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Chair

Mr. Borys Wrzesnewskyj

Standing Committee on Citizenship and Immigration

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• (1530)

[English]

The Vice-Chair (Mr. David Tilson (Dufferin—Caledon, CPC)): Good afternoon. This is meeting 55 of the Standing Committee on Citizenship and Immigration. 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.

We have one witness who is not here yet. We're going to proceed, and hopefully he will join us soon.

Each of the witnesses will have up to seven minutes to make a presentation to the committee.

We have Leslie Emory from the Ontario Council of Agencies Serving Immigrants, who is a board director. We also have Maria Esel Panlaqui from Thorncliffe Neighbourhood Office of Toronto. Maria is a settlement worker. We also have Michelle Marie Dulanias.

Good afternoon to all of you. We will start with Ms. Emory for seven minutes please.

Ms. Leslie Emory (Board Director, Ontario Council of Agencies Serving Immigrants): Thank you.

The Ontario Council of Agencies Serving Immigrants is the umbrella organization for immigrant-serving agencies in Ontario. We have more than 200 member agencies working with immigrants and refugees, refugee claimants, migrant workers, international students, and those without full immigration status. We thank the standing committee for the opportunity to comment on this important study.

We'd like to raise four key concerns. First, in our estimation, our immigration and refugee system is complex and unfamiliar to most residents. Clients aren't aware if their applications have been completed correctly or submitted properly. Many rely on word-of-mouth referrals or advertisements in community publications, and at ethno-specific businesses.

Second, lack of language proficiency renders the immigration system inaccessible. Many clients do not speak either official language sufficiently to navigate the system on their own. They rely on others to complete the application, and to understand and respond to communication they receive from the government. Importantly, they are unable to determine if the service they receive from a consultant is legitimate. Clients who speak French, and who approach an English-speaking consultant for services, are not informed of their right to access government services in French.

Third, residents with precarious immigration status are more vulnerable to being taken advantage of by unscrupulous consultants. We are aware of migrant workers who have lost their temporary status when an application for work permit renewal wasn't properly completed or submitted. Clients with limited options to gain legal residence are among the most desperate, and likely to pay thousands of dollars to consultants for false promises of permanent residency. They are less likely to report unfair treatment to the regulatory body, or report fraud to authorities for fear of detention and deportation.

Finally, the regulatory framework is unfamiliar or ineffective. Clients are often not aware of the difference between a regulated and unregulated consultant, paralegal, or lawyer, or what options are available to them in the event of misrepresentation or fraud. They are unfamiliar with the regulatory framework. Some who filed a complaint with Immigration Consultants of Canada Regulatory Council, ICCRC, either did not hear back or found the process inadequate.

I'd like to briefly share three examples with you of particular clients who have come from our member agencies.

Client example one. The clients paid a large amount of money to an immigration consultant to prepare an H and C application, and submit it in a timely manner. They didn't hear anything from IRCC about their application. The immigration consultant told them the file had been submitted, and that it would take a long time for IRCC to respond. They finally called IRCC themselves, and were informed that no application had been submitted.

Client example two. A client paid a consultant to prepare an H and C application. The consultant submitted the application in the client's name. The H and C was rejected due to lack of merit. The client later went to a legal clinic for assistance, and learned that there were a number of mistakes in the original application, likely explaining the rejection.

Client example three. Migrant worker clients were told by their employer to use the services of a specific non-registered immigration consultant to have their work visas renewed. Having charged the workers a fee to renew their visas, the consultant did not submit the applications, and their visas lapsed. They were told by the consultant that the employer would be fined because they were working illegally. The workers then had to leave Canada.

On the basis of this, and many other stories and examples, we have three recommendations.

First, in the most general sense, applicants should not be penalized. The submission of an incomplete application usually results in delays for the applicant, sometimes with very serious consequences, such as loss of status. Applicants should not be penalized for errors and misrepresentation by a consultant, but should be permitted to resubmit an application without penalty.

• (1535)

They should be allowed to review and correct mistakes made by consultants. Applicants who have been left without status as a result of mistakes made by consultants should be allowed to remain in Canada without penalty and permitted to submit a corrected application. An extension of a permit should be included if required.

The second recommendation is that more public education is required. There is a need for extensive and ongoing public education about the regulatory framework with respect to consultants, paralegals, and lawyers. This education should be available to all immigrant applicants, refugee claimants, migrant workers, and international students. It should include information on clients' rights and how to find a regulated consultant or legal representative. Information should be broadly available in a variety of formats and in a language understood by the applicant.

The final recommendation is that there should be stronger regulation of immigration consultants. The present system of self-regulation of immigration consultants has not protected newcomers from exploitation. The complaints process has proved ineffective for many. Our recommendation is to enact legislation to create an oversight body within the government to regulate immigration consultants. The legislation should contain detailed provisions for admission and accreditation requirements, a code of standards and rules, the scope of practice, areas of responsibility, insurance coverage, and mechanisms for dealing with complaints and disciplinary matters.

Thank you very much.

The Vice-Chair (Mr. David Tilson): Perfect.

Ms. Panlaqui, the two of you have up to seven minutes.

Ms. Maria Esel Panlaqui (Settlement Worker, Thorncliffe Neighbourhood Office of Toronto): Thank you for giving me the opportunity to speak today. My name is Maria Esel Panlaqui, part-time settlement worker at Thorncliffe Neighbourhood Office or TNO. TNO is a non-profit charitable organization and multicultural community-based settlement agency in Toronto.

We formally started the TNO caregivers and transition program in 2008. We provide support to live-in caregivers while they are in transition from temporary foreign workers to permanent residents. In addition to in-house services, we also offer alternative settlement service delivery that includes providing alternate services at churches, coffee shops, and apartment buildings. In addition, we offer services over the telephone during the evenings.

As a result of this, we get calls from caregivers in Alberta, British Columbia, Saskatoon, and the Northwest Territories. These are workers who haven't been able to access services where they are located, either because they are not aware of our program and services, or because the services are offered from 9 a.m. to 5 p.m.,

and live-in caregivers can only access services on weekends and evenings.

Before getting connected to our organization, many of our clients already have had a bad experience dealing with immigration consultants. They seek the services of immigration consultants when they face challenges with regard to the processing of their PR applications. Challenges include long delays in processing of applications and renewals of open work permits and work permits. Permanent residents are refused also because of administrative errors of IRCC, medical inadmissibility of their family members or dependants, and lack of knowledge about how to apply for humanitarian and compassionate grounds or about how to make applications in Canada as live-in caregivers. Because of their precarious immigration status, these workers are easily taken advantage of by some immigration consultants, whether authorized or not authorized. Most often these workers say they can't discern whether their consultants are authorized or not.

In some instances, even though they don't trust them entirely, they still end up working with them because they don't know where else to get help. Most of our clients claim that they have been manipulated and intimidated by their immigration consultants. Most of these consultants are aware that these workers will not lodge a complaint against them because they know if they do so this will have a negative impact on their immigration application.

In the cases of unauthorized immigration consultants, some live-in caregivers were misled into believing that they were authorized representatives. We have anecdotal reports that some consultants are advertising themselves as being licensed when they are not. Our clients' experiences with unauthorized immigration consultants are worse. Some of these workers were asked to pay high fees up front, and later they found out the immigration applications they needed to file were not even submitted to IRCC. In most cases, these caregivers don't have enough financial resources to make the payments. They borrow money from their friends or get high-interest loans.

Obviously, the long processing of permanent residence applications and their precarious immigration status contribute to their vulnerability. One of the barriers we often see happening on the ground is they have limited access to free legal services from the community legal clinics. Although they are considered employed, they are low-wage earners, and because they are breadwinners and are often sending money back home, they don't have financial resources to get help. Those who are not aware of settlement services, agencies, or non-profit organizations end up dealing with immigration consultants who take advantage of their vulnerability.

Another barrier we see is that some of these workers have been calling us from different provinces in Canada claiming they are having difficulty accessing settlement services, especially those from settlement workers in school. I believe these settlement workers are not mandated by IRCC to assist in filing immigration application forms.

We also hear from our clients that there are many unregistered ghost consultants who conduct business unethically in origin countries like the Philippines, Hong Kong, and Taiwan. They operate in the shadows and hence are not held accountable.

One of the biggest problems we see is that, while Immigration Consultants of Canada Regulatory Council can investigate its own members, it doesn't have the authority to go after non-members. Complaints about unlicensed consultants have to be forwarded to the CBSA, and migrant workers, refugees, and caregivers, the most vulnerable groups targeted by immigration consultants, are intimidated by the CBSA and don't want to file charges when the CBSA is involved.

Some of the other recommendations we would like to present are the following.

We strongly believe that a precarious immigration status is among the major causes of vulnerability of live-in caregivers, refugees, and other temporary workers, and that this allows some immigration consultants and employers to abuse them.

• (1540)

We recommend that the federal government provide landed status to all foreign workers, including live-in caregivers and allow them to enter Canada with their families. Live-in caregivers, refugees, and migrant workers face long periods of separation from their families, and, in many cases, this leads to feelings of anxiety, loneliness, pressures, and stress.

We recommend that the federal government take special measures to address this immigration backlog by allocating resources and addressing inefficiencies of IRCC in processing these applications. IRCC should also give special considerations and not penalize through outright refusal of the applications of these live-in caregivers, refugees, and other foreign workers. The IRCC should not blame and punish the victims but rather ensure that immigration consultants who abuse them are prosecuted.

We would also like to recommend that the IRCC undertake a complete review of the new caregiver program.

The Vice-Chair (Mr. David Tilson): You have one minute.

Ms. Maria Esel Panlaqui: It is expected that with the changes in the new program, the requirements in the quota, and those new requirements on language and education eligibility, there will be more workers who will be targeted and manipulated by unauthorized immigration consultants.

