



FERREIRA-WELLS
IMMIGRATION
S E R V I C E S

**Immigration Consultants – Strengthening the Regulation of our
Profession**

Submissions to the Standing Committee on Citizenship and Immigration

CIMM@parl.gc.ca

Presented by David J LeBlanc, RCIC – ICCRC
Managing Director, Ferreira-Wells Immigration Services Inc.
david@immigrationservices.ca

W E H E L P M A K E C A N A D A Y O U R H O M E

1377 BATHURST STREET . TORONTO . ONTARIO . CANADA . M5R 3H8
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Table of Contents

Immigration Consultants – Strengthening the Regulation of our Profession

I.	Introduction	3
II.	Regulation of the profession	3
III.	ICCRC – our Regulator	4
IV.	CAPIC – our Professional Association	4
V.	Lawyers v Consultants	5
VI.	Ghost Consultants	7
VII.	Critics	7
VIII.	Luminaries in the Profession	8
IX.	Conclusion: Advocacy, Consumer Protection and the Right of Choice	8
X.	Appendix	9

Summary recommendation

Federal Statute for the profession, and an effective strategy in combating ghost consultants, would go a long way towards strengthening the regulation of the immigration consulting industry, and ensure delivery of the objectives of this Committee.

Consumers in need of immigration services deserve to have quality alternative choices available, and protected.

Introduction

I am grateful for the opportunity to submit a brief to the Standing Committee on Citizenship and Immigration as a member of the Regulated Canadian Immigration Consultants Community.

I am a Regulated Canadian Immigration Consultant – RCIC, member of the Immigration Consultants of Canada Regulatory Council – ICCRC, and a member of the Canadian Association of Professional Immigration Consultants – CAPIC. An honors graduate of Seneca College Immigration Practitioner’s program, I am managing director of Ferreira-Wells Immigration, a firm founded in 1995 by Bruce Ferreira-Wells, a former Immigration and Citizenship Officer with Citizenship and Immigration Canada.

Ferreira-Wells is a boutique consultancy working in all Canadian Immigration matters. We have a long-standing tradition of giving back via pro bono work, a special pioneering relationship to the LGBT community, and we are the recipient of the prestigious Inspire Award in 2015. We take pride in championing hard-to-win, precedent-setting cases for clients who have been abandoned or abused by former counsel.

Both Bruce and I have been actively involved in the profession well before regulation, and we were among the very first group of consultants under the first regulatory body, the Canadian Society of Immigration Consultants – CSIC, and the Immigration Consultants of Canada Regulatory Council – ICCRC.

Regulation of the Profession

Having attended seminars over the last 20 years given by two our former associations, OPIC and AICC, and later CAPIC, I was initially jealous of my colleagues who were members of the bar. The *Mangat* decision [Supreme Court of Canada : *Law Society of British Columbia v. Mangat*, [2001] 3 [S.C.R.](#) 113] applied the doctrine of paramountcy and confirmed the right of immigration consultants to practice in the area of Canadian immigration law. CIC made the welcome decision to allow the first regulatory structure of immigration consultants, the Canadian Society of Immigration Consultants – CSIC. At last, for all of us with years of conscientious practice, we were given legitimacy. CSIC began operation as our regulator in 2004.

Unfortunately, because the federal government chose not to create a specific statute to frame the structure of the regulatory body for immigration consultants and CSIC was formed as a Corporation under the Canada Corporations Act, it was hijacked by a small group of people within CSIC more interested exerting absolute control over members and in making a profit for themselves rather than improving and developing higher standards of practice and ethical behaviour within the profession. The list of abuses of CSIC is well-documented and does not need to be re-examined. This was obviously not the intended result of the government in creation of a regulatory body for our profession. The vast majority of immigration consultants did not support the behaviour or unethical practices of CSIC and many of our most seasoned and respected members lobbied the government for change. When Immigration Minister Jason Kenney intervened, calling for submissions to form a new regulator, it was met with great relief and a resurgence of energy throughout the consultant community.

ICCRC – our Regulator

The founding members of ICCRC, our regulator, were already well known to the community of immigration practitioners. Their impeccable reputation and passion for the best interests of the public and the profession preceded them, and the personal sacrifice they all endured was nothing short of remarkable. The founding Board, the Code of Business Conduct and Ethics, the offering of free education on every area of practice that benefits the consultant and protects the consumer, were received with great appreciation from the members. With a full democratic process, in person meetings, and professional staff and directors from both the profession and public interest stakeholders, we knew that we were in good hands. However, the government chose once again not to create a federal statute to regulate immigration consultants despite the recommendations received from members and the Canadian Bar Association. The ICCRC was formed and operates within the confines of the Canada Not-for-profit Corporations Act. It is important to note that there are no federal government appointees on the Board of Directors of ICCRC and that immigration consultants are the only self-regulated profession in Canada that operates under the CNCA with “hands-off” oversight by the government.

