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# Standing Committee on Citizenship and Immigration

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**Wednesday, March 8, 2017**

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**Chair**

**Mr. Borys Wrzesnewskyj**



## Standing Committee on Citizenship and Immigration

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• (1535)

[English]

**The Chair (Mr. Borys Wrzesnewskij (Etobicoke Centre, Lib.)):** I'd like to welcome everyone to the committee hearing. Pursuant to Standing Order 108(2) and the motion adopted by the committee on October 4, 2016, the committee will resume its study on immigration consultants. Today we have two panels before us.

On the first panel, as an individual, we have Mr. Ryan Dean. Welcome. From the Canadian Migration Institute, we also have Ms. Ni Fang, the chair. Welcome.

**Ms. Ni Fang (Chair, Canadian Migration Institute):** Thank you, Mr. Chair.

**The Chair:** Also as an individual, we have Mr. Navjot Dhillon.

You'll each have seven minutes for an opening statement.

Mr. Dean, you're first.

**Mr. Ryan Dean (As an Individual):** Thank you, Mr. Chair, and committee members, for allowing me to appear before you today.

I am not only a private citizen, but also a director of ICCRC, elected to protect the public. I am doing my elected duty. I am also an immigration consultant. I grew up in Calgary and have an MBA from Rice University. I founded a hedge fund and am currently working in New York City full-time as "that Canadian guy".

If you hear nothing else from me today, I'd like you to hear what I'm about to say next. I am, without question, one of the harshest critics of some of the ICCRC's leadership. I can absolutely tell you that I have done a deep dive in the organization's finances and numbers, and they just do not add up. Nevertheless, ICCRC is intact and can function more efficiently if certain changes are made. There are many good people in leadership at ICCRC as well as in the organization. I can absolutely say that the problems do not lie with the general infrastructure of ICCRC, the ICCRC employees, or the immigration consultants themselves, despite the perception.

I am going to be talking about its governance from the following standpoints: the ICCRC's dicey financials; the fact that records cannot be accessed; that the disciplinary process is suffering because the organization is spending its resources protecting itself instead of the public; that discipline complaints are outsourced to a private third-party corporation; that ghost consultants who are neither Canadians nor permanent residents can now get accredited immigration practitioner diplomas; and that key positions are held

by a single person—a secretary, registrar, CEO, elections officer, and there might be more.

The points that I have mentioned are a result of the unscrupulous directors and management whom I define as the "bad actors", and who are the root cause of all the other issues we are discussing now. This is the main governance issue that is front and centre in my mind.

Removing the bad actors and keeping the good actors is easier than shutting down the regulator or starting from scratch in favour of another regulator or another entity, as there is no guarantee that any third solution will be better than where we are today.

When I decided to run for the ICCRC board, and being a financial person, I first focused on the annual reports and financial statements. All I can say is, "Wow!" The more I looked, the more I found. As I peeled the onion layer back, layer by layer, there were troubling issues at each step.

For starters, the ICCRC's equivalent of an audited certified balance sheet did not balance by \$600,000, which is about 10% of the annual budget.

**The Chair:** Mr. Dean.

**Mr. Ryan Dean:** Yes, sir.

**The Chair:** I would like to caution you that this study does not have the authority to investigate private organizations.

The mandate that we have, according to our notice of motion, is to look at and to study the legal, regulatory, and disciplinary frameworks governing and overseeing immigration, refugees and citizenship consultants and paralegal practitioners in Canada. The study examines the role of oversight bodies in regulating and providing an adequate oversight of practitioners.

I understand where you're coming from, but the details you're delving into have crossed over a line of the committee's mandate. I think you have some very important information to bring to the committee, and it's important that the committee hear your information. I do caution you not to stray over that line, as much as possible.

Thank you.

**Mr. Ryan Dean:** All right. If I could just say that this—

**The Chair:** There's a point of order.

Yes, Ms. Rempel.

**Hon. Michelle Rempel (Calgary Nose Hill, CPC):** I appreciate your comments. I would say, though, that in terms of the scope of the committee, if the witness is presenting information that could inform the committee of process gaps, specifically as they relate to how investigations are conducted, it would, in fact, be within the scope of the committee.

**The Chair:** Thank you.

Ms. Kwan.

**Ms. Jenny Kwan (Vancouver East, NDP):** Thank you very much, Mr. Chair.

On that point, as well, I think it is important to note that ICCRC is the designated body responsible for regulating immigration consultants. In our previous meeting, government officials in fact identified them as a go-to body with respect to that.

I'm very disturbed to hear the very beginning of this presentation indicating that a body that's supposed to regulate immigration consultants seems to be having some grave difficulties—without even knowing the depth of it.

That is hugely problematic and, I think, troubling for us. It is important for us to know. It does have relevance, ultimately, for how this body does its work to ensure that the consumers, if you will, the clients who rely on the service, are best protected.

**The Chair:** Thank you, Ms. Kwan.

Mr. Tilson.

**Mr. David Tilson (Dufferin—Caledon, CPC):** Mr. Chairman, we're here to hear about problems concerning consultants and the problems that consultants have and, quite frankly, I think Mr. Dean is perfectly in order in talking about what he has touched upon. I'd like to hear more. If there's a problem, we need to know about it.

It does affect the issue of consultants, which is what we're studying in this committee. With due respect to you, he should be allowed to proceed with his presentation.

**The Chair:** I'd like to thank the committee members. I'd like to thank Ms. Rempel for her point of order.

Yes, this is, as I mentioned, very important information. However, I caution that there is a line. It is really important to hear this evidence, but there is a point at which I would have to once again stop you, Mr. Dean, if it crosses that particular line and the way the committee has been mandated.

Please proceed. It is important information.

• (1540)

**Mr. Ryan Dean:** I'll add one more thing and say that this is going to lead directly into the disciplinary process, but I am prepared to do whatever the chair decides. That is fine with me. I can come back later at another time if that's more appropriate.

**The Chair:** I think it's quite helpful when it can be shown how it impacts on how the body is able to provide that oversight toward its membership. So please proceed.

**Mr. Ryan Dean:** That is where I'm going with my remarks on discipline and governance.

Shall I proceed?

**The Chair:** Yes.

**Mr. Ryan Dean:** Thank you.

The more I looked, the more I found. I peeled back the layers of the onion, and there were troubling issues step by step.

To date there are four sets of financial statements, all for 2016, all certified and audited by BDO and they still don't have it right.

The last time I talked about this in public, the ICCRC shut off the microphones during the question-and-answer period explaining the financial statements, and another member was physically assaulted by management for speaking his views, and the mike was torn out of his hands.

The balance sheet not balancing is the least of the financial concerns. Somebody needs to be appointed to look at these matters. I had several accountants look at my analysis and they were shocked. The membership is aware of these issues and so should you be. How can an organization go forward if they're not confident with where they've been?

The fallout from these problems and my election messages and those of the other newly elected directors about transparency, accountability, and fairness have resulted in all six incumbents losing their directorships. Three directors have resigned this past month, and one director resigned the last week or so, and they haven't told you about it.

While we think about that, let's think about this. The ICCRC was put in place to protect the public and now it has in a de facto way endorsed ghost consulting carte blanche worldwide and spends its money on disciplining members, instead of protecting the public. Those who disagree with them are disciplined.

Now, anyone online anywhere in the world can attend an immigration practitioner program and learn how to game Canada's immigration system and be a ghost consultant. This was the whole reason ICCRC was put in place, to prevent this kind of practice. I believe this has been willfully hidden from the membership, and perhaps this committee, for quite some time now. To me, the real danger of what will happen in the limit is a black swan event, the worst-case scenario, and that's a national Canadian security issue if perhaps criminal elements were able to gain access to Canada, and I'll go on from there.

Bylaws are openly broken to appoint illegal PIDs so they can cling to power, despite the howling from the membership for them to leave. The chair himself has asked me to get them some information about the finances, and once he learned I had a CPA letter being prepared and coming, he and the other directors suddenly decided that the CPA I had chosen was in a conflict of interest. The same board members gave themselves a pass and voted not to audit the organization and hide what the membership knew was the big problem in the 2011-15 financial years when they were also directors.

Now, I'm getting to my point, Mr. Chair.

The ICCRC chair gave it to me in writing that I, being a director, was not even allowed to see the records of the corporation. To date, I and other good actor directors to my knowledge have not even seen the inside of the halls of the corporation, much less the trial balance sheet either.

Recently, I found out that the discipline and investigation process had been subcontracted out to a third-party, private corporation using a residential address. Isn't that great?

The government told that ICCRC that they were the regulator, and the ICCRC turned around and has given the power and a big cheque every month for many years to the private corporation. None of us directors were even allowed to ask questions about it, because it's the black box. The contribution agreement between CIC and ICCRC has been broken on many levels. The continuing education system at the regulator is completely broken and needs to be taught by someone who is an immigration professional. The AGMs aren't even democratic, because most of the members aren't allowed to vote. Even the French language has taken a hit.

My whole point about this is that there are folks who are protecting themselves and not doing the discipline and what they're supposed to be doing, but it's only a few bad actors. We're almost there, we've almost removed them all and the organization can be saved.

My detractors are going to try to make this about me, because I'm a whistle-blower, but my response is that I'm not the one who created this problem. I am merely here to clean up all of this, along with the other goodwill directors.

Here's my final point before finishing. If we don't clean this up, maybe we will miss the next Gandhi or Einstein emigrating to Canada. What's the potential and the cost-benefit there? Canada's growth and GDP are also negatively affected by not getting this right.

Thanks for listening to me today. I'm now prepared for any questions later, and I'll be around all day to answer any questions. Thank you.

• (1545)

**The Chair:** Thank you, Mr. Dean.

Ms. Fang.