We also have a few recommendations in terms of how you can consistently improve the websites of Canadian embassies and missions abroad and provide clear and prominent information on immigration consultants, including how to file complaints and ensure that complaints of victims will not have a negative impact on their immigration applications. Websites should provide lists of non-profit settlement organizations and community legal clinics, depending on where they live. These messages should be translated into different languages. This information should also be included in the pre-arrival orientation training provided to temporary foreign workers and live-in caregivers.

Prospective immigrants and temporary foreign workers should be informed that they are not required to use an immigration consultant to help them with immigration matters and should be provided with the phone numbers that function from within their countries, as well as other contact information, to enable them to direct questions to appropriate government authorities. All temporary foreign workers,

including caregivers, should be required, within a few months of their arrival, to meet with a non-profit organization.

• (1545)

The Vice-Chair (Mr. David Tilson): You're way over. I'm sorry, I'm going to have to stop you. Perhaps more of your thoughts, the two of you, will come out when questions are asked.

Ms. Dzerowicz, please go ahead.

Ms. Julie Dzerowicz (Davenport, Lib.): Thanks so much, Mr. Chair, and thanks for the excellent presentations.

Ms. Emory, I believe one of your recommendations was stronger regulation for immigration consultants. Ms. Panlaqui, you talked about how some immigration consultants advertise that they're licensed when they're not.

I wonder if both of you might give me an example of when you've actually complained to the ICCRC. Have you actually used the ICCRC's complaint mechanism, and what was your experience? If you haven't used it, why haven't you?

Let's start with Ms. Emory and finish with Ms. Panlaqui.

Ms. Leslie Emory: It wouldn't be me who would use it, it would be a client. We have examples of when clients have used it, and they did not get a response, and/or the information that they got back was not helpful to their situation. If you want specific examples of that, I can get those. I don't have them here.

Ms. Julie Dzerowicz: It would help us to understand, when complaints are made through the current system, what's not working and what we need to improve.

The Vice-Chair (Mr. David Tilson): Ms. Emory, if you could give that information to the clerk in the near future, that would be appreciated.

Ms. Maria Esel Panlaqui: In that case, it's very hard to convince the workers to file a complaint, because once they find out that they have problems with immigration consultants or their immigration status, their priority is to fix that and get their immigration status so they can move on. In 80% of the cases, they either withdraw or tell us they don't want to pursue their cases. They just want us to help them with their existing case so it can be fixed with IRCC. Those are the challenges that we see on the ground.

I'm sorry, I didn't get a chance to introduce Michelle, one of our clients. She has had experience dealing with immigration consultants. I would like to ask that you give her about two minutes to share her experience.

Ms. Julie Dzerowicz: I'm okay to do that. Sure. Go ahead.

If you could just note two minutes, Mr. Chair.

Ms. Michelle Marie Dulanas (Thorncliffe Neighbourhood Office of Toronto): It is a great privilege to speak in front of the committee on citizenship and immigration. On behalf of the caregivers, thank you for inviting me.

My experience when I arrived in Canada was very traumatic. It was April 10, 2014, when I arrived at Pearson International Airport. I trusted an immigration agent and paid about \$4,500 and \$900 airfare to sort out all the paperwork for employment as a live-in caregiver. The immigration agent was not very welcoming to start with, when she picked me up at the airport. She told me that my employer was not ready to have me yet, so she took me to her house instead, and then we went to the supposed employer and put my luggage there. She then said that we had to go out and open a bank account, which we did, and she put her home address on the account and a mobile SIM card. On the way back, she told me we needed to get my things back, as she said I didn't belong there and that there were other nice families I could work with. She also asked if I had friends and relatives here in Toronto, and I said no.

I was confused at that time, but still I did not react against her will as she was the only person I knew at that time. To my surprise, when we arrived at my employer's house, my things were all packed up and ready to be collected outside the house. The immigration agent brought my entire luggage to her garage, dropped me off at Yorkdale mall, and never came back. She said she was going to speak to my employer and would let me know what was going to happen next, but never showed up.

I was shocked and felt so humiliated, but did not complain because I was so scared. I cried day and night. I couldn't believe I had been scammed. To me, it was a big amount of money because I have a son to look after financially. A good Filipino stranger helped me to go through the process of looking for another job all over again, and it took me about eight months to get a work permit done.

The reason I am here right now is that I want to show you that my case is evidence that there are fake immigration agents who are engaging in unethical business practices. This immigration consultant is still acting as an immigration agent and bringing nannies to Canada from all over the world. I just met someone from the church who arrived in January 2017 and who was brought to Canada through this person. She, too, needs help emotionally and financially.

Thank you for having me.

• (1550)

Ms. Julie Dzerowicz: Thank you so much, Ms. Dulanas, and thank you for your courage in being here today and sharing your story.

My question to you is how did you hear about the immigration consultant? Who gave you that recommendation?

Ms. Michelle Marie Dulanas: A friend of a friend. She told me there was a big chance that I could be reunited with my family.

Ms. Julie Dzerowicz: Here?

Ms. Michelle Marie Dulanas: Yes. If I worked here for, like, 24 months, she encouraged me to think that after that, I could get my son and apply for residency. That gave me the spark to apply.

Ms. Julie Dzerowicz: So you just trusted the friend of your friend who made the recommendation?

Ms. Michelle Marie Dulanas: Yes.

Ms. Julie Dzerowicz: Were there other people who were successful with the same immigration consultant?

Ms. Michelle Marie Dulanas: Yes.

Ms. Julie Dzerowicz: And that's the reason you trusted this immigration consultant?

Ms. Michelle Marie Dulanas: Yes.

Ms. Julie Dzerowicz: This is to Ms. Panlaqui and to Ms. Emory, if you've heard any stories. One of the things that always surprises me is that within our settlement agencies, we hear a lot of these stories. This is not new. We know the good consultants and the not-so-good consultants, and I wonder why we don't have more information within the agencies to warn people, to say who are not good ones, and who tend to be very good ones. Can you explain that to me?

Ms. Maria Esel Panlaqui: In my case, it was so surprising, about two years ago, when she and others first came. They came from different parts of the world, but I was so surprised to find out that they were referring to the same person. I attended a provincial consultation on human trafficking and met with some RCMP members to ask for some advice on what I could do, because—

The Chair (Mr. Borys Wrzesnewskij (Etobicoke Centre, Lib.)): Twenty seconds, please.

Ms. Maria Esel Panlaqui: —the way they're describing it, she's untouchable and she has connections.

Also, I don't have the expertise to deal with this type of case. As settlement workers, we're supposed to refer and provide information, not deal with these cases. I have been advised that as long as you have evidence, you can file a case. When I asked them, I was so surprised when they all told me that before they got to the airport, they'd been asked to delete all the evidence, because otherwise they would be deported.

They were all scared. They would come to meet me and they would be ready, and then when I was about to go to the police or to the FCJ Refugee Centre, they wouldn't show up.

Michelle is here because she just completed her 24 months. She was one of the—

The Chair: Thank you.

Mr. Saroya, you have seven minutes, please.

Mr. Bob Saroya (Markham—Unionville, CPC): Thank you, Michelle, Maria, and Leslie for coming. It's a pretty difficult situation. It's heartbreaking.

We keep hearing this story. I've been hearing it for the last 30-some years. These crooked consultants, whatever you want to call them, always find some victims just like you and many others.

My first call today was from somebody who called from some other country with a similar situation. They took big bucks and would not answer the phone. A couple of weeks back I got a call from the west.

What is the solution? What do you think can be done? Do you have any ideas? We are looking for solutions here. They should be all blacklisted. Should there be some sort of registry where people can call in?

The two people who called me in the last two weeks will not file a complaint. I gave them the number. I gave them every single thing. I made it clear. I said, "We will protect you. Whatever we can do." They are not doing it. What is the solution?

Maybe we can start with you, Leslie. What do you think?

Ms. Leslie Emory: I think absolutely that a foolproof list that can be relied upon and that is evaluated against a set of criteria and modified over time....

Even in our agency, settlement workers have gotten to the point where they are far more comfortable referring to legal supports rather than going through the process of assessing, number one, the legitimacy, and number two, the moral practices, even if the immigration consultant happens to be registered.

It's very difficult. If there were some kind of a vetting, monitoring, and managing process for those registered consultants, so that we could believe without a shadow of a doubt that these folks are reliable....

• (1555)

Mr. Bob Saroya: Do you mean some sort of a 1-888 phone line where they could leave a message without identifying themselves? Would that sort of stuff work?

Ms. Leslie Emory: That's an idea.

Mr. Bob Saroya: Is there anything else, Maria?

Ms. Maria Esel Panlaqui: Even the registered consultants are very smart. They know how to get away with it.

For example, some of our clients went to a registered consultant who says that all their emails from IRCC are going to her spam. She won't tell them whether they need to submit some more documents. We found out, when I started going to the church, that a lot of the applications are now closed.

This consultant says, "I'm sorry. I didn't intend to neglect your application. It went to my spam. I did not see it. We need to send an explanation letter to IRCC, but you need to pay me another \$300 to do that."

Then, when the cases start to become complicated, our clients are referred to lawyers, and they need to pay money again.

I think it's the condition of these people's status. If you really want to address the problem, make them permanent residents when they come here. It's the condition of their status that even if they don't like to go with these people, because they are not even sure whether they are legitimate or not, they are forced to do so because of that precariousness.

Mr. Bob Saroya: Do you just work in the Thorncliffe area?

Ms. Maria Esel Panlaqui: No, I started in Thorncliffe. We have a secret online Facebook group. We thought we were already connected with a lot of them, but when they started going to the churches, I saw more workers there who were isolated and vulnerable, so we started assisting those people and referring them

to settlement agencies in the particular neighbourhoods where they are located.

