

## Written Proposal

Submitted to: The Standing Committee on Citizenship & Immigration

Regarding: Immigration Consultants

Submitted by: Aileen J. Farrol, RCIC

Submitted on: May 1, 2017

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I thank the Chair and the Standing Committee on Citizenship & Immigration for accepting my written proposal. I submit this as an individual Regulated Canadian Immigration Consultant.

I am located in the Kitchener-Waterloo area and have been practising immigration law since 2000. I have had the opportunity to work with and be mentored by three immigration lawyers. I volunteer with the ICCRC<sup>1</sup>, and have volunteered with our previous regulator, CSIC<sup>2</sup>. I am an ongoing volunteer with CAPIC<sup>3</sup>, and served on the Board of Directors at its national and regional levels. I contribute to the educational programs as a frequent seminar presenter.

First and foremost, I believe that immigration consultants are needed. There is no shortage of work for immigration lawyers and consultants alike because Canada is the desired destination for consumers worldwide. I do not believe that immigration lawyers are the only solution. Consumers request and often require assistance with their applications. A trained professional in immigration law can best provide this service. Immigration consultants have in-depth skills as they practise only in the area of immigration law. Therefore, it is respectfully submitted that it is in the best interest of consumers to be able to choose the best option to meet their needs, whether that be an immigration consultant or a lawyer.

There are many issues and concerns that I believe are important to mention which have been summarized in previously submitted briefs. I will focus on three proposals.

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<sup>1</sup> *Immigration Consultants of Canada Regulatory Council*

<sup>2</sup> *Canadian Society of Immigration Consultants*

<sup>3</sup> *Canadian Association of Professional Immigration Consultants*

## **Proposal #1: Clarity Regarding Representation**

In addition to a mandatory requirement that **all applications** include an IMM5476 (Use of a Representative) form, I propose that a *check box* is added to the existing form to state that the consumer completed the application without paid assistance. Currently, this is not an option on the IMM5476 form.

Specifically, under “*Section B: Appointment of Representative*” the IMM5476 form provides the option of Representative as Compensated or Uncompensated. It is submitted that another option of “*None*” be added where a description is included to state:

*“I have completed this application myself without any paid or unpaid advice, or assistance from a third party. I understand and am fully aware that there is a penalty for omissions and/or inaccurate facts, which may lead to refusal based on misrepresentation.”*

Furthermore, the introductory paragraph of the IMM5476 form should include:

*“It is illegal for an unlicensed representative to receive compensation for assistance with your file.”*

I believe that these proposed changes to the IMM5476 form would protect consumers and decrease complaints of ghost consultants.

## **Proposal #2: Empowering CBSA<sup>4</sup>**

The current complaints process to ICCRC is as follows:

- a. ICCRC jurisdiction covers the membership of licensed immigration consultants.
- b. RCMP<sup>5</sup> duties may include executing a warrant to search, arrest, etc.
- c. CBSA conducts extensive investigations and is the ‘default’ when neither (a) nor (b) apply; or when both apply.

For example, if the ICCRC receives a complaint against a ghost consultant, then they refer it to the CBSA. The CBSA must then investigate to determine action where the RCMP may be involved. Such a determination process is time-consuming and resource-intensive.

I chair CAPIC’s biannual meetings with local CBSA-EIOD<sup>6</sup> offices (GTA<sup>7</sup>). CBSA officers are responsible for interviews, reporting, detaining, detention reviews, investigations, removals, warrants, examinations, hearings, etc. Since the inception of

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<sup>4</sup> Canada Border Services Agency

<sup>5</sup> Royal Canadian Mounted Police

<sup>6</sup> Canada Border Services Agency – Enforcement & Intelligence Operations Division

<sup>7</sup> Greater Toronto Area

licensed consultants, complaints against ghost consultants have created a larger responsibility for CBSA officers. CBSA Director General advised that cases take 2-5 years to build and prosecute, but typically only pursues cases of mass fraud or misrepresentation.

If the CBSA is expected to investigate each individual complaint, there must be sufficient funding for dedicated staff.

### **Proposal #3: Appointing an Ombudsman for Accountability at the ICCRC**

As you may know, the role of the ombudsman was first created in Sweden over 200 years ago, designed to provide protection for the individual where there is a substantial imbalance of power.

When the ICCRC was initially proposed, the role of an ombudsman was also proposed. To date, this role has never been appointed.

The purpose of the ombudsman is to create a fair and level ground, while avoiding excessive costs. An ICCRC ombudsperson would ensure that ICCRC is fair and accountable.

### **Conclusion:**

I conclude this proposal in full support of Mr. Alli Amlani's suggestion that your committee considers a nation-wide public awareness and marketing campaign to educate consumers on topics of consultants and the ICCRC. I further propose that this is promoted as an online video campaign available through the IRCC (multiple mediums) to reach international consumers. The campaign must focus on the difference between licensed immigration consultants and unauthorized ghost consultants.

I trust that the Chair and the Standing Committee on Citizenship & Immigration will consider my proposals, in the best interest of protecting all consumers.

I thank you for your time and attention.



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