**Ms. Ni Fang:** Thank you, Mr. Chair, and thanks to the committee for inviting me.

My name is Ni Fang. I've been practising immigration consulting since 2001. I'm one of the first group of consultants that were regulated and am now the chair of the Canadian Migration Institute, which provides immigration consulting services and advocates consumer protection and education.

I'm here today representing victims of misrepresentation and fraud. I have their consent, and they support my appearance in front of the committee today, hoping it will make a difference to protect future immigrants.

I have prepared two stories, but because of time restrictions I will speak of one. You can find the other one in my speaking notes.

Last summer, I was contacted by an entrepreneur who is making an investment in excess of \$2 million on Vancouver Island. She received a letter indicating a potential refusal by the B.C. provincial nominee program, and one of the reasons was that her eligible investment was insufficient. The investment amount that the officer described in the fairness letter was significantly different from the amount in the business plan the applicant had provided in Chinese to the immigration company that was representing them. The applicant was therefore confused about exactly what plan was submitted by her immigration representative to the B.C. government, and she came to me for help.

She advised me that she was not provided with any completed documents before the submission of the application and that she had no idea what was submitted. I immediately became suspicious, because all applications need to be signed by the applicant before submission. How could she not have been provided with the final documents?

I requested a copy of her application from her previous agent. Upon reviewing her case, I discovered that this client had retained an immigration company in China and that her case was prepared by an unregulated Chinese agent; however, it included an IMM 5476 "use of representative" form in the name of a lawyer licensed by the B.C. Law Society.

When I pointed out the name of the lawyer, she said that she didn't know this person. I then pointed to the client's signature on the form and said, "But you signed it." She looked at the form with a shocked look on her face and responded, "I've never seen this form, and that's not even my signature." Further, I pulled out all her forms and showed the client signatures on them.

Most of the signatures were forged. She called the Chinese company and asked about the signatures. She was reminded that during her first visit to Canada the agency had asked her to leave some signatures on blank paper, which she did, and they then printed some documents on that signed blank paper. I'm not sure whether the lawyer's signature was real.

To the provincial immigration authorities, this case was presented legally by an authorized representative; yet the actual applicant did not even know what was in her application.

There are many cases like this. Unfortunately, a good percentage of these types of misconduct and fraud are hard to discover and, as such, are not being investigated or disciplined.

I would now like to discuss the types of changes that could be made to improve our legal, regulatory, and disciplinary frameworks so that this type of misconduct and fraud can be discovered and those who commit this type of misconduct be held responsible.

Among my recommendations on discovering the misconduct, fraud, and abuse, I think our first step should be finding out who prepared the applications and establish a database including everybody involved in preparing applications, regulated or not.

Currently, when an application is submitted, if there is a representative, an IMM 5476 "use of representative" form is included with the application. A ghost agent, however, will use the client's name to submit, and therefore no "use of representative" form is required. I therefore propose that everyone who submits an application without a representative include a declaration stating that they have completed the application themselves without any paid advice or assistance from a third party, confirming their understanding of misrepresentation on the statement and of the potential penalty for being untruthful.

The declaration needs to be certified and translated by translators recognized by the Canadian government, be in the applicant's native language, and be signed by the applicant in both the applicant's native language and one of Canada's official languages. The declaration can include all the information the government wishes the applicant to read and understand, such as the consequences of misrepresentation and fraud. Applications without an IMM 5476 or the aforementioned declaration of no representative will be returned to the client without processing. Concerning the IMM 5476, I suggest that all agencies or individuals who have participated in preparing the application with the authorized representatives will also need to be disclosed.

• (1550)

When the government has such a database to be able to identify all the players in the market, applicable laws should be in place to allow data sharing and exchange between governments and the regulatory bodies. The government can establish a black list of people who have consistently been involved in fraud.

I have recommendations on the investigation of misconduct, fraud, and abuse. Reform of disclosure of all parties involved in the application will push ghost consultants to work with an authorized representative as an agent and, as a result, they would be forced under a regulatory umbrella and their supervising authorized representative can be disciplined for their wrongdoing. However, I have serious concerns about the ICCRC's capability to investigate its own members. The feedback from many members is that their CMB department is really weak.

I have a recommendation on discipline for misconduct, fraud, and abuse. I recommend some legal changes.

**The Chair:** Ms. Fang, you have 20 seconds, please.

**Ms. Ni Fang:** Okay.

I recommend a revision of IRPA's misrepresentation provision, adding "knowingly retain services involving misrepresentation advocating abuse of the Canadian legal system", so that a client can be refused for that reason.

In terms of regulatory recommendations, I also recommend establishing a consumer protection fund mandated to educate and protect consumers and to investigate misconduct, fraud, and abuse in the marketplace.

Thank you.

**The Chair:** Thank you, Ms. Fang.

Mr. Dhillon, you have seven minutes, please.

**Mr. Navjot Dhillon (As an Individual):** Thank you, Mr. Chair.

I would like to start by wishing everybody a happy Women's Day.

The Canadian Constitution is based upon the fundamental principle of the supremacy of God and the rule of law. All laws and rules and regulations formed before and since, I strongly believe, follow this fundamental principle. It is an obligation of every citizen, business, and any other entity to follow this fundamental principle.

The Canadian Department of Citizenship and Immigration sets out guidelines, rules, and procedures in the *Canada Gazette* for the people who wish to come to Canada. But some immigration consultants, in the interests of their sole benefit, bend these rules and gain personal interests at the expense of the charter rights of other individuals. They find soft-corners in the guidelines and their own ways of achieving their personal interests, for example, by posting fake job positions on various websites for the sole purpose of obtaining an LMIA.

Immigration consultants can often be seen approaching local businesses. They approach businesses and encourage the owners to obtain LMIA approvals, which they sell for hefty amounts. Earlier in 2016, the average price of a truck driver LMIA was \$40,000 in cash, which was reduced to \$10,000 after the Minister of Immigration, Refugees and Citizenship changed some rules in November 2016.

Consultants educate business owners about immigration policies for foreign workers and the ways in which they can hire a foreign worker and earn a tax-free income. Examples of some of these fake job postings are attached to my brief. Examples can be seen in the food, trucking, construction, and retail industries, and in farming.

Why does this happen with some small businesses? First, it is very easy to approach the owner of the business, and second, it is lucrative, with a tax-free cash income. Who doesn't want that?

The situation is even worse in the case of international students. After their studies, international students struggle to find a job that will help them gain permanent residency. Consultants easily ask for \$15,000 to \$20,000 to help them find an employer. Before November 2016 the average asking price was \$30,000, and that was all in cash. This has been reduced to \$10,000 since the government changed some rules in November 2016. These practices are adopted mostly by consultants. I have never seen a lawyer going that route.

Exploitation is not just limited to money. Female students are often asked for sexual favours. A friend of mine who graduated in 2014 from a public university could not find a job that could support her permanent residency because of the rules and regulations of express entry and the other immigration processes during that time. So, as a last step she had to seek help from an immigration consultant. Guess what? She got a job, but after a couple of months of employment, her employer started asking for unreasonable favours. What happened? She had to leave the city. She had to quit her job, and once again she had to seek help from her consultant to find her another new job. She paid him another \$10,000.

• (1555)

This is just one example out of many others. Immigration consultants educate business owners about how they can earn tax-free incomes. If a business hires a foreign worker or an international student through an immigration consultant and helps with their permanent residency, the agreed wage rate is never paid.

There is an example of a job posting attached to my brief, in which a construction company advertises a job that pays a wage of \$34 to \$36 per hour. The sole purpose of this job posting is to obtain an LMIA approval. Once this employer hires a foreign worker or international students, the following things might happen.

After getting an LMIA, the employer will hire either a foreign worker or an international student seeking permanent residency. However, what will happen? Both the immigration consultant and the employer will benefit from \$15,000 to \$20,000 of tax-free cash income. Most of the money goes into the consultant's pockets. The worker will receive a paycheque at the wage rate of \$34 per hour, but will he be getting paid that amount? On the books, on paper, yes, but in reality, no. That worker will be asked to pay back \$14 to the employer, and that will all be done in cash.

**The Chair:** Mr. Dhillon, you have 20 seconds, please.

**Mr. Navjot Dhillon:** Sure.

There are so many examples. There was a talk show on RedFM. That show can be found in the archive section of the website.

**The Chair:** Thank you, Mr. Dhillon.

**Mr. Navjot Dhillon:** Thank you.

• (1600)

**The Chair:** Mr. Sarai, seven minutes, please.

**Mr. Randeep Sarai (Surrey Centre, Lib.):** Thank you to all the panellists.

I think the first 21 minutes have been very informative to all of us, telling us what's going on, from your agency to your personal lives, and what you have seen.

**Mr. Dhillon,** I understand that you came here as a student and completed your studies here. I know you faced a lot of challenges on your route to permanent residency. My understanding is that you played by the book, complied with all the rules, and eventually succeeded on your route.

This committee is interested in understanding the prevailing patterns of reported impropriety and misconduct, fraud, and abuse. Can you comment from your perspective on whether these trends are increasing or decreasing?

**Mr. Navjot Dhillon:** I have certainly stood up after all these frauds and all these consultants, and I am happy I did that. My path was long, but it was truthful.

After November 2016, there has been a certain decrease in these frauds, but there is more venue for changes that can be done.

**Mr. Randeep Sarai:** Can you tell us how the post-November 2016 changes reduced the level of frauds or the types of fraud that were out there?

**Mr. Navjot Dhillon:** Firstly, before November 2016, there was no credit for international students in express entry. After November 2016, international students started receiving credit for the studies they had finished in Canada, so students felt that their studies could get them a residency.

LMIA points have been reduced from 600 to only 50 points, which once again gives a darker side to the people who want to gain residency by fakery and fraud. Earlier they were getting 600 points without any hard work, without any education, and that was a sure shot for their residency.