CAPIC – our Professional Association

CAPIC, the Canadian Association of Professional Immigration Consultants began in 2005 created by the merger of 2 professional associations, the Organization of Professional Immigration Consultants – OPIC and the Association of Immigration Counsels of Canada – AICC. Over the past 13 years, CAPIC has matured into a professional association on par with the Canadian Bar Association – CBA. Their foundational pillars are Education, Information, Lobbying and Recognition. Annual National Education Conferences held by CAPIC on Canadian immigration are on par with the identical offerings by both the CBA and the Law Society of Upper Canada – LSUC.

The collegial sharing that is evident in both the profession’s ListServes, CAPIC’s Solutions Forum ListServ and the founding industry listserv, the Immigration Consultants ListServ, show a generosity of spirit and mentorship from Senior Practitioner with decades long experience before all tribunals and visa offices worldwide, to those who are new to the profession.

Lawyers v Consultants

Everyone knows an honest lawyer. And everyone knows one who isn't, including our esteemed colleague from the CBA who presented before your committee. Consultants share the same truth. Our reputation precedes us, as Buddha mused, "like the shadow that follows the ox cart's wheel."

It is complete syllogistic fallacy for CBA to claim that lawyers are better – more skilled – more honest – than immigration consultants. The human characteristics inherent in being an intelligent, decent human being are not proprietarily held by lawyers alone. To suggest such is hubristic transparent turf-war self interest.

Education: Law school vs. Front line hands-on

- Immigration law is one elective subject in law school, not a required credit, and is not offered at all law schools in Canada. Immigration consultants entering the profession are required to complete a dedicated education program focused solely on Canadian immigration law. Education programs vary in length from 6 months to one year. Many consultants are also former visa officers and CBSA officers, bringing an great deal of department training and experience to the practice of immigration law.

Billing

- Consultants are not allowed to accept Legal Aid. Clients regularly show us statements from their legal aid lawyer adding surcharges in excess of \$5000 in addition to the amount allowed on their Legal Aid Certificate. These surcharges often total more than the face value of the Certificate
- In Toronto, most lawyers' fees are close to double ours for case processing. Initial consultation fees are also often higher than ours, where we give more than an hour to ensure a thorough understanding of the client's issues, while the lawyers' clients were seen by junior staff and rushed out after 10 minutes
- Client showed us their statement from a law firm for a charge of \$1900 for an access to information report that was not needed in the context of that file and has an actual cost of \$5 to obtain

Expertise and Advocacy

- Consultants work in immigration matters all day long, from case preparation, processing forms, submissions, knowing the nuances of programs and program updates, tribunal hearing advocacy for appeals and refugee hearings. Lawyers usually spend their time litigating and in hearings, and are often removed from daily immigration application preparation and production.
- Many large Toronto law firms and Immigration Specialists regularly have senior staff who are RCICs, and not lawyers
- Many International Accounting firms like Ernst and Young and KPMG now hire experienced RCICs instead of lawyers

Lawyers v Consultants ... cont'd

- Lawyer colleagues from law firms bring files to us to do the work, from form completion to written submissions, to be returned to them to present as their own submissions

Professional Ethics

- A prominent member of the Immigration bar's clients recently hired us after releasing their former counsel when they discovered work had not begun, but they had already overpaid for complete services
- Three clients from the same law firm advised that they were told they qualified in a variety of programs, and we did a free reassessment – two did not qualify at all, and the third would not for another 18 months.
- Presenter at Imm Law conference client came to us reporting on his recent refugee hearing. He did not understand what had happened, but ordered transcripts which we read: Member screamed at jr counsel: no submissions were sent prior to hearing. Client was not prepared prior to his hearing. Essential witness testimony was dismissed as unnecessary. Case refused, pointed comments rebuking counsel who did not appear, sending a junior in his stead.
- Perfectly viable family class candidate counselled by lawyer to make a false refugee claim. When he said, "but I have no story", he was told, "oh, don't worry, we will make up one for you." Refugee claim refused on credibility.

Ghost Consultants

The spectre looming over the entire profession of immigration advisers, including both lawyers and consultants, are the illegal '*ghost consultants*'. They are neither lawyers nor RCICs and sadly, operate both inside Canada and worldwide with impunity. RCICs have long asked: who can they turn to, to report them, and for action to be taken. CIC does not intervene, nor does the RCMP, or the Law Societies. Their ongoing operations right under the noses of the embassies worldwide is appalling, and affects all sides of the industry with the targeting of vulnerable consumers. It should be made clear that *they* are not *us*! It should not reflect in any way on the good work done by RCICs, ICCRC or CAPIC, whose mandates have always fully supported the best interest of the public.