With the phone services, I was able to rescue a caregiver in Hay River over the phone—

Mr. Bob Saroya: Rescue?

Ms. Maria Esel Panlaqui: —because there are no settlement services there.

I asked her if she could wait until the next day and she said, "No, because the employer is throwing things at me. I cannot wait." We had no choice but to ask someone to take her from Hay River to a shelter there. The settlement agency that is closest to that worker is a four-hour drive from where she works. She was isolated inside the private home.

Mr. Bob Saroya: I would like to make a request of all of you if you have any solid suggestions. I have two people working full-time on this issue alone. What the three of you are saying I hear; we hear it, all of us hear it around the clock.

If you have any suggestions, any ideas, could you submit them to the clerk, please?

Ms. Leslie Emory: I think the biggest piece is the oversight body. If we understand that these individuals are vulnerable and they don't understand our system for a whole bunch of identified reasons, a mechanism by which they're protected needs to be embedded in the system. That doesn't exist right now. They can't decide if an immigration consultant is legitimate or not, so there has to be an oversight body that ensures those kinds of things.

Mr. Bob Saroya: But the biggest thing I see is if somebody gets blacklisted, sometimes they come under a different name.

Ms. Leslie Emory: That's fair enough.

Mr. Bob Saroya: You have to cover the person and Ontario and whatever agency he is using....

Leslie, you also said that ICCRC is inadequate or does not answer when claims are submitted. Can you explain it a bit more?

• (1600)

Ms. Leslie Emory: That's the piece I've been asked to offer some specific examples on, and I'm going to bring them forward. I don't have specific examples right now except what I was given, which is that people aren't necessarily responded to and sometimes when they are it's not helpful at all.

The Chair: Thank you.

Ms. Kwan, you have seven minutes, please.

Ms. Jenny Kwan (Vancouver East, NDP): Thank you to all the witnesses for your presentations, and particularly Ms. Dulanias, thank you for your story.

I'm curious; at this point, the consultant who did your service, supposing services were provided to you, did you get a refund for that money?

Ms. Michelle Marie Dulanias: No, she just dropped me in the Yorkdale mall and that was it. She never—

Ms. Jenny Kwan: And this person is still practising. Do you know if this person is a licensed consultant?

Ms. Michelle Marie Dulanias: She is not licensed. I just realized when I arrived in Canada that she is not.

Ms. Jenny Kwan: It would be good if we could get further information from you about this particular consultant so we could take a look at the situation.

My first question for everybody on the panel is this: Are most of the consultants you're hearing about from your clients who are dealing with these situations non-licensed consultants?

Ms. Leslie Emory: Most of the clients we're aware of are working with licensed consultants and there is not a problem with many of them, but we are aware there are problems with some licensed consultants, and some are certainly unlicensed.

Ms. Maria Esel Panlaqui: In my clients' experience, we have both authorized and unauthorized. They are being manipulated and exploited in both groups.

Ms. Jenny Kwan: Would it help if the government set up a system whereby people brought forward complaints about a consultant and if they did, whether it's a licensed or a non-licensed consultant, their application would not be penalized? That is to say, the application would still proceed and be processed accordingly and then the onus would be on the consultant who would face a penalty if there were misinformation or problems associated with it.

Would that be an approach that would encourage people to come forward to say there are problems with a particular consultant?

Ms. Maria Esel Panlaqui: We've been telling them that they don't need to be scared, but if there is no mechanism in place to protect them then it will be hard for us to convince them to do so.

The caregiver who was recently victimized by this agent said at the end of the day she didn't have a job; she didn't have a work permit; now she can't work, and she needs pay. She said her family in the Philippines is blaming her for the 200,000 pesos she paid to this consultant, so she said her priority was to find an employer.

We've been working with FCJ Refugee Centre because they have the expertise to do this and they've met with some of the workers and this time hopefully we can pursue a case against the consultant.

Ms. Leslie Emory: I think it would be very helpful on two levels. One, it would create accountability on the side of the immigration consultants. Two, if there was a way to communicate it so that applicants felt they were going to be proceeding as planned and there were no repercussions, that would be helpful.

Ms. Maria Esel Panlaqui: I would just say quickly that this agent we were talking about, we Googled her name. She has a pending case or she lost her case before. We were all shocked to learn this. How could she still do this?

Ms. Jenny Kwan: Let me ask this question on ghost consultants. It's sort of hard to find them. Should we set up a system whereby if you're not on the registered list as a registered licensed consultant, you're not actually allowed to practise? If someone somehow unknowingly hires someone who's a ghost consultant and is not licensed, they submit an application, and the application will continue to be processed, but that ghost consultant would not be able to continue to practise.

Would that be a process that you think would address some of these issues and, therefore, force those people to go through the licensed process?

• (1605)

Ms. Maria Esel Panlaqui: Yes, then after a few months they will open another office.

Ms. Jenny Kwan: So, they would just keep changing names?

Ms. Maria Esel Panlaqui: Yes, they would keep changing names.

Ms. Jenny Kwan: Okay, but if they're the same person, there's a way to track it in the system.

Ms. Maria Esel Panlaqui: Yes.

Ms. Jenny Kwan: Then you actually can bring criminal sanctions.

Ms. Maria Esel Panlaqui: Yes, then they'll put their wives, their spouses, or other family members.

Ms. Leslie Emory: I think it may deter some if there are more and more mechanisms by which people can be identified.

Ms. Jenny Kwan: I am going to go to this quick question. We've heard some issues with respect to ICCRC, which is the regulatory body. Should consultants be self-regulated?

Ms. Emory.

Ms. Leslie Emory: Absolutely not. I think that's the big problem. They need to be accountable to a body.

Ms. Maria Esel Panlaqui: Yes, I think I agree with her.

When our clients go to the immigration consultant, sometimes it's just a simple application or work permit extension. It's very important because if that is not renewed properly, then they will lose their status. If they only knew that they could go to a settlement agency or settlement worker, that would not create more problems. The fact is that they don't know. When I go to the church, I say that our services are free. They look at me and say, "Are you sure they're free?" I think the important piece, as I mentioned, is about providing that information back to the orientation training overseas: okay, you need to go to your settlement agency when you arrive in Canada, and you need to see these people. It's a lack of awareness on their part.

Ms. Jenny Kwan: Let me ask a quick question; I only have 40 seconds left.

I've heard from people with cases where they have a consultant and they've received information from IRCC, but they cannot get the information unless they pay additional money to the consultant—the person who's hired to do the job won't share the information once they get it from IRCC.

Ms. Maria Esel Panlaqui: Yes.

Ms. Jenny Kwan: Would it make sense, to try to address that, that there be a regulated fee structure that should apply—for this service, here's how much you can charge—almost like legal aid lawyers?

Ms. Maria Esel Panlaqui: Yes, but in reality, it won't happen. They would still ask them to pay more because of the precariousness of their situation. If they know that they are in trouble, then they know that they will say, "okay, whatever, we can pay you whatever" just to make their applications.

The Chair: Thank you.

Mr. Sarai, you have seven minutes, please.

Mr. Randeep Sarai (Surrey Centre, Lib.): Thank you to all three of you for coming, and especially to you, Ms. Dulanias, for sharing your experience.

I get very troubled looking at this whole file; it seems to go in circles. The challenge we have is that the ICCRC only governs its members, and nobody seems to really complain about members. The real dirty work is done by ghost consultants. Ghost consultants aren't under the ICCRC jurisdiction. CBSA is supposed to have jurisdiction, but I don't see it ever enforcing it.

Do you think—and I'm not normally a big advocate of it, and maybe all three of you can give answers—that if it became a criminal offence for people to prey upon people like Ms. Dulanias, that if they faced punitive damages or penalties such as, perhaps, jail time, there might be a precedent then where people would hesitate to do such fraudulent activity? Do you think that is the answer, or is it just due to a lack of enforcement because CBSA doesn't have enough resources?

I'll start with you, Ms. Emory.

Ms. Leslie Emory: I guess my first comment would be a question. Is it not a criminal offence to engage in fraudulent activity like that?

Mr. Randeep Sarai: That's a good point. I think it is a criminal offence, but I don't think it has much—

Hon. John McKay (Scarborough—Guildwood, Lib.): It's a fraudulent offence.

Mr. Randeep Sarai: It's a fraudulent offence but not a criminal offence.

Ms. Leslie Emory: I see. I guess if it were a Canadian citizen in a similar situation, there would be an avenue through the courts, perhaps?

Mr. Randeep Sarai: No. I think citizenship or not, it doesn't really preclude it.

Ms. Leslie Emory: It doesn't matter. Okay.

Mr. Randeep Sarai: Right now the issue, if you see what happens, is that somebody gets penalized, for instance, or they might get sued. Then they just open up in a different name. Nobody actually has any criminal repercussions from it other than perhaps being sanctioned.

Ms. Leslie Emory: Then absolutely it should be. Yes.

Mr. Randeep Sarai: Ms. Panlaqui.

Ms. Maria Esel Panlaqui: No matter what, if these consultants are put in jail or whatever, I think the workers would look for other people if there is still a demand. Why are they going to immigration consultants for simple application forms? I think that's the thing we

need to address. If you penalize or prosecute the other ones, they will look for another consultant to do this.

• (1610)

Mr. Randeep Sarai: My goal or my thought is that if an example is set, there will be fewer people, or people will be hesitant to commit such an action. They will fear more than just being sanctioned by a society.

As to your other suggestion, that they get PRs on arrival, the concern I would have is this. If you have fraudulent or ghost consultants filling in applications and pairing people up, then really we don't know if the people who are coming are actually live-in caregivers. Are they coming for that purpose or are they paired up with a family here? Is the labour market opinion genuine or not genuine? If we automatically give permanent residence to people who might not be genuine, then we face that risk and have to deal with that.