**Mr. Randeep Sarai:** My other question is that unregulated consultants operate outside the current regulatory body, the IRCC, and pose a significant problem to everyone, including us. The Canada Border Services Agency is responsible for investigating unregulated or ghost consultants.

What has been your experience of reporting unregulated consultants to the CBSA? Do you feel it has been adequately resourced? Have you heard of people who have successfully complained, and any shady or unregulated or ghost consultants who have ever been convicted? Lastly, in that respect, what changes do you recommend, if any?

**Mr. Navjot Dhillon:** I would say where there is a demand, there is a supply. As long as people wish to come to Canada, pay the money, and crooks like immigration consultants take advantage of the money, nobody will report it. Honest people will never report, fearing that it might affect their application or their future negatively.

They just take it as it goes, and pay the money. It is very hard to report. I would respectfully like to recommend that there be some sort of promise of immunity for international workers or students, so that if they report, their applications won't be affected by doing so. This would certainly help catch the fraudsters.

**Mr. Randeep Sarai:** Do you think there is any way we can raise awareness with a campaign on this, so that, in your case, students who are coming from abroad will be made aware that there are better options, that there are regulated consultants and lawyers they could seek out to get proper guidance and help from, as opposed to being susceptible to these ghost consultants? Can we let them know that such schemes are not needed, that you can legally come through? Do you think an awareness campaign is needed, or is something else needed?

**Mr. Navjot Dhillon:** There is definitely a need for an awareness campaign as well as changes in some of the government policies.

Any student with a GPA of 3.0 or higher should be granted a five-year post-graduation work permit. This will give straight guidelines or a straight direction to students that if they study hard and work hard, they will definitely gain permanent residency. They don't need to seek help from any of the consultants or employers.

For awareness? Yes. If you teach students to follow the guidelines, set examples for them that this has happened in the past, then definitely there will be an improvement.

•(1605)

**Mr. Randeep Sarai:** Mr. Dean, you exposed a little bit to the problematic nature of the regulatory body itself that you're part of. How do you see your organization becoming more reputable, to not be susceptible to the internal problems that you have, and to gain a better reputation externally?

**Mr. Ryan Dean:** Removing the bad actors is the first step. This is just a business problem, and we can take care of our problems internally.

In terms of the disciplinary process, they've been going after lots of people. In my case, they're gearing up to go after me as a whistleblower for up to a \$1 million, we estimate, because I mentioned that the balance sheets don't balance. I'm not the only one. There are lots of people.

There are four different types of disciplinary cases. There are parking tickets. There's member versus member, which we're spending a lot of time on. Then there's the government to members, which we should really spend a lot of time on.

One of the other directors has brought up a notion that we're not even answering Quebec. Quebec has called and said there's a discipline issue, and we're not even answering. We don't have a person who speaks French who is authorized to answer them.

Then there are the indictable offences. We need to have a different set of policies and infrastructures in place for the minor issues, and

then the real resources can go after the major issues that Mr. Dhillon, Ms. Fang, and you are talking about.

**The Chair:** Ms. Rempel.

**Hon. Michelle Rempel:** Thank you, Chair, and I'll be splitting my time with Mr. Tilson.

To Mr. Dean, it has been noted that the ICCRC can only investigate its own members and doesn't have the authority to investigate non-members. This means that many fraudulent consultants, who don't bother to register, are outside its jurisdiction and are instead being referred to the CBSA, which we've heard can have the effect of gumming up the system and doesn't necessarily result in any sort of prosecution.

Do you have a solid recommendation that you can back up with some quantifiable evidence to rectify the situation?

**Mr. Ryan Dean:** Actually, I don't. Even though I was elected in a landslide, it wouldn't surprise that I haven't been appointed to any committee, either as chair or vice-chair. I've been kind of shut out, and just told to stand in the corner. I don't have a way to answer that for you.

**Hon. Michelle Rempel:** You've identified a problem, but what we're trying to do at this committee is come up with solutions to present to the government on how to rectify the situation.

Based on your experience and what you've seen, is there any way that we can rectify this problem?

**Mr. Ryan Dean:** There are ways to reach out to other governments and use their resources. For example, in my case I spent a lot of years in the Philippines. There, the second-largest contributor to GDP is foreign workers. They send remittance back to the Philippines, so there's a real propensity for them to send their workers abroad, and it's not just the Philippines. There are other countries as well.

So we approach those governments and maybe use their resources, and educate them, and maybe they can help us do educational awareness programs and whatnot, to tell the public in those home countries that these things are available and they don't need to use ghost consultants. This is something that I've been thinking about, but I haven't developed that idea fully.

**Hon. Michelle Rempel:** Would you suggest changing the scope of investigation? I've heard from other similar groups that say, "Look, there's really no catchment, or there's no ability for the government to go after non-members." There's this entire segment of the ghost consultant industry that is sort of falling through the cracks. How do we fix that?

**Mr. Ryan Dean:** I need to think more about that.



**Hon. Michelle Rempel:** That's the rub of it, and with that, I'll turn my time over to Mr. Tilson.

**Mr. Ryan Dean:** Thank you.

**Mr. David Tilson:** Mr. Dean, you've spent a lot of time criticizing the ICCRC, and that's been very interesting. We see constituents who have immigration problems, and they come to us to criticize the consultants. It's surprising. I don't have as many complaints as some of my other colleagues have, because I'm a semi-rural community, but I do get quite a few. There's a lot of criticism of consultants, still, even after the passing of the bill—was it C-35? Their issues are not the ones you raised. They are saying that the consultants charge too much, and that they're incompetent and not well educated. Those are the criticisms that we get from people who have given up on consultants. To be fair, they're also critical of some lawyers.

So my question is—that's one of the several reasons why we're having these hearings—how will we deal with those things?

•(1610)

**Mr. Ryan Dean:** My answer to you is that after we have sorted out our problems internally and have focused on the correct problems, which are the difficult cases in immigration, getting our educational standard increased dramatically, and the other issues—

**Mr. David Tilson:** How will we do that? What should be the standard?

**Mr. Ryan Dean:** What I'm trying to say—

**Mr. David Tilson:** That's a good question, because we had some presentations before on that. What should be the standards to be a consultant? What should be the educational standards to be a consultant?

**Mr. Ryan Dean:** The educational standard for a consultant is that they need to know IRPA inside out and need to be up to date. They need to be ethical.

**Mr. David Tilson:** Should they write exams?

**Mr. Ryan Dean:** Absolutely.

**Mr. David Tilson:** They're not now?

**Mr. Ryan Dean:** They are, but the standards in my view.... There are two different ways. There are continuing education exams, which are really done through third-party organizations that will teach you things about, for example, LMIA's, temporary foreign workers, or spousal sponsorship. Then internally within the ICCRC, it's about regulatory issues. That's really where they're falling down. I think the continuing education on the external portion of learning the law is sufficient, but it's the internal portion that really needs more work.

**Mr. David Tilson:** Ms. Fang, do you have a comment on this? I'm talking about improving the quality of the consultants.

**Ms. Ni Fang:** Yes, I don't think all consultants are uneducated, but there are—

**Mr. David Tilson:** I'm sorry if I meant that. I wasn't suggesting that.

**Ms. Ni Fang:** Yes.

**Mr. David Tilson:** I'm just saying that I get complaints. What am I to do with them?

**Ms. Ni Fang:** First, I have suggested that we need to discover exactly whether those consultants are regulated, or not regulated,

because a lot of people still provide immigration services in Canada. It is illegal to provide immigration consulting services in Canada without a licence, but they are holding themselves out as consultants, and we need to identify whether they are licensed, regulated, or not. If they are regulated, I think, if people are complaining about our educational standard, then we should look into this matter and increase the standard.

**Mr. David Tilson:** Should they have a licence and pay a fee for that?

**Ms. Ni Fang:** Sorry?

**Mr. David Tilson:** Should they have a licence?

**Ms. Ni Fang:** They should.

**Mr. David Tilson:** But they don't now?

**Ms. Ni Fang:** They do, and they are actually educated before they get their licence, but the problem is that we actually.... I'm an author of online educational material. I know a lot of other educational providers. I've had a lot of students come to me to complain that the education they are getting is not good. Basically they're not learning anything. They can pass their exams easily, so maybe they're not knowledgeable enough to actually do their job. That's possible, but I believe we do require post-secondary education in order to even take the exam.

**Mr. David Tilson:** Shouldn't they have more than a post-secondary education?

**The Chair:** You have 20 seconds, please.

**Ms. Ni Fang:** It depends. A lot of immigration has now shifted to economic immigration. So some people in the immigration consulting industry have a finance background with a bachelor's degree. They do a one or two-year immigration program and they are knowledgeable.

**The Chair:** Thank you.

Ms. Kwan.

**Ms. Jenny Kwan:** Thank you very much, Mr. Chair.

I'm just trying to trace the history of this. It is my understanding that CSIC lost its status as the regulatory body. Then, that regulatory body authority was handed over to ICCRC. Now, we're hearing about problems with ICCRC, so my first question is this.

Mr. Dean, have the problems that you are identifying here today been in place since its inception, or are they a recent phenomenon?

**Mr. Ryan Dean:** All of the irregularities that I found in the financial statements in the reports haven't been proven yet, because I don't have the records. These are just things that I am pointing out to them and that look like irregularities, so these may be the case, but we're being denied the records.

**Ms. Jenny Kwan:** Were you just recently elected?

•(1615)

**Mr. Ryan Dean:** In November.

**Ms. Jenny Kwan:** Are you here representing the organization today?

**Mr. Ryan Dean:** I am not.

**Ms. Jenny Kwan:** You are not. Why is that?

**Mr. Ryan Dean:** They have other people slated. We're at odds with each other. I'm not their favourite person; that's for sure.

**Ms. Jenny Kwan:** Okay. Let me skip over then to this.

It seems like there are problems, and we don't know for how long. There is a split within the current board.

