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## Brief to the Standing Committee on Citizenship and Immigration

### 42<sup>nd</sup> Parliament, 1<sup>st</sup> Session

I have prepared the attached brief on behalf of my colleagues. It is based on general feedback, includes my own input and it represents feelings of the majority of ICCRC membership.

#### Signed by members of ICCRC:

	Full name	ICCRC Membership Number	Member in Good Standing	Practicing since	Province where practicing
1	Katarina Onuschak	R422287	Yes	1994	Ontario
2	Sylvie Bertrand	R407799	Yes	2000	Quebec
3	Camilla Jones	R412567	Yes	1994	Ontario
4	Jean Toews	R507061	Yes	2010	Alberta
5	Monica O'Brien	R416671	Yes	1994	Ontario
6	Yan Chen	R408903	Yes	2008	British Columbia
7	Susana Gabriela Najjar de Lima	R510038	Yes	2014	Alberta
8	Xiaoli (Ivory) Xi	R525798	Yes	2016	British Columbia
9	Kim Ly	R508234	Yes	2013	Ontario
10	Katerina Mdivani	R507199	Yes	2012	Quebec
11	Daniel Briere	R513738	Yes	2015	Alberta
12	Mihaela Kerezova	R508968	Yes	2012	Ontario
13	Vasimakhtar Shaikh	R418903	Yes	1999	Ontario
14	Dalia Milmantas	R415687	Yes	2000	Ontario
15	Isabella Kowalewski	R413671	Yes	1995	Ontario
16	Vishu Mehta	R514426	Yes	2015	Ontario
17	Erin Zimmer	R422231	Yes	2000	Manitoba
18	David Combes	R409271	Yes	1999	British Columbia
19	Janice Bartley	R407583	Yes	1999	Ontario
20	Joan Page	R420943	Yes	2011	British Columbia
21	Anna Peggy Fridriksdottir	R410791	Yes	2009	British Columbia
22	Shakuntala Soden	R510400	Yes	2014	British Columbia
23	John Soden	R422791	Yes	2011	British Columbia
24	Lorraine Webb	R421279	Yes	1999	Ontario
25	Heather Bell	R507125	Yes	2012	British Columbia
26	Cassandra Conacher	R409247	Yes	2010	Alberta
27	Kerry Molitor	R415879	Yes	2010	Ontario
28	Glenn Van Ooyen	R420759	Yes	2007	British Columbia
29	Erica Stanley	R511816	Yes	2015	Prince Edward Island
30	Eva Eaton	R410119	Yes	2010	British Columbia
31	Shervin Madani	R506959	Yes	2012	British Columbia
32	Ettiene Yixiang Li	R414311	Yes	2008	British Columbia
33	Mihaela Boeriu	R407983	Yes	1993	British Columbia

34	Janelle Wang	R421191	Yes	2007	British Columbia
35	Roxanne Jessome	R412519	Yes	2009	British Columbia
36	Eimear O'Rourke	R518841	Yes	2016	British Columbia
37	Carolyn Wroblewski	R508127	Yes	2012	British Columbia
38	John Greenholtz	R411310	Yes	2010	British Columbia
39	Julie McMahon	R509339	Yes	2013	British Columbia
40	Zhengtao Liu	R414527	Yes	2209	Saskatchewan
41	Anna Stanton	R508392	Yes	2013	British Columbia
42	Christine McLean	R529385	Yes	2016	Quebec
43	Ivanna Elaine Tapia Ali	R420223	Yes	2010	Alberta
44	Jennifer Ding	R409855	Yes	1990	British Columbia

Submitted via e-mail to the Clerk of the Committee

April 26, 2017

## **Protecting the immigration system, consumers and regulatory environment**

### **Introduction**

My name is Katarina Onuschak. I am a Regulated Canadian Immigration Consultant (RCIC). I have been practicing immigration since 1994, long before the first regulatory body was established.

I have been involved in the consulting community, mostly in the area of education, since 1999, when I joined Organization of Professional Immigration Consultants (OPIC) and became a member of Education Committee. When Canadian Association of Professional Immigration Consultants (CAPIC) was established by joined forces of OPIC and AICC in 2005, I continued to work on the Education Committee and helped organize educational seminars across Canada.

I also belonged to the first group of Subject Matter Experts (SME) who wrote the exam questions for the Canadian Society of Immigration Consultants (CSIC) in 2004 and 2005. I did the same for the current regulatory body, Immigration Consultants of Canada Regulatory Council (ICCRC) in 2012 and 2013.

In 2013, I was elected to the Board of Directors of ICCRC. I resigned after the first year of my term, for perceived conflict of interests that caused problems for the other directors.

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Since 2005, I was working as a technical administrator of Immigration Consultants' Listserv, a mailing service used by almost 300 immigration consultants and lawyer. I was also a member of the Steering Committee of the Listserv until 2016.

Currently, I am working in IMEDA Immigration Education Alliance – a federally incorporated non-profit organization whose mandate is to educate immigration practitioners through seminars and webinars organized in Toronto, Vancouver and Montreal. We offer Continuing Professional Education programs accredited by ICCRC, the Law Society of Upper Canada, the Law Society of British Columbia and the Quebec Bar.

I ask on behalf of the ICCRC signing members that you please consider our following recommendations in the development of the ICCRC, and the protection of consumers of Canadian immigration services.

### **Who are immigration consultants?**

Since the regulation of immigration consultants came into force, in 2004, the main issue for the public and for us, the regulated consultants, was the lack of differentiation between the regulated consultants and those who are not regulated. We call them “ghosts”, for lack of better term.