The point is to correct the system. Automatically granting it might actually fuel a lot more fraud, because now they can charge a lot more. They can stay in the other country and say, "As soon as you arrive, you'll get permanent residence. You don't have to worry about your job or your employer. You can bring your children. You're safe." Now you'll have a whole new industry work its way backwards on creating fraudulent documents to get you in the door until we find out it has no relevance. I think there are challenges with that.

What would you say should be changed for ICCRC so that they could sanction unregistered consultants in the same manner as, say, law societies deal with unlicensed individuals practising law, or the dental society deals with an unlicensed dentist, or doctors in the case of surgeons? Do you think they need that type of tool so that they can sanction them more heavily? For example, I think there was a recent arrest of a dentist who was practising. It might even have been in British Columbia, my home province, where they found him. The penalties are huge and there's a large hindrance.

Is that the answer, Ms. Emory?

Ms. Leslie Emory: Again, they're operating illegally, so I think there has to be a process for identifying them and prosecuting them for what they're doing, yes.

Mr. Randeep Sarai: Second, for those who are operating as licensed consultants, are you finding the same problem with them, that people will hesitate to complain and there's no real due process?

Ms. Leslie Emory: Yes.

Ms. Maria Esel Panlaqui: Yes.

Mr. Randeep Sarai: Do you have suggestions on ways that we can make it easier? Perhaps there's a confidential line, perhaps there's more privacy to it, or perhaps there's a way to protect the person applying. I understand, when you're in that situation, that you don't have permanent status in the country. You're heavily in the hands of this consultant, ghost or non-ghost, and therefore they can prey on you in terms of fees.

Do you know if there's a taxing method currently in the ICCRC? If lawyers, for example, overcharge a client, you can take it to the registry and a registrar will review it. The lawyer has to prove why his fees were such, and you can get it taxed. If a judge or the registrar finds that your fees are onerous or wrong, and you haven't justified them, they can reduce them.

Is there a similar such mechanism that you're aware of in ICCRC?

Ms. Leslie Emory: I don't know.

Ms. Maria Esel Panlaqui: I'm not aware of anything like that.

Mr. Randeep Sarai: That might be a good method, I think, where it's not in terms of the work—you're not saying their work is good or bad—but for the amount of work they did. If they overcharged for it, you can go to a taxing agency. It could be the same taxing agency that's in the courthouses, justifying bills from law society members. It could be for that.

Ms. Maria Esel Panlaqui: The protection piece. We make sure we encourage the victims to come forward.

Mr. Randeep Sarai: This is my last question. Is it a public awareness campaign that is needed for the countries where most of the biggest victims of this come from, for example, the Philippines, China, India? Would it be better if Canada launched a public awareness campaign? It could say, "If you come to Canada, you don't need to pay consultants to do paperwork. You can go to settlement agencies."

Ms. Leslie Emory: Yes, definitely inform them about the services.

The Chair: Thank you.

Mr. Tilson, you have five minutes, please.

Mr. David Tilson (Dufferin—Caledon, CPC): Thank you, Mr. Chairman.

Ms. Emory, I'd like to comment and maybe ask for clarification on your three recommendations. Your first one was that people who make applications and who have not done very well because of the actions of consultants shouldn't be penalized. The problem I would have with that is it's like someone who goes to court and their lawyer messes up and doesn't do a very good job. The client has the right to sue the lawyer, to report to the law society. But that doesn't mean that's the end of the case. The case has been heard by a judge. If the mistake was made by the consultant, that's the process. I just don't follow your idea of saying, "Well, what a wonderful way. It's like with a lawyer. If you have a bad lawyer, you're going to win your case."

•(1615)

Ms. Leslie Emory: I hear your argument.

Mr. David Tilson: It's not an argument; I'm just asking for clarification.

Ms. Leslie Emory: I think the point that makes this reasonable is that these individuals have no way of identifying what they need in an immigration consultant and they're very vulnerable and afraid of rocking the boat.

Mr. David Tilson: Yes.

Ms. Leslie Emory: So this is unique in that respect. Then we're holding them accountable and documentation expires and they leave the country. There really is something wrong with that.

Mr. David Tilson: I will say to all three of you that all of the MPs here have heard the same arguments in their offices. People have been complaining that they haven't done very well because of the actions or inactions of consultants.

With the second issue, you say there should be more public education available to all immigrants. That's a good one, I guess, more awareness, as Mr. Saroya suggested. Although the real issue is we've heard evidence, not only in our offices but here that consultants just aren't educated. They're the ones who need to be educated not the client.

Ms. Leslie Emory: There are instances of that for sure, yes.

Mr. David Tilson: They shouldn't even be consultants.

Ms. Leslie Emory: Hence, you need an oversight body to determine who should and who shouldn't be a consultant.

Mr. David Tilson: I do like your third one, that there should be regulation of consultants. Have you ever put your thoughts to what some of those regulations might be?

Ms. Leslie Emory: It's just what I've listed here: very specific, very clear admission and accreditation requirements; code of standards and rules, and when they violate those, there's a repercussion; what the scope of practice should and shouldn't cover; what they defer to settlement services; their areas of responsibility; and a more robust mechanism for dealing with complaints that allows applicants to feel safe in coming forward.

Mr. David Tilson: You've heard the issue of consultants having unlicensed people work with them.

Ms. Leslie Emory: Okay.

Mr. David Tilson: They're just people. I don't even know whether they're qualified to do anything. I don't mean to be flippant about that, but that's a serious problem.

Do you have any recommendations about that? It's like a lawyer having a law clerk, not a paralegal, going to court and representing people.

Ms. Leslie Emory: Exactly. Again, it shouldn't happen. There should be a policy around who can fill in what document, who can sign what document, who can give direct advice.

Mr. David Tilson: Just so I'm clear, one of the complaints that we've heard in our own MP offices is outrageous retainers or fees being asked for, for no justification.

Ms. Leslie Emory: Yes.

Mr. David Tilson: Do I understand that the three of you are recommending that there be a fee structure, and that applicants could challenge those fees and go to a group and actually challenge them and say those fees aren't justified?

Ms. Leslie Emory: Definitely.

Mr. David Tilson: Is that what you're recommending?

Ms. Leslie Emory: As Jenny pointed out, a stepped-fee system would be great, for certain milestones.

Mr. David Tilson: Are you recommending that they actually go to a hearing and challenge those fees?

Ms. Leslie Emory: Do you mean when they're not being adhered to?

Mr. David Tilson: I suppose. You're the one who is giving evidence.

Ms. Leslie Emory: I'm trying to understand what you're asking.

Mr. David Tilson: Well, I'm out of time. He's going to tell me to be quiet.

• (1620)

The Chair: Time is up.

Mr. McKay, go ahead for five minutes, please.

Hon. John McKay: Thanks to all three of you for your testimony.

In another life, I used to practise law, and for my sins, I sat on the paralegal committee. At that time we were wrestling with whether to admit paralegals to the law society in a forum, and ultimately that's what happened. Of course, once we brought them into the administration of the law society, we actually had serious regulation, and the Law Society Act was amended to bring those paralegals into that regulatory regime.

As far as I know, it's working well. Mr. Sarai anticipated my line of questioning. What I don't understand is that in the context of somebody practising law, either as a lawyer or as a paralegal, if they are not licensed, they are prosecuted. The law society, particularly with lawyers, is pretty vigorous about that, and I'm assuming that, with respect to paralegals, it's also pretty vigorous about that, so why is this vast mass of people not falling under that regime?

I apologize that I'm a bit out of date, but nevertheless, it strikes me as such an obvious area of prosecution.

Ms. Leslie Emory: I guess we could presume that the same vigour isn't present in this system. That's why they're not falling—

Hon. John McKay: Is it that the ICCRC is just not enthusiastic? Is it not properly mandated? Is it inadequately resourced, or is it just a shell of a regulatory entity and not a real regulatory entity?

Ms. Leslie Emory: It is not sufficiently mandated. That would be my response.

Hon. John McKay: If the ICCRC were mandated in the same way that the law society is with respect to paralegals, I don't anticipate that it will ever go away, but would it at least be reduced so that the worst excesses would go away?

Ms. Leslie Emory: I believe it would be.

Hon. John McKay: I have a choice between the Law Society of Upper Canada... I'm picking on Ontario as opposed to any other provinces, but I think that certainly B.C. and Alberta—I can't speak for Quebec—are very enthusiastic about maintaining their regulatory authority. If it came down to a choice between ICCRC and an entity such as the law society, which would you choose?

Ms. Leslie Emory: Based on what you're saying, I would choose the law society.

Hon. John McKay: I'm inclined to agree with you only because what's the point of reinventing the wheel? We have a regulatory regime—and again I'm picking on the Law Society of Upper Canada

—that's been in existence for something in excess of 100 years. It has adjusted and it deals with a lot of the problems that you're alluding to, such as getting retainers or prepaying of fees or failure to file within timelines, or being insufficiently trained or inadequately insured. All of that stuff is governed by the rules and regulations of the law society as it applies to paralegals.

I can't, intellectually at least, conceive of why that wouldn't apply to the people you are talking about.

The Chair: Forty seconds.

Hon. John McKay: I'm good, but it just struck me as such an obvious response, and maybe the law society has a good reason why they don't want to do anything, but that's another issue.

The Chair: Thank you, Mr. McKay.

I'd like to thank the witnesses for their testimony today and their insights. I particularly would like to thank Ms. Dulanis for her poignant testimony and her courage for coming forward before the committee.

With that, we'll suspend for two minutes to allow the next panel to assemble.

• (1620)

(Pause)

• (1630)

The Chair: I'd like to call the meeting to order.