Ms. Fang and Mr. Dhillon, do the problems that you identified with respect to consultants in the examples you put forward concern unlicensed or licensed consultants?

**Mr. Navjot Dhillon:** What's been seen is one licensed consultant running an office, and five or six unlicensed consultants working under him in the same office.

**Ms. Jenny Kwan:** I see.

**Ms. Ni Fang:** In my case it is an unlicensed overseas agency, but they have a Canadian licensed consultant or lawyer working for them. However, the guy in Canada doesn't know about anything that's going on overseas. He just signs the representative form.

**Ms. Jenny Kwan:** Okay. Let me just stop you there.

Have there ever been complaints to ICCRC about those agencies, these licensed organizations who have unlicensed people working for them and, it appears, creating problems for the clients? Has anybody ever complained about them as the licensed body doing this work? Does anybody know?

Yes, Mr. Dean.

**Mr. Ryan Dean:** I did.

**Ms. Jenny Kwan:** You did.

**Mr. Ryan Dean:** I complained through the election process.

Just to follow up on your last statement, that the matters at ICCRC are nearly fixed. There are other—

**Ms. Jenny Kwan:** Sorry, thank you. I don't mean to be rude. I have seven minutes.

You're telling me that complaints have been made. What has come of those complaints? Are they being investigated?

**Mr. Ryan Dean:** Not at all—

**Ms. Jenny Kwan:** Not at all.

**Mr. Ryan Dean:** —but the electorate, the members know about it. They have thrown these people out of power, but there are little tricks on the internal—

**Ms. Jenny Kwan:** Thank you.

I want to ask this question on the fix.

Should the Canadian government accept situations where an application is being put forward on behalf of a client by an unlicensed body?

If the answer is no, then they would be rejected because of the representation of that client, but the application itself would not be

rejected, if you know what I mean. The application should still be processed, so that the client is not prevented from getting their work or application in, but those unlicensed bodies would have no right to represent the clients. Is that not the best way to protect the client then?

**Mr. Ryan Dean:** Yes, I believe so. We should have a licensed regulatory agency or body to regulate immigration consultants.

**Ms. Jenny Kwan:** Ms. Fang.

**Ms. Ni Fang:** Yes, I actually suggested that, but the problem is that you need to be able to identify who is preparing the application, because a lot of ghost agents don't put their name on.

They register an email from the client. They charge a fee of the client. They submit a case as if they were the client, so you don't even know if somebody was charging a fee for submitting an application.

That's why I have suggested that if you don't have a representative, you sign a declaration that you don't have a representative and that you are completing the application yourself.

**Ms. Jenny Kwan:** Mr. Dhillon.

**Mr. Navjot Dhillon:** Definitely, I totally agree with you that clients who have ghost agents representing them should not be affected because of that. It is the consultant who should pay.

**Ms. Jenny Kwan:** Okay.

For the ghost consultants, you're saying that they are at another level in doing this under the table with cash exchanges, right?

Do you know who these people are?

**Ms. Ni Fang:** I actually don't. Even my clients don't know their names. The second story I had, I asked the client for the name, because you have to make a complaint to CBSA if you know the name. The client doesn't know the name. They are operating in Vancouver. In Canada it's illegal to do that, but there are so many people doing it right now.

**Ms. Jenny Kwan:** Correct.

Mr. Dean.

**Mr. Ryan Dean:** Most of these ghost consultants are operating outside of Canada. Perhaps if they did a bounty program, even a small bounty in Canadian dollars might net these individuals and their names in these countries.

**Ms. Jenny Kwan:** Would it help if the government undertook the work to inform applicants, clients, of the requirements of the agent who is supposed to be representing them. If you're doing this under the table, that is illegal. These are the credentials that a person must have in order to represent you. If they don't, you're not being properly represented and your application would not be accepted. I shouldn't say that, because their applications should be accepted. But somehow we have to find a way to get at the people who are defrauding the system, cheating the clients in the application process.

● (1620)

**Ms. Ni Fang:** That, I think, would be very helpful.

**Ms. Jenny Kwan:** Okay.

**Ms. Ni Fang:** Remember, though, it needs to be translated into the client's language. The reason is that a lot of clients, if they are from a different language, are just going to sign the form. In the English form, they don't even know what the form is talking about. It needs to be translated and certified that it's their signature.

**Ms. Jenny Kwan:** Okay.

In terms of requirements on that licensing requirement, do you have any suggestions on what government should put forward as a requirement for folks to be a licensed consultant?

**The Chair:** You have 10 seconds.

**Ms. Jenny Kwan:** If you can't provide that information in 10 seconds, maybe you can submit it to the committee.

**The Chair:** Thank you.

Mr. Anandasangaree.

**Mr. Gary Anandasangaree (Scarborough—Rouge Park, Lib.):** Thank you, Mr. Chair.

Thank you for being here today.

I have some specific questions. First off, are all three of you witnesses members who are in good standing with the ICCRC? Correct?

**Mr. Ryan Dean:** Yes.

**Mr. Gary Anandasangaree:** How long have you...?

You're not a practitioner?

**Mr. Navjot Dhillon:** No.

**Mr. Gary Anandasangaree:** Okay, thank you.

For both of you, the licence with ICCRC allows you to do hearings with the IRB, the Immigration and Refugee Board, correct?

**Mr. Ryan Dean:** That's correct.

**Mr. Gary Anandasangaree:** Have either of you done any hearings?

**Ms. Ni Fang:** I got a really high score in my practitioner program at UBC, but I've never done any hearings.

**Mr. Ryan Dean:** I handled temporary foreign workers in the Philippines years ago.

**Mr. Gary Anandasangaree:** Notwithstanding that, you're both licensed to appear in front of the IRB, right?

My understanding is that the ICCRC licence allows you to appear in front of the IRB representing your client.

**Ms. Ni Fang:** Yes.

**Mr. Gary Anandasangaree:** Yes, but they've also said that if you're not qualified to be appearing in front of the IRB, don't do it. You need to get special training before you take on that challenge.

**Ms. Ni Fang:** Yes.

**Mr. Gary Anandasangaree:** The principle, however, is that with the licence you're entitled to represent clients.

**Mr. Ryan Dean:** You could, but you'd have to brush up on your education before you go and take on that challenge.

**Mr. Gary Anandasangaree:** Do you feel that the current education program prepares you to be advocates in front of the IRB?

**Mr. Ryan Dean:** With respect to external education, it does. There are some very good programs on the external portion. The internal is different. That's the regulatory regime and how to walk within the regulatory framework.

**Ms. Ni Fang:** I want to add that under our code of conduct if you're not competent to do the job, but you go ahead and do it, you can be disciplined. Somebody can make a complaint.

**Mr. Gary Anandasangaree:** Notwithstanding that, all of your 3,400 members.... Is it 34,000? We were told 3,400 at the last meeting. Anyway, around 4,000 members are entitled to appear before the IRB.

At this point the competency is an individual assessment. The need for regulation is...we have a basic set of guidelines that governs everyone. Do you feel this is a function that should require an addition to your current licence as opposed to giving all licensees carte blanche to go in front of the IRB?

**Mr. Ryan Dean:** I'll finish with that. We discussed getting different levels of licensing at the board level recently. We're considering that. It has been tabled recently—exactly that, yes.

**Mr. Gary Anandasangaree:** With respect to complaints, I know you've both practised law; all three of you I think have some experience in immigration. Have you filed any complaints against members with the ICCRC?

**Ms. Ni Fang:** I never have.

**Mr. Navjot Dhillon:** I have not adopted that and I have not approached it. I have not filed any complaints, but I have seen people who have faced problems, but have not filed a complaint.

**Mr. Ryan Dean:** I filed two complaints, but withdrew them very quickly.

**Ms. Ni Fang:** I never have.

**Mr. Gary Anandasangaree:** You, in particular, Ms. Fang, have identified a number of clients whom you are representing, whom you're assisting with misrepresentation. Why have you not filed any complaints? For example, you mentioned the situation of the lawyer. Did you file a complaint with the Law Society of British Columbia?

• (1625)

**Ms. Ni Fang:** I am in the process of filing a complaint with the Law Society, but I found the complaint procedures very complicated. First, I need to read their code of conduct and figure out which section I'm complaining under. Second, I need to collect evidence. I have to have my client collect original documents from the provincial government and then have them verified. It's a lengthy process.

**Mr. Gary Anandasangaree:** My understanding is that the Federation of Law Societies has basic guidelines so anyone can make a complaint over the phone. It's a five-minute process and the rest of it is undertaken by the Law Society. My concern is that you have issues and yet you haven't undertaken any steps to rectify them.

**Ms. Ni Fang:** I didn't know you could call them. I went to their website and I checked their complaint procedures online. I was doing an online assessment.

If I can phone them, that's faster. I probably will phone them.

**Mr. Gary Anandasangaree:** With respect to complaints of other members of ICCRC, you said you had two complaints and you have withdrawn them. Apart from internal squabbling are there legitimate issues of competency or ethics with their representation of clients that you have complained about?

**Mr. Ryan Dean:** Mine are internal squabbling. I think that's an easier way of saying it.

**Mr. Gary Anandasangaree:** How complicated is it for someone to file a complaint with the ICCRC?

**Mr. Ryan Dean:** It's not very complicated, but the question is how fast are they going to get a reply. I have a client who filed a complaint and didn't get a response for three years.

**Mr. Gary Anandasangaree:** Mr. Dhillon, in your experience with individual clients, you mentioned a number of cases. What is their remedy? How do you help them; what do you advise them?

**Mr. Navjot Dhillon:** I always advise them to follow the right way, but everybody wants to achieve success by shortcuts, even if they have to pay a price for that.

**Mr. Gary Anandasangaree:** Thank you.

I'd like to yield my time to my colleague Gagan.