RCICs should not be tarred with the brush of lack of Federal cohesive strategies to deal with and halt the proliferation of ghost immigration consultants worldwide, in what may well be the second oldest profession. It should also be noted that RCICs suffer the additional harm to our reputation due to the title "consultant" used government, lawyers and media to describe these individuals. The "perception" that RCICs and ghost consultants are one in the same due to semantics is neither fair nor true. They could just as easily be called '*ghost immigration lawyers*' yet they are not and it is RCICs who suffer due to this choice of words.

Critics

There are two members of our community that are self-appointed critics, and see themselves as the canary in the coal mine. The closest they come to any polite analogy that describes them is *the boy who cried 'wolf'*. They have both made presentations before your honourable circle, keenly aware of the timing of their mischief and its potential impact at the very time your committee is reviewing the regulator. In truth, they are masters of fake news, and spin conspiratorial tales that in the light of day crumple into dust. Their only audience is the uninformed new consultants who have no idea of the hard-fought history of our profession, where the notion of lower membership fees and cheap, low quality CPD courses looks appealing when starting their practices in an effort to reduce costs. Experienced RCICs have watched this group's development that began as a circus, demonstrated by hours of defeated motions before the AGM assembly that sought to weaken the regulatory structure. This group created voting blocks of uninformed new RCICs resulting in the election of incompetent, unexperienced directors to the Board of Directors and has lead to bullying members and Directors, and broadcasting false statements and false claims to create fear and distrust in our community as well as damage the reputations of many of our most senior, ethical and respected consultants. They have systematically created a brilliant but completely false attack advertising campaign that preys upon the most vulnerable members of our community. Senior members ask what the end game is when it seems that one particular individual with little experience, no apparent clients or practice – therefore nothing to lose personally – would seek to undermine the credibility of both the regulator and the entire RCIC community in a public campaign of misinformation at the very time that ICCRC comes under your Committee's review. Not only do they not speak for us, but they bear false witness before you.

Luminaries in our Profession

I had the distinct pleasure of attending the CBA's annual Immigration Law Conference two years ago, and at the Gala Dinner on Friday night, a special Lifetime Achievement award was given to Lorne Waldman. Lorne has been an extraordinary friend to immigration consultants over the years of challenge and defending us from the former regulator. I listened with awe as he spoke, as I always do, about the challenges facing us, and to see that justice is done. I was sitting beside a prominent member of the Immigration Bar from Toronto, and he mused that Lorne, along with Cecil Rotenberg, were rare legends, one of a kind. Over the years, I had felt the same awe in watching fellow RCICs such as Phil Mooney, Alli Amlani, Roxanna Jessome, Camilla Jones, Lynn Gaudet, champions among us whose shoulders we stand on as a profession.

On reflection, I came to appreciate that there were an equal number of individuals of impeccable character among my own peers as there were in the Immigration Bar circle of lawyers.

Conclusion: Advocacy, Consumer Protection and the Right of Choice

The Regulated Practice of Immigration Consultants in Canada is one of the newest regulated professions. As can be seen in this and prior submissions, it has not been without its growing pains, and is still a work in progress.

Public interest has not been compromised, as purported in the self-serving submissions from the Canadian Bar Association. Nor is there any malfeasance or failure in the governance model as presented by our two internal critics.

ICCRC was founded on a measured approach to provide protection of consumers utilizing the professional services of immigration consultants, and is fulfilling its mandate within the limits allowed while operating under the CNCA.

CAPIC has mature peer leadership and a superior collegial model in delivering education and mentorship to the newer members of this dynamic profession.

Federal Statute for the profession, and an effective strategy in combating ghost consultants, would go a long way towards strengthening the regulation of the immigration consulting industry, and ensure delivery of the objectives of this Committee. Be assured that RCICs have the same goals and are eager to work with the Committee to ensure these objectives are met.

Clients regularly come to us often as their *first* choice after having been taken advantage of by a lawyer. **Consumers of immigration services deserve to have quality alternative choices available to them, and protected.**

We thank you for your time and consideration in helping us strengthen and build on the successes of the Immigration Consultant profession under the ICCRC and their mandate in protecting the public interest.

Appendix

Three clients share their experience in working with us as an RCIC.

Dearest Ferreira-Wells Immigration Services, It is not often you come across people who really want to help without a motive of their own, but we can say that the day we found you guys, saved our life. We were in a life or death situation and you all showed that money was the least of your concern. Anytime we needed help in any way you all were at our side, no matter what. We will forever remember you all in our thoughts, prayers, and hearts. Without you guys we might not be here (alive) to share our lives together. There is no other immigration service that can offer what you all do, and that is actual human compassion, patience, dedication, diligence, and caring. I mostly appreciate that we are not just a file number and that you are all very willing to learn new things while educating your clients. Please keep up the good work and never change! We owe you our life and there is no way to ever repay that, so in return, we wish all the best for you all and pray that you may have the will and power to help many more people as you already have! With all our heart, Dory + Imran – from a handwritten card on our client thank-you board.