For our second panel today, we have before us the Canadian Bar Association with Ravi Jain, a member from the immigration law section. Also, we have Kathleen Terroux, who is a lawyer with legislation and law reform. We also have from Inter-Connections Canada Inc. Mr. Alli Amlani, who's the president. We have from the Inter Clinic Immigration Working Group, Ms. Jennifer Stone, a staff lawyer with Neighbourhood Legal Services.

Welcome to you all.

The Canadian Bar Association has seven minutes for an opening statement.

Ms. Kathleen Terroux (Lawyer, Legislation and Law Reform, Canadian Bar Association): Thank you, Mr. Chair, and honourable members. We appreciate your invitation and we're very pleased to be here today on behalf of the immigration law section of the Canadian Bar Association to present our views on immigration consultants.

The CBA is a national association of over 36,000 lawyers, law students, notaries, and academics. An important aspect of our mandate is seeking improvements in the law and the administration of justice, and that's what brings us before you today. Our submission was prepared by members of our immigration law section, which includes approximately 1,000 members practising in all areas of immigration and citizenship law, delivering professional advice and representation to thousands of clients both across Canada and abroad.

With me today representing the section is Ravi Jain, who will address the substance of our comments and also answer your questions today. I will now ask Mr. Jain to continue.

Mr. Ravi Jain (Member, Immigration Law Section, Canadian Bar Association): Immigration applicants are among the most vulnerable consumers of immigration services. Their first language might not be English or French, and they often lack familiarity with the complexities of Canada's immigration and legal systems. As a result, they might not be in a position to assess the legitimacy of the advice they receive or the accuracy of the information provided in their application.

For over 20 years, the CBA has said immigration law should be restricted to lawyers or, alternatively, consultants if they're effectively regulated. We've seen the Canadian Society of Immigration Consultants and ICCRC try to regulate consultants, but incompetent and ghost consultants have proliferated and a strong remedy is needed. In the interests of protecting the public, we are now saying that immigration law is a field that should be restricted to lawyers.

It has been reported that ICCRC faces the same problems as CSIC: mismanagement and governance issues, lack of transparency, high directors' fees, and ineffective discipline. There appears to be a division on the board, and as the chair of the Canadian Migration Institute indicated here, feedback from many members is that the complaints department is weak.

In 2010, there were 1,600 CSIC members; now there are over 3,600 ICCRC members. In December 2016, ICCRC reported that an astonishing 1,710 complaints had been made against registered consultants in its five-year existence. In five years, that's almost two complaints for every two members, and misconduct by consultants is likely under-reported due to, as we heard, the vulnerability and lack of sophistication of the clients.

The director of the Toronto legal clinic testified here that most of the complaints at her clinic are about consultants. In striking contrast, case law research reveals for the first time that in the same five-year period there were only 23 reported disciplinary actions against immigration lawyers across Canada. In B.C., there were 1,537 immigration lawyers in 2015, but no reported cases since 2011, during ICCRC's existence. In Ontario, we get a 50% base premium discount because of the low number of claims against immigration lawyers.

Unmeritorious cases waste government, tribunal, and court time and tax dollars. We've seen consultants advise against disclosing family members, applying to restore work permits beyond the 90-day limitation period, fabricating refugee narratives, and missing important details such as common-law relationships. Who suffers? It's buyer beware; we all know this. Therefore, it's prospective immigrants who suffer, even if they thought they had hired a lawyer.

In 2015, Green Party leader, Elizabeth May, said:

I'm deeply concerned about the quality of advice...from immigration consultants...in my work as an MP...quite often I find that the advice given by immigration consultants has made their situations worse.

Why should immigration law be restricted to lawyers? First, the legal profession has established self-regulation in the public interest for 200 years, since 1797. There's a legislative responsibility to investigate each and every complaint so that clients can have true recourse if things go wrong. Immigration law is a complicated, technical area that changes frequently. It intersects with human

rights, international, criminal, family, employment, corporate and tax law. You have to keep up to date with legislation, regulations, policy, and operational bulletins, as well as processing trends at visa offices, inland processing centres, and ports of entry.

Immigration lawyers are held to high education and training standards and must graduate from law school, a three-year university program with high admission standards, where skills such as legal research and writing, as well as advocacy skills, are learned. Lawyers apply their education and experience to provide valuable insight into a client's case, which can save applicants both time and money.

The importance of that training was highlighted recently by Paul Aterman, the deputy chair of the immigration appeal division of the Immigration and Refugee Board of Canada in his testimony before you. He said:

Certainly when it comes to the question of litigation, there is considerable scope for improvement when it comes to immigration consultants acting as litigators.

Other countries, such as the United States, protect the public by prohibiting consultants and paralegals. If you're not a lawyer, they call it the unauthorized practise of law and they prosecute. If only lawyers can represent for a fee, there will be less confusion about who's allowed to assist clients with immigration matters. It's about ghosts.

What about accessibility and lawyers' fees? Canada's immigration lawyers are more accessible than ever. There are thousands of immigration lawyers, with ample cultural and linguistic diversity. Lawyers can also provide immigration clients with cost-effective services, often at rates lower than those charged by consultants. For example, it was reported that consultants have been asking graduating students to pay \$15,000 to \$20,000 to arrange job offers. Lawyers often help clients save money by providing consultations advising not to appeal, not to refile, and law societies can always assess the reasonableness of lawyers' fees.

To promote access to justice, law societies offer public services such as referral services, and lawyers provide pro bono services in times of need. CBA sections sponsor pro bono projects after natural disasters and political upheaval. Recently, we volunteered at various airports across Canada following the U.S. executive orders barring certain foreign nationals and ceasing refugee admissions to the United States.

•(1635)

Why restrict paralegals to do IRB work in Ontario? While they are effectively regulated, the education training centres are not at all adequate, and they aren't getting substantive immigration law training through the law society. They only get it through ICCRC through a streamlined process of becoming consultants. However, ICCRC education training is deficient.

We are aware that MPs are often overwhelmed with questions about immigration. If only lawyers practised immigration law, MPs wouldn't have complaints that applications weren't filed, money-back guarantees weren't honoured, or scams were suggested to the people who are in charge of government fees. MPs should refer cases through law societies that have online referral services and certified specialists lists. The immigration department should make existing local immigration processing centres in key cities accessible to lawyers, such as walk-in counters.

Immigration law is an area where incompetent representation can have dire consequences for the lives of applicants and their families, and the measures taken to regulate representation advice for consideration through IRPR are not working. That's why, to protect the public, immigration law should be restricted to lawyers.

The Chair: Thank you, Mr. Jain.

Mr. Amlani, for seven minutes, please.

Mr. Alli Amlani (President, Don Mills, Inter-Connections Canada Inc.): Thank you, Mr. Chair, and esteemed members of the committee for inviting me here today.

I followed the committee's proceedings on March 6 and 8 with great interest, and was delighted to hear the testimony this morning. It all comes down to the same thing, particularly the experiences and complaints members of the committee relay from constituents and members of the public about immigration advice they had received.

To put my testimony in context, I've been an immigration consultant since the beginning of 1988, having started with a law firm. I have served on boards of immigration consulting associations since 1992. That includes almost eight years in total as an elected director at both regulatory bodies, as a vice-chair of CSIC, the first body, and as a chair of ICCRC for two years.

I'm familiar, therefore, with the subject. I was a co-founder of the prototype immigration practitioner certificate program, quite a high standard, and that remains the entry requirement for the profession today. Since 2011, I have held the designation of chartered director.

Therefore, the subject you are deliberating on today is very near and dear to me, having built the profession from almost the very start on principles of ethical practice, and provisions of professional services to the needy, who are real people. It is a serious undertaking when people trust you with their and their family's aspirations and dreams, and are willing to pay a fee for good counsel.

Listening to the testimony on March 6, March 8, and this morning, it struck and gratified me that most of it was not dealing with regulated immigration consultants, RCICs, who were the targets of complaints relayed to members of this committee, but rather unlicensed immigration advisers, commonly referred to as ghost agents. This tells me that ICCRC has been largely successful in both

elucidating standards of ethical and professional immigration consulting, and holding its members to those standards.

It is certainly true that high-profile cases of immigration fraud, such as the notorious Nova Scotia case of Hassan Al-Awaid who is facing 53 counts under IRPA, are perpetrated not by members of ICCRC but by those who are not licensed to give immigration advice.

In terms of effectively dealing with the problem of unlicensed representatives, this committee heard, on March 8, that CBSA was responsible for taking action against unlicensed consultants and executed its mandate, to a spectacular effect, in prosecutions initiated against Sunny Wang in B.C. and his employees and clients, and against Codina International in Ontario, to just give a couple of examples. They neither have resources nor the inclination to follow up on small-scale immigration fraudsters who are nonetheless more than capable of destroying the lives of their clients.

Most complaints received at ICCRC involve relatively minor disputes over payments and timeliness of service, rather than fraud and abuse of public trust. Also, while ICCRC's complaint and discipline process could be improved by shortening timelines, it is apparent to me that RCICs are not the real problem in the immigration system.

If the real consumer protection issue in immigration consulting is the conduct of unlicensed and unauthorized consultants, the solution lies in taking effective measures against them. ICCRC, as currently constituted, is limited to enforcement actions against its members only. The solution, then, appears to lie in giving ICCRC the regulatory authority to pursue, and take action against, those who are not its members.

If ICCRC were mandated by federal statute to regulate the entire immigration consulting industry in the same way as doctors, dentists, lawyers, and accountants regulate their respective professions, it would be able to hurt the people who actually cause harm to your constituents, the Canadian public, and the integrity of the Canadian immigration system.

I have brought sufficient copies for everyone to read the comments I am about to make. This is supporting documentation. Regulation by federal statutes is not a new idea.