**The Chair:** You have 45 seconds.

**Mr. Gagan Sikand (Mississauga—Streetsville, Lib.):** Ms. Fang, I believe in your testimony you said that the applicant should state whether they view someone as authorized or unauthorized. Is that correct?

**Ms. Ni Fang:** Yes.

**Mr. Gagan Sikand:** Do you agree, Mr. Dean?

**Mr. Ryan Dean:** Yes.

**Mr. Gagan Sikand:** Mr. Dhillon as well?

**Mr. Navjot Dhillon:** Yes, I agree, the applicant should not be affected by that.

**Mr. Gagan Sikand:** Thank you.

Do you believe the government should play a role in clarifying or in this classification, making that distinction of who's authorized or not authorized? I'll start with you, Ms. Fang.

**Ms. Ni Fang:** I think, yes, because it's quite important for the client to know.

**Mr. Gagan Sikand:** I probably only have a few seconds.

Mr. Dean.

**Mr. Ryan Dean:** I echo her sentiments exactly.

**Mr. Gagan Sikand:** Mr. Dhillon.

**Mr. Navjot Dhillon:** Yes.

**Mr. Gagan Sikand:** The government has rejected applications en masse from China and worked with foreign authorities in India to arrest individuals there and to start at the point of contact. What else can we do?

I guess I've run out of time and so you can't answer that.

Thank you.

**The Chair:** Of course, the panellists have the opportunity to submit any additional information they would like.

I would like to thank the panellists for appearing before the committee today. It was quite disturbing to hear about some of the victimization and abuse that occurs.

Since the panellists appear to have first-hand knowledge of some of this, if they would like to provide the names of victims, with their consent of course, the committee does have the option to protect victims by having in camera hearings. I think it's very important, after hearing about the sorts of victimization cited—not just monetary, but other forms of victimization—to make that request. It would be very helpful for this committee in this study.

With that we shall suspend.

● (1625)

(Pause)

● (1630)

**The Chair:** I'd like to resume, with our second hour of hearings.

We have before us, from the Canadian Association of Professional Immigration Consultants, Mr. Donald Igbokwe, the president, and Mr. Dory Jade, the chief executive officer. From the Immigration Consultants of Canada Regulatory Council, we have Mr. Lawrence Barker, the acting president and chief executive officer, registrar, and corporate secretary; Mr. Christopher Daw, the chair of the board of directors; and Dr. Hafeeza Bassirullah, the director of education. Also, from the Metro Toronto Chinese and Southeast Asian Legal Clinic, we have Ms. Avi Yao-Yao Go, the clinic director.

We'll begin with seven minutes for the Canadian Association of Professional Immigration Consultants. I understand that Mr. Dory Jade will begin and will split his time with Mr. Igbokwe—or the reverse.

● (1635)

**Mr. Donald Igbokwe (President, Canadian Association of Professional Immigration Consultants):** Thank you, Mr. Chair.

I would like to begin by thanking the members of the committee for the opportunity to present as part of your study of the immigration consulting profession.

My name is Donald Igbokwe. I am the president of the Canadian Association of Professional Immigration Consultants, also known as CAPIC. As the chair said, I will be sharing my time with our CEO, Dory Jade.

CAPIC is the largest association representing regulated Canadian immigration consultants, with more than 1,500 members Canada-wide. CAPIC was founded in 2005 through the amalgamation of two previous professional associations representing the profession. CAPIC is founded on four pillars: education, information, lobbying, and recognition. These pillars guide our work to improve the profession and strengthen consumer protection for the public.

At the core of CAPIC's mandate is the continuing professional development of our members, helping them to improve the service they provide to clients and thereby promoting consumer confidence. Our local chapters in British Columbia, Ontario, Quebec, and across the prairies organize events such as seminars, workshops, and networking in order to support our members' professional development. CAPIC's annual national education conference attracts members throughout Canada as well as from overseas.

Regulated Canadian immigration consultants, known as RCICs, undergo a rigorous program of education and testing in order to earn their certification. This helps them to ensure that they have the right knowledge and skills to assist their clients through the Canadian immigration process. RCICs are regulated by a strict professional code of conduct, and I can tell you that our code of conduct is actually, when you consider it, stricter than that of the law society. We have several.

CAPIC is proud of having built a working relationship with the Government of Canada, including this particular committee and officials in the department of Immigration, Refugees and Citizenship Canada. We have made several presentations before this committee and have consistently sought to address the challenges facing the industry so that we can improve the regulation of our profession in Canada. The industry has evolved considerably over the last decade, and so have the changes and challenges. Through our presentation, we will address some of these challenges and changes, which we have also enumerated in the presentation given to you.

In order to address the changes, I will invite our CEO to talk to you about those changes and challenges and recommendations brought forward by CAPIC.

Thank you very much for your time.

**The Chair:** Mr. Jade, you have three minutes, please.

**Mr. Dory Jade (Chief Executive Officer, Canadian Association of Professional Immigration Consultants):** Thank you, Donald.

Thank you, Mr. Chair, and thank you to the members of the committee.

I have been involved in the governance of this profession since 2005, first as a member of CAPIC for the Quebec chapter; then as a director of the Canadian Society of Immigration Consultants, the original federal regulatory body; later as a director of the Immigration Consultants of Canada Regulatory Council, or ICCRC; and then as president of CAPIC, and currently as CEO.

Over my career, I have watched our profession evolve and grow in Canada. I have also been part of the evolution of the regulatory body, including having resigned, myself, from CSIC for different reasons, some of them financial misconduct or management. While we have come a long way since that problematic chapter in our governance, challenges persist. It is important that we address these issues by improving how we are regulated.

The formation of ICCRC was an important development in the regulation of our profession. We are at another critical juncture, and it is important that we work to improve the strength of the federal regulator. The committee played an important role in 2008 by bringing forward ICCRC to replace CSIC at the time. I strongly

believe you now have an opportunity to make an important contribution again.

CAPIC has provided the committee with our submission outlining the problems of the current model and how we can make it better. However, I would like to address three main challenges of the profession: one, unauthorized representatives; two, overlapping federal-provincial jurisdiction; and three, the Canada Not-for-profit Corporations Act, more known as the CNCA. These three issues weaken the regulation of our profession and put consumers at risk.

In terms of unauthorized representatives, under the current model, the ICCRC, which is delegated at arm's length from the Government of Canada, does not have the power to go after unauthorized representatives. This is delegated to the CBSA. They have been before the committee. They have, we know, limited resources. Priority goes to national security rather than the little or the small fraud—please excuse my language—of an immigrant.

• (1640)

**The Chair:** You have 15 seconds, Mr. Jade.

**Mr. Dory Jade:** Sorry.

The Canada Not-for-profit Corporations Act is another issue, because it was not meant to be for regulations.

**The Chair:** Thank you. Perhaps you will have an opportunity to provide that additional information to the committee. We need to move on.

**Mr. Dory Jade:** All right.

**The Chair:** I believe it's now Mr. Lawrence Barker who will speak on behalf of the Immigration Consultants of Canada Regulatory Council.

You have seven minutes, please.

**Mr. Lawrence Barker (Acting President and Chief Executive Officer, Registrar and Corporate Secretary, Immigration Consultants of Canada Regulatory Council):** Thank you.

Mr. Chair and esteemed members of the committee, first of all, Happy International Women's Day. Thank you for the opportunity to appear before you today to discuss the work we have been doing at the ICCRC. We are pleased to be here and to answer any questions you may have.

As you know, my name is Lawrence Barker and I am currently the acting president and CEO. I have been the ICCRC's registrar since the council's inception, and am also responsible in that capacity for handling the council's complaints, professional standards, and tribunals function.

With me is Mr. Christopher Daw, the current chair of the ICCRC's governing board of directors. Also accompanying me is Dr. Hafeeza Bassirullah, who has been with me at the council since its inception. Dr. Bassirullah is responsible for establishing the education department of the council, as well as for accrediting and overseeing the immigration practitioner programs that are offered at post-secondary institutions across Canada.

ICCRC is the national regulatory body that was designated in June 2011 by IRCC to oversee the practice of regulated Canadian immigration consultants. In 2015, our scope was expanded by IRCC to include overseeing citizenship consulting as prescribed in the Citizenship Act and regulating the practice of international student immigration advisers.

As we are a regulatory body, our foremost purpose is to protect the public. We achieve this by establishing entry-to-practice requirements; licensing professionals; overseeing RCICs' professional development and conduct; receiving, investigating and adjudicating complaints against our members through a disciplinary process that sanctions members whose conduct fails to meet ICCRC's standards; and raising awareness of immigration fraud and the need to use the services of an authorized representative. As of this month, we regulate just over 4,000 professionals. ICCRC is committed to ensuring that people who wish to enter the profession we regulate meet our entry-to-practice guidelines, which are based on rigorous standards, to demonstrate their competence.

Once they are admitted, the maintenance of professional competence remains a critical focus for us. Through our practice-management education, the professionals we regulate receive training on core issues to improve their delivery of professional services. Through continuing professional development offered by third party organizations, professionals are required to complete a minimum of 16 hours of training each year on matters relevant to the profession. We also require an annual compliance audit in which we investigate our professionals' practices, recommend improvements, and exercise our right to sanction and remove substandard practitioners from the profession.

Central to our consumer protection mandate is the council's code of professional ethics. This document outlines our standards of conduct to protect the public from unethical and incompetent practice. The code is binding on all, and failure to comply will lead to disciplinary proceedings. Our robust complaints and disciplinary process responds to allegations of misconduct and incompetent practice from the public. Through a comprehensive adjudication process, we investigate all complaints against members to determine what disciplinary action, if any, is warranted.

Panels of our complaints committee, discipline committee, appeal committee and our fitness-to-practice review committee comprise public representatives as well as practising consultants to give a fair, balanced, and objective review of every matter of professional standards referred to them. We have also increased the number of independent discipline counsel mandated to review and prosecute, where required, allegations of professional misconduct or incompetence.