Clients brought us this mantle clock with a plaque engraved below: "Awarded to Ferreira-Wells Immigration Services Thank you for giving us back the hands of time. From Dory & Imran"

Noni Roxas' client review on *Google* – Five stars

Our journey started March of 2006 when we came to Canada as tourist. We immediately fell in love with Canada because as gay couple from the Philippines, we experience freedom, equality and acceptance as member of LGBTQ which we have never experience back home. We decided to apply as permanent residents within Canada. Back in 2006 it was by points system. We hired a counsel and paid substantial large amount of money to represent us. We were told that by our work experience and educational attainment that we were qualified under the point system. He advised us that we can stay in Canada as long as we want while our papers are being processed and to make sure not to violate any law here in Canada. While waiting for our papers for the next 5 years, we kept ourselves busy with selling our oil paintings and fashion jewelry to support ourselves. It was my Aunt Linda who helped us in board and lodging! In return we took care of our ailing uncle who suffers from diabetes, my elderly aunt who was 85 years old and our cousin who has mild autism. After 5 years we asked our counsel about our papers, we send him email, we sent text messages and endless phone calls but we cannot get hold of him. Finally we met Mr. David Le Blanc of Ferreira-Wells Immigration Services and asked about our situation. He told us that he believes that our former counsel did not submit our application and he just pocketed our money. True enough Mr. LeBlanc got in touch with our former counsel, and demanded to return our money and transfer our file to Ferreira-Wells Immigration services. It was December of 2013 that we retain Mr.

LeBlanc to represent us. We were treated with humility, compassion and dedication. We had challenges when our papers were being processed but the team of Ferreira-Wells Immigration never let us down. We had the initial approval in 2014 and we were able to get a work permit while our application is being processed. We can't believe that we have a file number, we are so happy. By the time we have our work permit we were able to work full time, paid our taxes and not afraid of being caught without status. Before whenever I see police cars, I always get anxious because we were already out of status. When Mr. LeBlanc called me in the afternoon of April 7, 2017, our lives has changed. He excitedly informed us that our application has been approved after 36 months of waiting. We have no words to express how grateful and appreciates the work done by Ferreira-Wells Immigration for our lives. We cannot thank them enough for making Canada our home. If we were to go over the experience again, no doubt in our minds and hearts that we are going to hire them as our counsels. They have the professionalism, compassion, dedication and humility in representing us. Once again, thank you from the bottom of our hearts. We will never forget you.

Before I submitted the permanent residency sponsorship application for my partner, I had always assumed that people who held positions of authority in embassies would be subject to a code of honesty and fairness. As a lawyer I have an expectation that those who have legal authority and who hold the public trust should meet these minimum requirements. I assumed all I needed to do was make sure all the application paperwork was in order, accurate and on time and we'd be good to go (we had a strong case: a 3-1/2 year relationship complete with joint property ownership, joint bank accounts, family and friends testimonials, and so on). I felt once the consulate staff who reviewed our file saw everything, there would be no doubt we would meet the criteria for sponsorship approval. I couldn't have been more wrong. I attended the interview and was brought in separately, after my partner. I will never forget the open hostility, disdain and prejudice that I was subjected to (and as I found out afterward, my partner as well). I was filled with rage, but also disbelief as I couldn't believe this could happen, no less under the authority of the Canadian government.

Our file, strong or not, simply didn't matter to the interviewer, as her mind was already made up against us. I know that if we didn't have Ferreira-Wells working for us and on our side we would have failed. Each one of their team played a role in turning this dreadful situation around, and quickly. First, we benefitted from detail and care put into our application and file by Claudia and Gus. No objective person could dismiss it as anything less than a rock-solid file. Second, we received direction and advice from Bruce that proved to be critical (how to deal with the interview, and what to do in case things didn't go well). Third, and something for which we will be forever grateful, we had the support, care and concern of David. After we left the embassy we contacted Ferreira-Wells and they immediately sprung into action. Although we were over 10 hours ahead of Toronto time, we were getting emails from David at what was his 2:30 a.m. and on through the early morning hours and into the next day. He drafted a plan and response that within 18 hours turned everything around. If it weren't for this dedication to our case, and if not for the experience and expertise that the Ferreira-Wells team possessed, it would not have been possible to have what happened occur. The embassy would have ignored our protests, but they couldn't ignore David because he knew what to say and who to say it to. As I write this my partner, now my husband, is sitting a few feet away from me smiling. Thank you, Ferreira-Wells.

– KK & CS, Toronto