•(1640)

Recommendation two of the report of the Standing Committee on Citizenship and Immigration on regulating immigration consultants of 2008, to which I contributed, clearly proposes independent self-regulation under federal statute. Letters produced during the consultative process leading to Bill C-35 in 2010, from the Law Society of Upper Canada, the Canadian Bar Association, and the Government of Manitoba all support the position that the body should have full regulatory powers. The letter from Manitoba goes on to support the notion that a strong federal regulator of immigration consultants would help bring clarity to jurisdictional issues and promote alignment between the province and the federal immigration regulation.

Once immigration consultants are self-regulated under federal statute, the possibility arises for negotiating agreements with some foreign governments where an equivalent code will most likely exist, thus taking the fight beyond our borders to places where immigration consultants operate with impunity.

All of that said, the fight to protect Canadians, Canadian permanent residents, and foreign nationals who aspire to live, work, or study in Canada, from those who would defraud them by taking advantage of their hopes and aspirations cannot be successfully done by the regulator alone. A concerted effort, encompassing everything from IRCC refusing to accept applications from those who are advised or represented by unlicensed advisers, to increased information sharing among CBSA, ICCRC, and the RCMP, would be an excellent start. However, the effort would be even more effective if the ICCRC had the authority to take action against not only its members, but also the fraudsters who compromise everyone's confidence in this vital facet of Canadian life.

I will close by saying that I do not believe that we can completely eradicate the activities of those who prey on the vulnerable and promote fraud and misrepresentation, but we can certainly put a dent in such activities by making an example of a few.

Thank you.

The Chair: Thank you, Mr. Amlani.

Ms. Stone, you have seven minutes, please.

Ms. Jennifer Stone (Staff Lawyer, Neighbourhood Legal Services, Inter Clinic Immigration Working Group): Thank you very much for having me here today.

I am an immigration lawyer at a community legal aid clinic in Toronto called Neighbourhood Legal Services, but I am here today on behalf of the Inter Clinic Immigration Working Group, which is a network of lawyers and paralegals in Ontario community legal clinics and student legal aid service societies. Clinics are funded by Legal Aid Ontario to provide services to low-income individuals and disadvantaged communities.

We service clients in a variety of ways, including summary legal advice, representation, public legal education, and law reform activities. Of the 76 funded clinics in Ontario, approximately 30 belong to ICIWG, so we are very aware, in Ontario, of a couple of perspectives: one is that access to legal aid is somewhat of a patchwork and a privilege not afforded to everyone, depending on

where you reside; and the other is that, in the clinics that do provide immigration services, we are quite overwhelmed by the demand.

We are very pleased that the standing committee is studying the important issue of the legal, regulatory, and disciplinary frameworks governing and overseeing immigration paralegals and consultants in Canada. I'd like to make three main points, and then I'll move on to our recommendations.

First, we want to highlight for the committee how we are impacted by the chill placed on newcomer-serving NGOs by the very harsh penalties they potentially face should they contravene the law of authorized representatives. I am speaking particularly about section 91 of the Immigration and Refugee Protection Act and section 21.1 of the Citizenship Act, which would provide very serious consequences for anyone who is not authorized, i.e., a member of a regulatory body like a law society or the ICCRC. The penalties include a fine of up to \$100,000 and/or two years' imprisonment.

Our position is that in Bill C-35—this “cracking down on crooked consultants act”, the attempt to catch the bad guys in all these stories you are hearing from various witnesses—those provisions have overreached. That is because they provide that anyone who provides services for consideration is captured by these provisions. Since these provisions came into effect in 2011, “for consideration” has been varyingly interpreted by the department.

At first, our newcomer-serving NGO partners were assured that these provisions would not apply to them, because they offer their services for free, in good faith, to the vulnerable communities we mutually serve. That changed a few years ago with some emails that some of the settlement sector partners we work with received from their IRCC representatives, advising them that in fact they were afool of section 91 of IRPA because “for consideration” was interpreted to include salaries that they received at their non-profit organizations.

More recently, in January 2017, there was an attempt to bring some clarity, but it still appears that it may be only international organizations with service agreements with the federal government, like UNHCR and IOM, that are, in fact, exempt from these provisions.

My second point is to highlight for the committee the reality we experience on the ground, providing immigration services in our communities to low-income clients who cannot afford to pay anyone for their complex legal needs. We note that underfunding of legal aid immigration services in Ontario and across the country puts a big strain on newcomer-serving NGOs. Those NGOs play a key role in the continuum of immigration services for low-income newcomers.

When there was somewhat of a chill placed on our NGO partners as a result of these directives coming down a few years ago, a lot of that work came back into the clinics, and we could not possibly meet the demand. We really cannot meet the demand as it is. When settlement agencies aren't sure if they can provide any information beyond basic form-filling, you create a situation where people really don't know where to turn and, in our respectful submission, you create a situation that leads to people being preyed upon.

Our third main point is to highlight our observation that it is newcomers themselves who face the harshest penalties of all—loss of status, inability to reunite with family, deportation—when a representative, authorized or not, makes a mistake. We believe that, when there is a doubt, it is the newcomer who ought to be given the benefit of that doubt.

• (1645)

We sympathize with the department in aiming to strike a balance to protect vulnerable newcomers from unscrupulous practitioners who exploit the gaps in services. However, the current law and policy framework continue to assume that the vulnerable newcomers living in poverty will simply be able to pay a consultant, paralegal, or lawyer to help them when a complicated legal issue arises. This is blind to the access-to-justice reality for newcomers, and continues to expose newcomer-serving agencies, which operate without a profit motive and in good faith in the service of newcomers, to the overly harsh penalties set out in the law.

We urge the committee to recommend a more common-sense approach that is allied to the financial reality of newcomers in the context of a lack of adequate publicly funded legal services like legal aid clinics. Newcomer-serving NGOs may not always have the legal know-how to get it right, but we believe they operate in good faith and are a bedrock of the operation of Canada's immigration system. The better solution, in our view, would be stabilized long-term funding for that sector, enhancing their professional development opportunities, and ensuring that legal aid funding is adequate to meet the needs on the ground.

We believe that the current atmosphere of fear puts low-income newcomers, desperate for a solution to their problems, into the arms of unscrupulous practitioners, as I've said, borrowing money they often do not have for the service.

We have three sort of flexible, common-sense recommendations for the committee.

• (1650)

The Chair: You have 30 seconds.

Ms. Jennifer Stone: Okay.

Amend section 91 of IRPA and section 21.1 of the Citizenship Act to ensure that newcomer-serving NGOs are exempted from the harsh penalties, and ensure long-term financial security for newcomer-serving NGOs with professional development opportunities.

Where there is no available legal aid service, a common-sense approach should prevail. Agencies should be able to provide the service if there is no other financially feasible alternative. Acknowledge that it was done to the best of their abilities and in good faith,

and if a mistake is made, the newcomer affected by it should be given the opportunity to correct that mistake.

Thank you.

The Chair: Thank you, Ms. Stone.

Ms. Zahid, seven minutes, please.

Mrs. Salma Zahid (Scarborough Centre, Lib.): Thank you to all of the witnesses for providing your testimony before this committee. This is a very important issue, and it has been dealt with more than once by the citizenship committee.

My first question will be for the Canadian Bar Association. I hear all the time from my constituents, and we have heard from several witnesses, including some of the consultants themselves, that most consultants lack the experience and training necessary to represent their clients before the Immigration and Refugee Board of Canada. This can often lead to difficulties, slowing the case process, and it doesn't serve the clients well.

Would you agree, and what specific recommendations would you have to address this issue?

Mr. Ravi Jain: They shouldn't practise. You're hearing it as MPs, lawyers hear it in their offices, and the board itself has given testimony that they shouldn't be acting as litigators.

The answer is very simple. They shouldn't be litigating.

Mrs. Salma Zahid: What you are proposing is that it should only be lawyers, and no one else should deal with it.

Mr. Ravi Jain: That's right.

Mrs. Salma Zahid: How would that model work?

Mr. Ravi Jain: There is a role for the immigration consultants to be supervised by lawyers. They could join law firms, but the lawyer would have to meet the client. The lawyer would have to identify all of the issues—issue spot. We have training for that.

Mrs. Salma Zahid: Do you think it will be affordable for the newcomers?

Mr. Ravi Jain: Absolutely.

The testimony you've heard before you is that immigration consultants are charging \$15,000 to \$20,000. There is all kinds of evidence that they're charging excessive fees. Immigration lawyers don't go into this field for money; they go into it for the humanitarian impulse. They're not bilking clients.

Mrs. Salma Zahid: They will not charge fees?

Mr. Ravi Jain: They're not charging excessive fees, no, especially for litigation matters.

Mrs. Salma Zahid: For representing through the IRB—

Mr. Ravi Jain: No, not at the IRB.

At the IRB, it's not at all excessive in terms of what an immigration lawyer would charge, considering that you're talking about weeks of work that would go into properly preparing for the tribunal. You are talking about disclosure, about preparing, about researching all of the relevant case law. It's absolutely the case that there are not excessive fees being charged by immigration lawyers.

There are lots of young associate lawyers and all kinds of immigration lawyers across the country. There are thousands of them.

Mrs. Salma Zahid: I hear the opposite through my constituents, that the lawyers are charging very excessive fees, and it might not be affordable for many of them.

Mr. Ravi Jain: I agree with my friend over here that there should be beefed-up legal aid. When someone is very poor or can't afford to hire an immigration lawyer at a prominent firm or something, then there should be resources available, and there should be legal aid that's provided. But there are—

•(1655)

Mrs. Salma Zahid: Do you know the time it takes to get approved for legal aid in Ontario, the process people have to go through to get the legal aid approved?

Mr. Ravi Jain: All I'll say on this is, there are times when litigation can cost tens of thousands of dollars in various areas of the law. This is not one of them in terms of immigration lawyers. We know that these are vulnerable people. Immigration lawyers go in there to help people in the community, if they're from that community. They're not charging tens of thousands of dollars for litigation matters.