To help expedite the processing of complaints effectively, we have recently introduced two tribunal streams, one for major breaches of the code of professional ethics, and another for less serious regulatory offences.

• (1645)

In addition to the central mandate of regulating consultants and international student advisers, ICCRC has been proactively engaged in promoting consumer protection through fraud prevention. We engage the public daily, informing them to be aware of and avoid

unscrupulous immigration fraudsters. As a member of the Fraud Prevention Forum, which is led by the Competition Bureau, we participate in Canada's annual Fraud Prevention Month campaign. Our 2017 campaign, occurring this month, has awareness videos being released through social media to English, French, Spanish, Arabic, Mandarin, and Hindi audiences around the world. We are also committed to holding unauthorized representatives accountable by reporting complaints about them to the CBSA.

Our fraud prevention initiatives have proven successful. Last year, our director of communications was the first Canadian to receive a prestigious consumer protection award from the U.S.-based Council on Licensure, Enforcement and Regulation for ICCRC's worldwide fraud prevention initiatives.

Immigration is a key factor in Canada's prosperity, and we embrace the government's position regarding its important role in keeping Canada competitive, reuniting families, and helping refugees. With our country's ambitious immigration targets for 2017, it is safe to assume that demand for services offered by immigration and citizenship consultants and international student advisors will continue to be considerable. Our regulatory successes are due in large part to the international representation of our own workforce. Fifty percent of our staff are immigrant or first-generation Canadians. Each one has first-hand knowledge of the magnitude and impact of immigration.

Members of the committee, ICCRC is fulfilling its mandate to protect consumers by effectively regulating the immigration and citizenship consulting profession. We are a young organization that has accomplished a great deal in less than six years, and we look forward to working with government and the public to further build on the foundations that we have established.

• (1650)

**The Chair:** Thank you, Mr. Barker.

Ms. Go, for seven minutes, please.

**Ms. Avvy Yao-Yao Go (Clinic Director, Metro Toronto Chinese and Southeast Asian Legal Clinic):** Thank you.

My name is Avvy Go. I am the current director of the Metro Toronto Chinese and Southeast Asian Legal Clinic, a non-profit organization serving low-income members of the Chinese and Southeast Asian communities.

Thank you to the committee for giving me the opportunity to comment on the legal framework governing regulated consultants in Canada. I have provided a written submission, which focuses mostly on immigration consultants, partly because they are the most common targets of the complaints that we receive at our clinic. My written submission also highlights some examples of problematic practices, which I will not repeat here.

I just want to talk about the experiences we have working with immigrants, refugees, and people with a precarious immigration status. They are very easy targets for unscrupulous consultants because of their lack of language proficiency, lack of familiarity with the Canadian system, and lack of knowledge about the regulatory framework for legal professions in Canada, and because they are desperate. Many of them do not even know the difference between a lawyer and a consultant. Also, many don't even know where to find help when they need it, so they go to the sources they are most familiar with, including newspapers or websites in their first language, where a lot of the immigration consultants also advertise because they are targeting those ethno-racial communities in their marketing efforts.

While the Canadian government has long been concerned about the exploitation of vulnerable immigrants and refugees by unlicensed or even licensed immigration consultants, the measures taken to date have failed to stop the exploitation from taking place. Instead, the law as it now stands penalizes vulnerable individuals for making the mistake of hiring unethical or incompetent consultants, whether they are licensed or not.

I have highlighted some of those issues. One of them is because of section 10 of the regulations, which requires the applicant to identify that he or she has provided complete and accurate information, which includes the information about the consultant or legal representative. The burden is put on the individual applicant, then, to say that the information is accurate. But in a lot of the cases we have seen, because of their language barriers they won't even know what information has been included or whether or not the consultant has identified himself or herself in the application.

We also have clients who appear before the immigrant appeal division whose credibility has been attacked, because they had hired some consultant who didn't identify themselves or they put in the wrong information in their form; and the clients are the ones who suffer.

Another way the system penalizes these applicants is because of the way "misrepresentation" is defined in the IRPA, including subsection 40(1) and section 127. These provisions have been applied and interpreted by the Federal Court in cases where the applicant has no direct knowledge that material facts have been misrepresented or withheld by their legal representative. Because the provision says that misrepresentation is either "directly or indirectly" done, the applicant is held responsible for the action of their representative.

We believe that the Government of Canada has the obligation to protect the public, and our focus is on that protection, although we also have commented on the regulation. We think the government should not penalize applicants who are duped, but should rather focus on how to strengthen the oversight system.

In our recommendations, we call, first of all, on the IRCC to continue to process applications that it suspects have been completed by ghost consultants and that it should advise the applicants of its suspicion, provide them with information on how to find licensed representatives, and give them the opportunity to review the information provided and to correct any errors that have been made.

Second, if the authorized representative is found to have made a misrepresentation on behalf of the applicant, the IRCC should give the applicant an opportunity to correct that information without prejudice.

Third, the IRCC should provide first-language materials to applicants who have already self-identified in their application as not being fluent in English or French, to ensure that they are fully aware of the rules governing legal representation.

Fourth, the government should pass legislation to set up a government oversight body to regulate immigration consultants. There should be specific provisions for admission, accreditation, a code of conduct, scope of practice, and mechanisms for complaints and discipline, and so on.

• (1655)

In the alternative, if the government allows self-regulation among consultants, it should still adopt legislation prescribing all of the same things it would have done otherwise.

As lawyers in Ontario—and other provinces too—we are governed by the Law Society Act that describes in great detail how the classes of licensees are established, admission and other requirements, and so on.

Finally, we think that the government should develop a comprehensive strategy to educate all potential applicants and refugee claimants about the regulations and requirements for consultants and other legal practitioners. One way of doing that is to include that information in the application process itself, and, of course, it must be available in the language spoken by the applicant.

Those are my submissions.

**The Chair:** Thank you, Ms. Go.

Ms. Dzerowicz, you have seven minutes, please.

**Ms. Julie Dzerowicz (Davenport, Lib.):** Thank you, Mr. Chair.

I want to thank all the witnesses. I have only seven minutes and a lot of questions, so I'll get started.

I worked a little at the provincial level. Any regulated body usually has to give a report to the minister annually.

Mr. Barker, is that something you have to do on behalf of IRCC?

**Mr. Lawrence Barker:** Yes, ma'am. Under both the Citizenship Act and the Immigration and Refugee Protection Act, as well as our contribution agreement, we report to the government on September 30 each year.

**Ms. Julie Dzerowicz:** Do you put in conviction rates? What are the main things you put in there?

**Mr. Lawrence Barker:** We provide information on changes to our governance structure and bylaw and regulatory amendments within our own system. We also provide statistics on complaints and professional standards over the past year.

**Ms. Julie Dzerowicz:** I was told by Ms. Lutfallah of the CBSA at our last meeting that the names of any consultants who are fined or convicted are posted on your website. I was not able to find that. Where is that posted for public viewing?

**Mr. Lawrence Barker:** Under our publication policy, the disciplinary committee, as part of its findings, determines whether to publish or not to publish names. That is consistent with all regulatory bodies.

There is a section on our website that outlines publication, with names, of serious offences, especially where suspension or revocation of licence was the outcome. For remedial education orders, where we are satisfied that by additional education the licensee is unlikely to have a repeat incident, the decision is published without their name.

**Ms. Julie Dzerowicz:** Which section is that?

**Mr. Lawrence Barker:** There is a section of disciplinary notices that's on our website.

**Ms. Julie Dzerowicz:** Okay. It's a one-pager. I couldn't find any links that actually took me to any names, but maybe I'll—

**Mr. Lawrence Barker:** I will be happy to provide the link to the clerk.

**Ms. Julie Dzerowicz:** That would be great.

There seem to be some governance issues. How are directors selected, and what changes, if any, do you think need to be made to improve governance?

**Mr. Christopher Daw (Chair of the Board of Directors, Immigration Consultants of Canada Regulatory Council):** As board chair, I'll speak to that.

We're a Canada not-for-profit corporation, a federally incorporated not-for-profit, so our governance structure is determined by that act, and our bylaws flow from that.

Our board constitutes 12 elected members of licensees—RCICs who are elected to the body by the membership—and three appointed public interest directors. We have a dual membership selection, where public interest directors are appointed by the board and the members vote in the rest of the members.

**Ms. Julie Dzerowicz:** Do you think that you have a good governance structure in place? Do you think some changes need to be made?

**Mr. Christopher Daw:** We're always interested to hear ideas about how to—

• (1700)

**Ms. Julie Dzerowicz:** But do you have suggestions? Do you or Mr. Barker believe that changes need to be made in terms of your governance structure, or do you think it's fine the way it is now?

**Mr. Christopher Daw:** I think the biggest challenge with our governance structure right now is simply that it creates situations

such as we have this year, with a huge influx of new board members coming on all at the same time. That can be a challenge.

We don't have any specific solution to that problem at this point, because we are governed by the CNCA.

**Ms. Julie Dzerowicz:** Thank you.

When complaints come in, who actually conducts the discipline? And are the services only done in English and French?

**Mr. Lawrence Barker:** The council has an administrator, who is a staff person who receives complaints. That individual spent 29 years at the College of Nurses of Ontario in complaints. She receives complaints, vets the complaint form and ensures that it's complete and correct, and then assigns it to an investigator.

We currently have under a service delivery contract an external company made up of retired RCMP officers. Their sole role is to collect facts; they make no judgment as to the guilt or innocence of the party. We are in the process of moving that function in house with staff—trained investigators—over the next year.

The complaint is sent to the investigator; the consultant is contacted and made aware of the complaint and asked to provide a written response to those allegations. From there, the reply is sent back to the complainant for them to either provide additional information or to refute the response. From there, it goes to a panel of our complaints committee, which is made up of one member of the public, who is an appointed person, along with two practising consultants. The complaints committee decides whether there is merit and will either dismiss the case or refer it onward to discipline.

