow will remember Harry Kopyto.

**Mr. Ed Komarnicki:** He was prosecuted by the law society?

**Mr. Bruce Perreault:** Absolutely. He was quite a famous case.

**Mr. Ed Komarnicki:** This had to do with providing consulting services or representing...?

**Mr. Bruce Perreault:** Actually, he was providing any kind of service you wanted to pay for.

**Mr. Ed Komarnicki:** After CSIC, have you prosecuted any unauthorized practices?

**Mr. Bruce Perreault:** I don't believe so, but there are a lot in the stream. There are a lot of people being investigated at this moment.

Once again, back to the IRB, they themselves are starting this week to look at that.

**Mr. Ed Komarnicki:** That's the other aspect of it. The suggestion was that the enforcement should come not from the law society but from the department, the government, or the CSIC itself.

**Mr. Bruce Perreault:** Yes, sir. There's no doubt that the government should be doing it, but the government is acting.

**The Chair:** Mr. Komarnicki, Mr. Eastley wants to speak.

**Mr. Ed Komarnicki:** I know that Mr. Eastley has a few comments. I want to make sure that he makes those in my time.

Go ahead and wrap up if you can.

**Mr. Bruce Perreault:** There's no doubt that the government is acting through the IRB. A duty of the law society, by statute, is to prosecute people who are practising law without a licence, but they're not doing it.

**Mr. Ed Komarnicki:** Mr. Eastley, you had a point there. You can answer on any area I've covered.

**Mr. Ross Eastley:** CSIC doesn't have the power to prosecute the unauthorized representatives at this moment because of the construction of the model. One suggestion was that regulations be changed to incorporate. That was one suggestion. The approach CSIC has been taking to this point in time has been to refer matters to other government agencies. Matters of individuals who have been practising as unauthorized representatives have not been referred to the law society, but they have been referred to local police organizations or to the CBSA. Once we refer them, we provide the particular organization with as much background as we can so they can pursue them within their jurisdiction, because CSIC doesn't have that particular ability.

**Mr. Ed Komarnicki:** Do I have more time?

**The Chair:** You have one minute left.

**Mr. Ed Komarnicki:** One of the other things raised was that it seems that the regulations apply after an application is submitted, and there was a concern that services are rendered prior to that point that are not actually indicated in the application process. So they are not identified, but they are actually doing a service for a fee, perhaps.

Do you have any comments about when the regulation should apply or otherwise? Has that been an issue at all?

**Ms. Dawn Moore:** Essentially, it creates a problem for the public in terms of people paying somebody to represent them and thinking that the person is representing to the government. These unauthorized agents can sort of get off the hook by saying that they're just preparing their papers, or just doing this. So they are allowed to do part of the work. CIC basically says that unless it's put before them, they don't sort of look at it in terms of an authorized.... They don't have to be authorized, but if you change that—

● (1400)

**Mr. Ed Komarnicki:** One thing we can all agree on is that from the public interest point of view, we want to be sure that whoever is providing advice or services has the right amount of competence or education and that there's some sort of ethical standard that somebody's enforcing, and if members go awry they will eventually be disciplined. Not everybody will be happy with the standards you set or the discipline you take, but from a public interest point of view, you need a body that does that. Would you agree with me?

**Mr. Ross Eastley:** Very much so.

**Mr. Ed Komarnicki:** I know that the chair is about to strike his hammer.

**The Chair:** Some members want a little bit of clarification. I want to ask, on behalf of the members who want this clarification, a little bit about the board again. How many people are on the board? How many are appointed? What's the process here? Can you give us that again, Mr. Perreault or Mr. Eastley?

**Mr. Ross Eastley:** The board of CSIC has nine members. Three are public-interest members and six are immigration consultants. The board is set up so that all members now have three-year terms. Terms for three members—two immigration consultants, and one public-interest member—expire every year, so that there's not a whole turnover of the board and there's a process in place. From now on, as Mr. Perreault was saying, all the consultants who come onto the board will have been elected. The terms of two of the initial consultants, who were appointed when CSIC was initially established, will expire this year. If they wish to come back on the board, they have to go through the election process. The reference Mr. Perreault was making was that this year there will be two immigration consultants who will be elected to the board, and the other four immigration consultants will have gone through an election process.

**The Chair:** What about public appointees?

**Mr. Ross Eastley:** Public appointees are appointed by the public members themselves. It's the public members who do the appointments. People can apply. I'm sorry, I should have explained that.

After the election, the two consultant-directors who receive the highest number of votes are the ones who are elected, from different regions. It's set up so there are three board positions from western Canada, which is the prairies and B.C. There are three positions from Ontario. There are two from Quebec, and one from Atlantic Canada and outside of Canada.

**The Chair:** Mr. Telegdi, point of clarification.

**Hon. Andrew Telegdi:** The public members who apply are appointed by the board, I take it?

**Mr. Ross Eastley:** No, they're not appointed by the board. I'll come back to that in a minute. I just was explaining the regions.

After it's determined which consultant-directors will fill the two positions, and we know the region that needs to be represented by a public-interest member, advertisements are put out for that region, and people apply. Then the existing public-interest members that are on the board do the interview and do the selection. It's not the board as a whole, but just the public-interest members that make this—

**Mr. Thierry St-Cyr:** The two others will elect the third?

**Mr. Ross Eastley:** There are three public-interest members. The one whose term is expiring will be part of that group that does the interview and the selection process for the new positions coming on.

**Hon. Andrew Telegdi:** I want to make sure I understand. So if there is a movement because the board has done a really lousy job, there's no way for the membership to say "throw the bums out" and elect a new board?

**Mr. Ross Eastley:** I can't remember all the bylaws, but I think there is provision in the bylaws that a board member can be taken off

the board. I don't have the bylaws, so I can't provide the answer on that. The answer I can provide you is just that there are two immigration consultant directors that will be elected every year.

● (1405)

**Mr. Bruce Perreault:** If I may, I'd like to answer your question.

Board members may be removed for criminality. There are other provisions under which they may be removed from the board by a vote of other board members.

**The Chair:** I see the clerk looking at his watch. I think we have obligations at the airport. We have tower obligations, and we have to be in the air at a certain time.

Thank you for appearing before us. It was very interesting. At the end of the day, of course, we'll be making recommendations, and hopefully some of them will reflect some of your concerns as well.

Thank you.

The meeting is adjourned.

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