Mrs. Salma Zahid: I'll go to my next question.

It seems to me that the issue of consultants keeps coming before this committee. The same problems are identified, recommendations are made, the government acts, but the problem remains. I'm particularly concerned that unregistered domestic consultants seem to exist in a grey zone out of the purview of the ICCRC. As long as their activity is low-profile enough, the CBSA doesn't have the resources to investigate that and prosecute.

I wonder if we need to stop tinkering with the system and consider more substantive change. Is the self-regulatory model we have now the right one? Can it be made better? Should we consider a government regulator, and if so, what would that look like?

Mr. Ravi Jain: If you're talking about ghosts, definitely there needs to be more resources for the RCMP to look at it.

Mrs. Salma Zahid: CBSA cannot look into very low-profile—

Mr. Ravi Jain: They're going to go after the high-profile cases where someone is using the same address for citizenship applications and pretending that all these people are living there when they're not.

No, I don't think that you can just change the model. If you want to have a statutory model, then it's a lot of government dollars. It's creating a whole new regulatory system that's apart from a self-regulatory system. Again, that's not getting at the root of the problem.

The root of the problem is that they're practising law and it's a very sophisticated, complicated area. You need the proper legal

training to go to the IRB. You need to know how to examine, you need to know how to do an examination in chief, you need to know how to do case law research. You need to put the time in. You need to be a lawyer to do that kind of work.

Mrs. Salma Zahid: Do you think that a self-regulatory model—

Mr. Ravi Jain: No, I don't think that would work at all. I don't think the self-regulatory model works currently, and I don't think that a statutory model would work either.

Mrs. Salma Zahid: Ms. Stone, would you like to add to this?

Ms. Jennifer Stone: Another point that I didn't get a chance to make, although it's in our brief, is that we're very aware that relative to other provinces we are extraordinarily well resourced in Ontario. There are parts of the country where there is not only not a clinic to refer to or a legal aid private bar practitioner, but there is maybe no immigration lawyer at all.

In the last 18 months to two years, with the new arrival of Syrians to communities that didn't previously receive resettled refugees, you have a lot of secondary legal issues, family reunification issues arising and there are no immigration lawyers to refer to. I think that in terms of access, cost is a huge one. I appreciate what my friend is saying in terms of the fee scale relative to other areas of law, but for somebody on social assistance, \$4,000 to digitally review an application minimum—

The Chair: Fifteen seconds.

Mrs. Salma Zahid: You represent people from Regent Park. It's one of the priority neighbourhoods. Those people cannot afford—

Ms. Jennifer Stone: There's no way.

The Chair: Thank you.

Mr. Tilson, you have seven minutes, please.

Mr. David Tilson: Thank you, Mr. Chairman.

Mr. Jain, somebody once wrote, "get rid of all the lawyers".

You're saying, get rid of all the consultants. What's up with that? Isn't that rather self-serving to say to get rid of all the consultants?

Mr. Ravi Jain: I'll tell you why I'm here today and why I got involved with this issue.

I have a busy practice. I'm very happy to help the people I help. This is an area that I became very passionate about because year after year and week after week people come into my office and my staff hears me as they leave saying, again, someone went to a consultant. This is what happened.

Over and over again, year after year, I come home and tell my wife these stories. I'm doing well as an immigration lawyer. I have a lot of clients. I'm happy to help them. But this is an issue that is driving me crazy.

Mr. David Tilson: It's driving us crazy too.

Mr. Ravi Jain: I've talked to fellow members of the Canadian Bar Association and I feel passionate about it. I've come here today because I want to make a difference in what I see. How I can make a difference as a person? There are lots of people...Médecins Sans Frontières, they're doctors. They volunteer in war-torn areas. I'm trying to come here today—not comparing myself to that—because I see this every day and I see people and I see the pain in the expression on their faces. I see people going to consultants.

Someone who came to me had an aunt and uncle in India, and they died. Then they had orphans who were in India.

• (1700)

Mr. David Tilson: The problem is that a lot of people can't afford lawyers. I'm telling you as an MP, I've heard people complain about lawyers, that they're not giving adequate advice, that they charge too much. These are people who have means. Quite frankly, that could be a criticism of the entire legal profession for every aspect of the law. People are having trouble hiring lawyers because they can't afford them, whether it's family law or anything else. That's why the phenomenon of the paralegal has surfaced, and that's why the phenomenon of the consultant has surfaced. The consultant serves a purpose. In certain cases, I think immigration matters can be so complicated, you need a lawyer. There's no question that you need a lawyer.

But there are other matters where it's unreasonable to hire lawyers. The consultants could adequately do the job. One of the reasons we're having these hearings is because of all of the complaints about consultants. Quite frankly, if you took away the consultants, would there be enough lawyers to handle all of these issues? Most lawyers, like you, are specializing, so there wouldn't be enough lawyers to handle all of these cases.

Mr. Ravi Jain: I respectfully disagree. I think there are very simple matters that we take on, like extending a work permit.

Mr. David Tilson: Why doesn't the consultant do that?

Mr. Ravi Jain: We can do it for a few hundred dollars. It extends a person's work permit, and it does it in a way that makes sure that it doesn't get returned. When it gets returned, by the time the inland office Vegreville returns it, it could be 90 days later. Now the person, the international student, has graduated. They're supposed to apply within 90 days. They didn't pay the \$100 fee that was implemented by the government recently, and that was implemented in the best of ways, so people are trying on their own. They're hiring immigration consultants to help them. The application gets returned. They come to see me. There's nothing I can do.

Mr. David Tilson: I'm asking this question to you and Mr. Amlani.

Wouldn't it be more reasonable to set up a regime of very strict regulations? The consultants are being criticized because they charge too much, because they're not properly educated, and because they're even negligent in the work that they do. Wouldn't it be better in these lesser cases to have consultants where there would be a very strict regime?

Mr. Alli Amlani: It is already there.

Mr. David Tilson: But it's not working.

Mr. Alli Amlani: Right. I'm so glad Mr. Jain raised the point to say that consultants could be regulated according to A, B, C, and D. They provided nine points, and I've given you their 2010 opinion as well, and the 1995 report. Exactly the points that they provided were implemented by the then CIC, now IRCC, in the contribution agreement. Therefore we do not have regulated consultants who go to tribunals unless they have experience to do so.

Mr. David Tilson: My question was, shouldn't we have regulations? Shouldn't we have stricter regulations?

Mr. Alli Amlani: We do.

Mr. David Tilson: The regulations there now obviously aren't working.

Mr. Alli Amlani: For the regulated consultants, it is. I think the whole issue is being confused. I've seen the report. They're mixing up the unregulated with the regulated. So yes, the unregulated charge tens of thousands of dollars. The regulated don't.

Mr. David Tilson: Sir, the testimony we've heard.... I think it's absolutely outrageous that you could have a licensed consultant who hires a bunch of people who aren't licensed.

Mr. Alli Amlani: Yes.

Mr. David Tilson: They aren't even qualified to practise in this area, and they're the ones giving advice. Isn't there something wrong with that?

Mr. Alli Amlani: We are not in those cases. That's not true.

Mr. David Tilson: Not true? You're the first person who's said that.

Mr. Alli Amlani: Not true. Substantiate.

I've got a lot more information. Six minutes is not enough.

Mr. David Tilson: Ms. Stone, the issue of access to legal aid, of course, is a provincial issue. You should be approaching the provincial government. That's been going on for centuries, it seems.

Could you give us examples? I suppose, if you don't get legal aid and you can't hire Mr. Jain, you go on your own. I suppose you go to clinics. Could you tell us what happens in those situations?

• (1705)

Ms. Jennifer Stone: If I may, first I would love to address your point. Thank you for making it about legal aid being a provincially mandated issue. My understanding is that this is a bit of a problem, and it might be one for this committee to turn their minds to because immigration and refugee law is a federal matter.

Mr. David Tilson: Oh, yes.

Ms. Jennifer Stone: I think the provinces really struggle with that. The federal-provincial transfer for legal aid funding is inadequate to meet the needs of immigration and refugee law, and there are a few recent articles in the *Toronto Star* speaking specifically to the growing backlog of immigration and refugee cases in Ontario.

The Chair: Thank you. There always is the opportunity to make additional submissions if there isn't enough time to answer some of the questions.

Ms. Kwan.

Ms. Jenny Kwan: Thank you very much, Mr. Chair, and my thanks to all the witnesses for your appearances today.

I have a standard question that I would like to ask. I will start with Ms. Stone. On the issue of affordability, I get it. A lawyer is really expensive for pretty well anything, even though I recognize the training that you bring and therefore the cost. That being said, in this instance, would you agree with a specific fee structure that would apply for types of services? For example, if you did an application that would require x number of forms, it would cost this much money. This is a fee structure that would apply whether it was done by a lawyer or by an immigration consultant.

Ms. Jennifer Stone: In respect of the Inter Clinic Immigration Working Group, whose position I'm bringing forward today, we have not considered that question. I'll just say it's not from the group I'm representing. Certainly, though, it seems like a practical piece of probably a multi-point solution including addressing the precarity that the previous witnesses spoke to, which creates the incentive to have to seek out these services in the first place.

Ms. Jenny Kwan: Thank you.

Mr. Amlani, I would like a quick answer on the fee structure.

Mr. Alli Amlani: You want an answer on the same question?

Ms. Jenny Kwan: Yes.

Mr. Alli Amlani: Mr. Sarai already addressed that issue. There is a system—

Ms. Jenny Kwan: No, my question for you is, would you agree to a specific fee structure?

Mr. Alli Amlani: On a prescribed fee, no, I wouldn't. It won't work, because there is already a system.

Ms. Jenny Kwan: Mr. Jain.