At the referral it goes to an independent lawyer whom we have retained as a discipline counsel, who begins a process of pre-hearing discussions between the member, the member's counsel, and the prosecutor. From there, if an agreed statement of fact and a joint recommendation on penalty can be achieved, it is presented to a different panel of the disciplinary committee—again, a public representative and two practising consultants—who will receive the evidence—

**Ms. Julie Dzerowicz:** Mr. Barker, I think there seems to be a big process. It would be helpful if you could submit it to the committee just for our review.

**Mr. Lawrence Barker:** We have a chart for you.

**Ms. Julie Dzerowicz:** That would be very helpful.

Mr. Jade and Mr. Igbokwe, thank you for your presentation.

How are the regulators perceived, and what would be your top three recommendations in terms of changes, as per our mandate here?

**Mr. Dory Jade:** Thank you.



What I bring forward here are two recommendations. The first one, and it applies also to the Law Society of Upper Canada, is that the governance aspect of the regulator should not be under the CNCA. I alluded to this in my speech, and it is in the presentation of CAPIC, which is before you. The CNCA is meant to be for not-for-profit organizations' and oriented to the members and charities to preserve their rights. Regulators have very specific mandates to preserve consumer protection of the public. This is where the difference is, and it is fundamental.

The second point we want to bring forward goes back, really, to the Canadian Constitution, whereby immigration and agriculture are shared by the provinces. Therefore, the federal government should really look at the regulations—

**The Chair:** There remain 10 seconds.

**Mr. Dory Jade:** I'm done?

**Ms. Julie Dzerowicz:** Keep going.

**Mr. Dory Jade:**—under the statute in order to have harmonized regulation between the feds and the provinces.

Thank you.

**The Chair:** Thank you.

Mr. Saroya, take seven minutes, please.

**Mr. Bob Saroya (Markham—Unionville, CPC):** Thank you, Mr. Chair.

Thank you to all the witnesses coming forward to make the system better.

Mr. Barker, how many complaints a year do you get, on average?

**Mr. Lawrence Barker:** The council receives approximately 300 complaints a year, split between complaints and allegations against members and those against non-members, which we refer on to CBSA.

**Mr. Bob Saroya:** I probably get 300 a month.

**Some hon. members:** Oh, oh!

**Mr. Bob Saroya:** I'm not kidding.

I'm going to forward you a video. It seems like a very genuine video, and I couldn't sleep after seeing it. It's not a month old; this is from this weekend alone.

The perception out there is different from what we're hearing from the panel here. The perception out there is that nobody is doing anything about these crooked consultants. The ghost consultants exist right here in this country—the lawyers, the consultants—say: “Bring me a case, do the paperwork, I sign off on it, 50-50.”

You haven't heard this one, Mr. Barker?

• (1705)

**Mr. Lawrence Barker:** I have heard of that. The jurisdiction of the council is only, as the committee has already heard, to discipline and regulate its own members. We have no lawful authority to go after individuals, whether in Canada or outside of Canada, who are not regulated by the council. That is one issue.

But I share your sentiment about unauthorized persons acting. We have no jurisdiction.

**Mr. Bob Saroya:** If anybody complained to you, with all due respect, who got ripped off for \$10,000....

Every complaint I've had started at \$10,000, up to \$40,000. I didn't see the money change, but this is what the people bring you. Sometimes you look at somebody's face—we're pretty good, we're dealing with the public—and you see which is a genuine case and which is not a genuine case.

There's nothing we can do.

**Mr. Lawrence Barker:** If the council receives a complaint and we determine that the person is not a licensed consultant or member of a law society, with that complainant's permission, we prepare the information that we have available to us and forward it to CBSA for their consideration.

In many cases, the CBSA does work with us co-operatively, because part of that prosecution is obtaining, in our case, a registrar's certificate to confirm that the person is not licensed and authorized through ICCRC. That is used towards an arrest and prosecution.

**Mr. Bob Saroya:** How many of these complaints get convictions from this? Do you have any numbers, any idea?

**Mr. Lawrence Barker:** I'm sorry, I don't.

I am aware of certain very specific cases where I have been asked to provide a certificate, and a number of months or a year later the investigating officer at CBSA has contacted me, thanked the council for its assistance in the prosecution, and advised of that outcome. We do not receive regular updates in terms of actual convictions.

**Mr. Bob Saroya:** What would you do in this case? Let me get to the video. It's in Punjabi. It's six or seven minutes long, and I'm going to give you something that's in it.

This person came to Canada in 2015 and got hooked up with East West Immigration, something like that, in B.C. He gave them a written contract for \$10,000. When the \$10,000 was switched over, they said, “You have to go to India. When you arrived here, your medical failed.” So you go back. He went back to India, and he did the medical as per the video. They said you have to give me another \$3,000 for this one. He sent another \$3,000, taken on his credit card. When he came back, he said, “I'm back.” They said, “You've run out of your money.” Then this real person tried to complain. They said if you complain, we will do what we have to do—bodily harm. This guy in the video talks about committing suicide. Every single penny was taken.

What do you do? What do I tell people like this? They come to us looking for help. Where do we go? It's all of us here. I'm not talking about me alone; it's all of us here.

**Mr. Lawrence Barker:** Specifically, if this particular individual is not a licensed consultant, a ghost, who is threatening this individual, again, with information of that nature that comes to the council, we would seek permission from that individual to refer the complaint to CBSA. Otherwise, if they will not grant us permission, then we advise them to contact CBSA or local law enforcement themselves, and we'll provide the contact information that we have on file.

**Mr. Bob Saroya:** As per the video, he is a licensed—

**Mr. Lawrence Barker:** The person is a licensed consultant.

**Mr. Bob Saroya:** I'm not the expert, but that's what it seems. His address is crystal clear. He videotaped him, how much money was received, how much more they were asking, a written contract. He put it in the video.

It's really shameful that these things happen here right under our noses.

If there is any ghost consultant, what do you do with them? Is there anything at all?

**Mr. Lawrence Barker:** With ghost consultants, again, we do not have legal authority to go after or prosecute people who are not licensed by us. We provide information to CBSA for their consideration and potential prosecution.

**Mr. Bob Saroya:** Thank you.

Mr. Jade, you talk about “small fraud”. In your mind, what's a small fraud?

**Mr. Dory Jade:** Unfortunately, I misused the English word.

I just repeated what the CBSA representative who was here and was very clear.... She spoke about risk assessment. They move forward on the fraud—and this was not my saying it, but it was said before this committee—and if there is enough evidence and they have a scheme.... We have four big cases that the CBSA has followed. However, if there are just one or two cases—and it was not me who said that; the representative was here and I'm just paraphrasing it—with an individual, they probably would not pursue it.

That was not me, Mr. Chair.

•(1710)

**The Chair:** Thank you.

Ms. Kwan, you have seven minutes, please.

**Ms. Jenny Kwan:** Thank you very much.

First, it seems there are some internal issues with the ICCRC. Hopefully, these will get resolved. I'm interested in this question because in the case of the ghost consultants—where there seems to be quite a problem—if they are brought to your attention, they are referred to CBSA. The CBSA was here to tell us they don't investigate individual cases. Hence, they don't go anywhere. Isn't that the case?

I'm seeing people nodding. Can I get a yes from everybody that this is the understanding?

**Voices:** Yes.

**Ms. Jenny Kwan:** Given that this is the problem, how do we deal with this? There have been a number of different suggestions.

Should we move to a model of government-regulated oversight bodies? I want to get a quick response from folks around Ms. Go's suggestion on that.

We'll start with you, Mr. Jade.

**Mr. Dory Jade:** All right, it's very simple. We said it in three words. Exclude it from CNCA regulation under federal statute, such as the law societies in this country. Therefore, this body, which is ICCRC, can investigate under that legal statute, can send letters to cease and desist, and can go further if necessary, depending on the act passed in Parliament. That's it, in short.

**Ms. Jenny Kwan:** Thank you.

Mr. Barker, what is your quick thought on that suggestion?

**Mr. Lawrence Barker:** Mr. Jade had an interesting suggestion. We did try to issue a cease and desist letter several years ago to someone who was acting as a ghost, and they shoved back at us and said we didn't have any legal mandate so don't threaten us.

So under CNCA, as a private company right now, with no statutory powers to investigate, compel witnesses, or obtain documents, we are limited to doing nothing more than referring to CBSA.

**Ms. Jenny Kwan:** Ms. Go.

**Ms. Avvy Yao-Yao Go:** Of course, we are proposing a regulation, but that's not sufficient, as I tried to explain in my paper as well, because there is no incentive for people to complain about a consultant when you get penalized for hiring the wrong person.

So I think the government has to look at that as well. You understand that these people are vulnerable when they get duped and they get penalized, so they are not going to report those unethical consultants. You have to deal with that issue as well.

**Ms. Jenny Kwan:** Okay. So applications get submitted through ghost consultants, unlicensed consultants, for example; that's bad representation. The suggestion was that the application should continue to proceed, be processed, and then if you're not registered with the government on a list of some sort, then that representative is not allowed to represent someone.

Is that the fair approach?

**Mr. Donald Igbokwe:** That's currently what happens with IRCC.

If an unauthorized representative assisted an applicant, and IRCC determines that this individual is not authorized to represent the applicant, they will notify the applicant that they should not use the unauthorized person, and that they can either continue with the application by themselves—meaning that the IRCC will continue to process it—or they will have to retain an authorized representative.

**Ms. Avvy Yao-Yao Go:** But we know that they have also stopped processing all of the applications that come from the same ghost consultant in China.

**Ms. Jenny Kwan:** So theoretically, they're supposed to continue to process, but they're not. That's what you're saying, Ms. Go.