However, the public, media and even the government officials and employees, talk about “consultants” whether they talk about ghosts or the regulated consultants. This is the main reason why the public image of consultants is tarnished and did not seem to improve after over 13 years of regulation.

### **Regulated immigration consultants**

RCICs are members of ICCRC. They have to successfully complete a college-level program for immigration practitioners, pass a language test, and pass the Final Skill Exam before getting a license. They have to complete 16 CPD hours of Continuing Professional Development annually – that's more than any other group authorized to practice immigration law.

RCICs have to complete Practice Management Education courses that are designed and delivered by ICCRC employees of the Education department. As of now, we already completed 8 mandatory PME courses:

- Client account
- Retainer Agreement
- Client File Management
- Ethical Practice
- Agents (mandatory for those members who use agents in their practice)

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- Managing an Immigration Consulting Practice
  - Developing the RCIC and Client Relationship
  - Complaints and Professional Standards

## **ICCRC**

ICCRC is managed by a Board of Directors comprising of 15 Directors – 12 member directors, out of which 6 have to be elected every year – and 3 Public Interest Directors.

Every year, members of ICCRC have the opportunity to attend Annual General Meeting. During this meeting, the Board of Directors and Management present the Annual Report and financial report and introduce the new elected Directors. Every member has the right to present a proposal (motion) to amend By-laws or to make a simple suggestion on how to improve the operation of ICCRC. Members present in person at the AGM, using their votes and proxy votes, then vote on each proposal. Some are approved and some are rejected – as it is in every democratic process.

Members of ICCRC are audited every year – most have to comply with electronic audit process and some are randomly selected for a full audit, to ensure that their practice complies with the policies, regulations and rules.

The membership fees are being held at the 2013 level – in comparison, our membership fees under CSIC were almost triple (taking into consideration all mandatory components of the fee structure).

ICCRC balanced its books within the first 5 years of its existence. The government loan will be repaid in full this year. ICCRC runs a financial surplus. This is possible only due to prudent fiscal management and maintaining a careful balance between the needs of the Council and being financially healthy.

### **Is ICCRC the right regulatory body?**

Reading all the briefs submitted to your Committee, one must wonder whether ICCRC is really doing a good job of regulating its members. Many of our colleagues used the opportunity to address your Committee to point out the weaknesses and negative sides of the regulatory body. While we agree with some of the briefs – however, nothing and nobody is perfect – we feel like we need to point out the success and the achievements of ICCRC that were entirely neglected in the briefs.

ICCRC was established in June 2011. It was given a full authority and responsibility for regulating immigration consultants, effective immediately, but no financial means to accomplish the objective. The then Minister of Citizenship and Immigration, Mr. Kenney, grandfathered and granted all immigration consultants a 4-month long fee holiday.

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Yet, despite this significant limiting factor, ICCRC was born and brought into existence in 4 months. This colossal and momentous undertaking could only have been done by people who genuinely cared and were willing to put their own practices and personal life aside to accomplish what seemed to be an impossible task.

It was not only members who worked relentlessly towards establishing policies, rules, educational standards and everything else that a regulatory body needs to have established, it was also the team of employees that took their role very seriously and worked side by side with the members.

The result is, in my opinion, something to be proud of. We have a fully functional Complaint and Discipline process that is entirely independent from the Board of Directors, to ensure objective resolution of each complaint. We defer complaints about non-regulated entities to the CBSA since ICCRC has no power over non-members.

We have developed a licensing process that allows new entry into the profession. And while the process is not perfect, as it was mentioned in one brief, it works. We all agree that more has to be done and we know that it will be done.

ICCRC is 5 years old. That's a tender age and everybody is still learning – not only the Board and the Management, but also the members. The majority of members trust the Directors and the Management team to do their job correctly and are willing to give them the benefit of doubt if a mistake happens. And mistakes do happen. However, there is a difference between an honest mistake and malicious intent.

A typing error in 2016 English version of the Financial report can be used as an example. It was a mistake based on human error and one that should not have happened. The resulting erroneous information was then used to accuse the Directors and the Management of embezzling funds, of stealing money and rewarding their “friends” without merit.

My colleagues and I signed this brief as we wholeheartedly believe that ICCRC is on the right path. If given the trust and support of your Committee, it can grow into a well-functioning and fair regulatory body that fulfills its mandate to protect the consumers by ensuring members provide quality, ethical and professional immigration services and safeguards the integrity of the Canadian immigration system.

## **Recommendations**

We would like to make some recommendations provided by the ICCRC membership:

1. ICCRC should be given, in addition to regulating its members, also the authority to identify, prosecute and penalize unauthorized “ghosts” through the power of a Federal Statute similar to the statutes authorizing Law Societies
2. We recommend that the Law Societies follow their legislation and use their authority to go after “ghosts” since we acknowledge that the establishment of Federal Statute is not

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an immediate solution and the problem of unauthorized “ghosts” is an urgent and significant issue. Practicing immigration law without a license is an offence under every Law Society’s statute and they have the authority and the means to provide an immediate solution.

3. ICCRC should be allowed to deal with the internal Board issues, brought to your attention by one witness, in accordance with its own By-laws and in full compliance with the Canada Not For Profit Corporations Act.
4. ICCRC should be given a grant to establish practice standards for new entry into the profession. Such a grant would allow hiring relevant professionals to develop a full set of requirements, including a mandatory practicum to satisfy the mandate of protecting the public.
5. A Provincial/Territorial Advisory Council should be established that will closely work with ICCRC on resolving matters of concern (for example, double regulation of consultants by provinces).
6. ICCRC should be recognized for its achievements and ability to deal with the challenging environment in which it operates.

On behalf of my colleagues and myself, thank you for your time and the work you are doing.



Katarina Onuschak, RCIC, R422287