Mr. Ravi Jain: I don't think this kind of thing happens in other areas of law, and there are lots of different lawyers with different experience who will charge different amounts. The issue is about protecting the public, and lawyers aren't likely to work with these ghost consultants. There are all kinds of different lawyers available who can help.

Ms. Jenny Kwan: Thank you.

You talked about a typical fee. What is a typical fee?

Mr. Ravi Jain: For what kind of matter?

Ms. Jenny Kwan: In the case we just heard about someone who has come in to make an application for a live-in care-worker, what would be a typical fee structure for that?

Mr. Ravi Jain: If a lawyer saw someone who was a live-in caregiver who came to Canada knowing what a live-in caregiver makes and wanted to help that person, they could do it for free. Lots of lawyers do pro bono work. They could also do it for a few thousand dollars. No one is going to charge \$10,000 to file—

Ms. Jenny Kwan: Sorry, I'm just trying to get at what a typical fee structure is. I get it that there are pro bono lawyers. Back in the day—I'm not a lawyer—before I got into politics, as a student I worked at legal aid, first as a student, then later on also as a student, actually. Pro bono law is really hard to get in my province, whether

it's for immigration or for other areas. We literally have to scrape, beg, and bribe—all kinds of stuff to make it happen. So I get it, there are people who do this, but in reality it's really hard.

Mr. Ravi Jain: I get what you're saying.

Ms. Jenny Kwan: I'm going to move on to another—

Mr. Ravi Jain: Can I just answer your question? Immigration lawyers go into this because they care about people. My point is that there is no evidence that immigration lawyers are charging exorbitant fees.

Ms. Jenny Kwan: No, I'm not suggesting that. You talked about a typical fee. I just want to get a sense of a typical fee, that's all, so that we get a sense about the affordability of it. Is there a typical fee? What I'm hearing from you is that there isn't.

Mr. Ravi Jain: It would depend. I would say it would be maybe \$3,000 for a permanent residence application—to do the whole thing including family members back home, maybe in the Philippines, and all of the forms and everything. Around \$3,000 would be something you might charge for a live-in caregiver application.

Ms. Jenny Kwan: Thank you.

On the ICCRC structure that is set up for regulating consultants, we've heard all kinds of different information. Can I get a quick sense of this from you, Ms. Stone? In your practice or your work, have you heard from clients and people who have come in to say that they've run into problems with their consultant and went to ICCRC? Were they assisted with their complaint? Can you share with us some information on what you know?

● (1710)

Ms. Jennifer Stone: Yes. Certainly my colleagues at other clinics and I have our fair share of war stories. We've seen these cases from consultants, from a friend who did the application, even from lawyers. I do have to say that the robust investigation and prosecution through the law society mechanisms in Ontario are not as good as they could be. I think I agree with my friend, Alli, that this problem will never be eradicated by any one solution alone. There are so many different factors that play into people being in situations.

Ms. Jenny Kwan: Just to follow up on that then, do you think that immigration consultants should be self-regulated?

Ms. Jennifer Stone: No.

Ms. Jenny Kwan: Thank you.

I'm going to ask Mr. Jain the same question.

Do you think that immigration consultants should be self-regulated?

Mr. Ravi Jain: No, again, I don't think they should be.

Ms. Jenny Kwan: Okay.

And with regard to the structure it should go through, how do you think it should be dealt with?

Ms. Stone can answer, and then I'll come back to you again, Mr. Jain.

Ms. Jennifer Stone: I really see so many cases that have ballooned into a giant legal problem that really just beg a common-sense solution. I think that our points are specifically to take this really blunt tool that has been created through subsection 91(1) and section 21.1 of the Citizenship Act and ensure that people who are really vulnerable and really having trouble accessing counsel aren't sort of pushed into the arms of unscrupulous practitioners by this fear of their service provider organization signing the "use of representative" form. Right now with the way the legislative framework is structured, anybody who submits an application has to get on the record and—

The Chair: You have ten seconds.

Ms. Jennifer Stone: —subject themselves to some very, very serious penalties should a mistake be made and they are not licensed. And I think they're kind of driving the problem underground.

The Chair: Thank you.

Mr. Tabbara, go ahead for seven minutes, please.

Mr. Marwan Tabbara (Kitchener South—Hespeler, Lib.): Thanks to all of you for being here today.

My first question is for Ms. Stone and then I'll work my way down.

The brief submitted by the Canadian Bar Association suggests that we should restrict representation or advice to lawyers, as was mentioned in the testimony earlier, who are members in good standing of the law society of a province or to notaries who are members in good standing of the *Chambre des notaires du Québec*.

I have three different questions. I'll ask all of them and then maybe you could comment on all three.

Under the current system, do you see any possible improvements to the existing regulatory body of immigration consultants, which is ICCRC? Do you see possible solutions through a system similar to those of the U.K. and Australia, which are government regulatory bodies? How do you visualize the possible transition of nearly 4,000 authorized consultants working alongside lawyers and notaries to a system comprising only immigration lawyers?

Ms. Jennifer Stone: Okay. You started your questions by highlighting the submission of the Canadian Bar Association, which advocates that, because of the complexity of this area, it should really be undertaken only by lawyers. In an ideal world, I certainly would agree. I agree about the complexity point. But from a legal aid perspective, I feel as though we're always trying to think about the biggest bang for the biggest buck in the service of our clients who are really impoverished.

I'm sorry if I'm not squarely answering your questions as you've posed them, but I think there is a place for specialization and areas of service that different groups can be undertaking across the spectrum of service providers. I do think that in the rich network of settlement agencies, newcomer refugee-serving NGOs that do not operate with a profit motive are a really important piece in the continuum of immigration services, and I think it's incumbent upon this committee to turn its attention to that group, which is providing some really key on-the-ground supports.

•(1715)

Mr. Alli Amlani: I don't want to take up too much of your time but I'm part of the solution. Answer number one, Ms. Stone already told you that they're struggling with the interpretation of section 91. The way it stands, settlement agencies cannot advise on immigration, period. That's the interpretation.

The Canadian Bar Association recommends that section 91 be amended to have only lawyers represent. In other words, it is also suggesting eradication of settlement agencies.

Answer number two, alternatively when we're looking overseas, yes, I've studied all three models, and the Canadian model is the best model. The final solution, again, is to give the current regulatory body more authority than simply to regulate its members so it will have the authority to put a dent in the activities of the unregulated.

Thank you.

Mr. Ravi Jain: We don't come to this position lightly at the Canadian Bar Association. It's been over 20 years that we've been comfortable with the idea of giving it a shot with respect to the regulatory bodies for consultants, right?

We've had two chances now. We've had two regulatory bodies that have failed. Seventeen hundred and ten complaints for 3,600 members over five years is a lot.

Lawyers swear an oath to protect the public. You're coming to see a professional. You're coming to see someone who has to have your interests at heart. There are times in a consultation of a few hundred dollars when you can save someone tens of thousands of dollars in heartache related to going to a consultant or trying all these different avenues.

Someone comes in, says, "I haven't been living in the country, but I want to set up a Canadian corporation so that I can meet my residency obligations", and asks if that is going to work. No, it's not.

Someone says, "I want to appeal because my dad has renal failure, so I want to go to the IAD and I want to pay you \$6,000 for an appeal." No. I'm sorry. It's not going to work. You've looked at the case log, you say. It's not going to be a successful case.

A lawyer will save you that kind of hardship. Lawyers see this day in, day out in their practices. The reality is that when a lawyer is supervising—and it could be junior lawyers they're supervising, or consultants, or people with immigration training, whether they are consultants, paralegals, or whatever—the lawyer has the responsibility. The lawyer has a lot to lose: four years of a B.A., three years of law school, and a year of articling. That's a lot on the line for a \$400 work permit application. You have to be sure that what's going in.... You have an obligation. The law society says you have an obligation to supervise everyone under you.

If you want to protect the public, that's how to protect the public. There's no evidence that we have to be worried about lawyers' fees. There's no evidence that lawyers are doing this after 20 years because they want to make more money.

The Chair: You have a minute and 45 seconds.

Mr. Marwan Tabbara: Do you want to add to that?

Ms. Kathleen Terroux: No. I will let Mr. Jain answer this one.

Mr. Marwan Tabbara: Okay. I want to add a bit to what Ms. Stone and Mr. Jain said. I want to relate it to the Australian system. I have a couple of things that I'm going to read out to you.

They have their code of conduct, which includes honesty about your chances of securing visas and keeping you informed about the progress of your application and any changes that may affect it.

Ms. Stone, you mentioned earlier that if there's a mistake by the consultant, the client can correct it. That's what they have here in the Australian system: not to act for you if there is a conflict.

Can we take some recommendations from the Australian system?

Mr. Ravi Jain: I'm sorry. It just doesn't work, because our system is such that if you.... We've tried that.

Early in my career, I said, "Okay, this person is saying to me that the consultant made the mistake, so can you please rectify this? They've missed the limitation period. Is there any way they can get what they are searching for?" You feel bad, because you see this person who has gone to a consultant. It's no fault of their own. They're crying in your office.

You totally believe them, but the immigration system is not set up that way. It's set up as "buyer beware". If you want to hire this person, it's your problem. It's the same thing with a lawyer. If you hire a lawyer and he shows up drunk in court.... You pretty much have to show up drunk in court to have a judge overturn it, right? This is the problem with it.

The Chair: Ms. Stone? You have 10 seconds.

• (1720)

Mr. Marwan Tabbara: I just wanted to add that the Australian system is the governing body that looks at immigration lawyers. That's what I was trying to get at—

The Chair: Thank you, Mr. Tabbara. We're over time.

I'd like to thank the witnesses for appearing before the committee today.

We will suspend for a minute to allow people to leave, and we will be going in camera. Thank you.

[Proceedings continue in camera]

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