Okay.

I think this is critical from the applicant's point of view. Where this is a case of misrepresentation or misinformation, unbeknownst to the client or to the applicant, the suggestion is to not do that any longer—because our act as it stands right now makes them responsible for that. If in the case where you find misrepresentation by your representative, then the client should be given the opportunity to correct the application, and then the representative is penalized. That suggestion is a recommendation.

Can I get a quick round from everybody of your thoughts about this approach as a remedy?

• (1715)

**Mr. Dory Jade:** I believe it is how it's working right now.

The applicant is not supposed to be penalized, and that was said before this committee two days ago by IRCC representatives. If the practice is different, I can't speak for the Government of Canada.

**Ms. Jenny Kwan:** Well, in section 10 of IRPA, it says something entirely different. The act itself says something entirely different.

Mr. Daw.

**Mr. Christopher Daw:** Yes, I'm a practising immigration consultant so I can speak to that. It is the case, though, that the applicant is punished for indirect or direct misrepresentation. The idea that you've proposed is possible, but it would require the applicant to become aware of the misrepresentation somehow while the application were still in process. If an application goes in with false information or misrepresentation, it is possible in theory, if it were an honest mistake and you discovered it, to contact the office before an error is induced in the act by the information, and correct the information, and there was no harm no foul in some cases. But it would be difficult to determine how....

The problem we're hearing is that people don't know that misrepresentation is happening. So by the time an officer realizes there was misrepresentation, it would be at the stage of refusal of an application, and they wouldn't know whether it was the representative or the applicant who was responsible for the error.

**Ms. Jenny Kwan:** Ms. Go.

**Ms. Avvy Yao-Yao Go:** One simple way of resolving that is to add the word "intent". If intent were part of the misrepresentation test, then it would require intent on the part of the applicant, and then you could go after the consultant if you wanted to.

**Ms. Jenny Kwan:** Mr. Barker, as we were talking about CBSA and so on, you mentioned that you don't have the mandate or authority to investigate these other situations. Would ICCRC like to have the authority to do so?

**Mr. Lawrence Barker:** We are currently investigating what powers and authority would be appropriate to have as well as the structure in which to do that. I could say yes, but obviously going after unauthorized representatives Canada-wide involves due process in terms of complaints and discipline. I would say that right now, internally, we are looking at both the governance structure and mandates and what we would consider appropriate to effectively represent the public.

**The Chair:** Thank you.

Ms. Zahid, you have seven minutes, please.

**Mrs. Salma Zahid (Scarborough Centre, Lib.):** Thank you, Chair. My first question is for the ICCRC.

When the former immigration minister, Jason Kenney, announced that the ICCRC would be the new regulator of the registered consultants back in June 2011, he expressed concerns about transparency, accountability, financial management, and lack of appropriate disciplinary action by the previous regulator. Do you feel these concerns have been addressed since you became the regulator?

**Mr. Lawrence Barker:** Yes. Since ICCRC became the regulator—we are six years old—we have received, as of the end of December, 1,710 complaints filed against consultants. Of those, all but 500 have been closed.

We have, as I mentioned, a service contract with external investigators who are RCMP officers. We are moving that in-house and hiring more. We have doubled the number of administrative staff in complaints and discipline. We have hired an additional prosecutor to more effectively and quickly prosecute where necessary.

Just this past year we've also introduced two streams for offences. Serious streams go through our complaints and disciplinary process, as they always have. For lesser offences, we have introduced what I may affectionately refer to as the "traffic court model", whereby we are hoping to dispose of those matters in approximately 60 to 90 days, as opposed to a long, complicated and, in some cases, expensive disciplinary process. With those added resources, I feel that we are effectively maintaining public confidence and working more effectively in complaints and discipline than the previous regulator.

• (1720)

**Mrs. Salma Zahid:** Thank you. My next question is for Ms. Go.

On Monday, witnesses from the CBSA mentioned that obtaining evidence of consultant fraud can be very challenging. For example, most alleged offences are brought to the CBSA's attention only after the immigration application has been rejected. Even then, many victims may not come forward out of the fear that they will be removed or deported from Canada. Do you have recommendations to make sure that more people come forward? How can we convince those people and create more awareness? You deal with clients all the time.

**Ms. Avvy Yao-Yao Go:** As I said, because of the way the system works against the clients who come forward and the fact there is no incentive because they get penalized, you first of all have to deal with that issue so they at least don't get penalized if they become a victim of an unethical or incompetent consultant.

Second, I think the whole immigration system itself is seen as a very scary system, and these clients are very vulnerable. Because they may face deportation or have family members that they want to bring over to Canada, there is a lot at stake. The government needs to send a message out there that, “We recognize your vulnerability. We want to work with you. We want to give you the opportunities to correct any mistakes your representatives may have made.” If you send those messages, then I think that slowly and gradually, people will come forward. As of this moment there’s no incentive whatsoever for them to come forward.

**Mrs. Salma Zahid:** Thank you.

My next question is for Mr. Jade.

The ICCRC was set up to regulate and monitor registered immigrant consultants, but of course, consultants who don’t register are outside its purview. Since this committee last studied this issue back in 1995, major reforms have been made by the government, but we are still hearing about ghost and unregistered consultants who are exploiting vulnerable clients.

Do you have any suggestions how we can deal with this issue?

**Mr. Dory Jade:** Thank you, Mr. Chair.

My answer is twofold. In 2011, many representations were made before this committee asking for a federal statute. They came from the lawyers’ group, the CBA. They came from other provinces too, namely Manitoba, and from other groups. That was not something the government at the time chose to do; they went with the ICCRC model that is available now.

My suggestion is also clear. This committee, in my humble opinion, should really look at how we can resolve this problem under an act. Let’s face it, why don’t we have this many—excuse my language—ghost doctors? It’s because every group of people ensures that the consumer is protected; they are hands-on. With due respect, when we gave the Government of Canada power, from national security to the little criminal act.... I’m sorry. I’m using the word “little”; it’s in quote marks. That doesn’t give immigration fraud its merit.

That’s my opinion. This is why an act from this committee is important.

**Mrs. Salma Zahid:** Mr. Barker, would you like to add something to this?

**Mr. Lawrence Barker:** No, I believe Mr. Jade has covered it.

One issue, as I’ve mentioned, is that under CNCA there are a lot of restrictions to how we operate. That may not have been the will of the government in 2011. But Mr. Jade has pointed out where we are in 2017, with the committee’s concern about ghost and fraudulent representatives. All we can do right now is to refer to CBSA and rely on them to take whatever action they do or do not deem appropriate. That’s the extent of what we can do.

**The Chair:** You have 30 seconds.

**Mrs. Salma Zahid:** I have a quick question. Anyone can comment.

Right now there is no regulation on what fees the registered consultants can charge for different services. Was this considered

when the system was designed? Based on the experiences you have, should regulation of fees be introduced?

**Ms. Avvy Yao-Yao Go:** As a lawyer—I’m a bencher at the law society; I can speak as bencher—I think it’s a difficult question. I think it would be a challenge to regulate fees among licensed practitioners.

• (1725)

**Mrs. Salma Zahid:** Thank you.

**The Chair:** Thank you.

I’d like to thank the panellists for appearing before this committee this afternoon. Just before we suspend, I have two quick questions for Mr. Barker.

You mentioned that you test and review the knowledge and competence of your certified members on a yearly basis. We also heard from previous witnesses that a certified member sometimes will have five or six uncertified people acting as consultants in their office, and that some have subsidiary offices overseas.

How do you guarantee that those individuals actually have the competence, the knowledge, and the honesty to conduct themselves according to the mandate?

**Mr. Lawrence Barker:** It is very clear that those staff are not licensed in their own right and, therefore, may not represent clients. They would be functioning as administrative staff. We do allow consultants to register what we refer to as an “agent”, which is a person on the ground overseas who would receive documents and payments from clients, which are then remitted to the licensed consultant. The rules are very clear that those agents or administrative staff must follow the direction of the licensed practitioner and may not provide advice that is not authorized. It would be no different from someone working in a medical office, where any act they perform is under the authority of the physician who has the licence to practise.

**The Chair:** Thank you.

I have another quick one—

**Mr. Christopher Daw:** Could I add a very quick point?

**The Chair:** Yes.

**Mr. Christopher Daw:** I’m sorry to interrupt. If a complaint is made, the member is responsible for all actions of that staff member or that agent.

**The Chair:** Thank you for that clarification.

One quick question. We also know that in all the multicultural media, immigration consultants, both lawyers and ghost consultants, advertize in those pages.

Mr. Barker, have you ever thought that your agency should advertise the fact that you can provide recourse to people who have been victimized?

**Mr. Lawrence Barker:** We have. Through our fraud prevention activities in several local ethnic papers and media, we do provide information about using only an authorized representative. This year, as I mentioned in my opening remarks, we have picked approximately six languages. Last year, it was different languages again, so we're reaching out in ethnic papers, as well as social media worldwide to use—

**The Chair:** To only use—

**Mr. Lawrence Barker:** Authorized representatives.

**The Chair:** Sure, authorized representatives, but also that you can provide recourse in case of abuse or victimization.

**Mr. Lawrence Barker:** Again, if it's an unauthorized person, and we received information, it just gets referred to CBSA.

**The Chair:** Individuals need to know that they have recourse. In that advertising, you're saying, "Please just use certified consultants", but you should also advertise that if someone feels victimized or abused by those consultants, here's a number they can call.

**Mr. Lawrence Barker:** Information on the complaints process is actually included in the retainer agreement entered into between a licensed consultant and the client.

**The Chair:** So you've never advertised that specifically.

**Mr. Lawrence Barker:** Not specifically, no.

**The Chair:** Thank you.

With that, we will suspend, and go in camera for a bit of committee business.

*[Proceedings continue in camera]*

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