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Submission of: Roxanne Jessome, RCIC

**Focus:**

I am submitting this brief in respect to the CIMM review relating to the regulation of immigration consultants with specific focus on the education and entry to practice standards of immigration consultants in Canada, known as Regulated Canadian Immigration Consultants (RCIC).

**Description of submitter:**

I have been an immigration consultant since 2009, licensed under both the previous and current regulatory bodies of Canadian immigration consultants. Prior to my career as an RCIC, I worked for 7.5 years for the Legal Services Society of British Columbia in several roles, the last position being Senior Investigator/Analyst of the Audit & Investigation Department where my team was tasked with analysis of the legal aid tariff for incidence of fraudulent billing, triggering many investigations of lawyers who accepted legal aid clients in British Columbia. Investigations ranged from minor billing discrepancies to very serious and in-depth investigations of fraudulent billing in the tens and even hundreds of thousands of dollars. The most serious cases required my department to work in partnership with the Complaints and Discipline department of the Law Society of British Columbia and resulted in various punishments including disbarment. I was also an Executive Recruiter and owner of a niche recruitment firm for approximately 10 years. My work at both Legal Aid in BC and as an Executive Recruiter exposed me to immigration law and led to my interest in the profession. I decided to pursue further education in Canadian immigration law and graduated in July 2009 from the University of British Columbia with a Certificate in Immigration Laws, Policies and Procedures. I became licensed to practice in October 2009 and opened my own immigration practice. My business' name is Join Canada and I am the sole proprietor of this firm.

Even in 2009, before completing the certificate program at UBC, my past work experience at Legal Aid as well as being a business owner allowed me to recognize weaknesses in both the education program and entry to practice standards of Canadian immigration consultants. I did not believe then, nor do I believe now, that simply completing a theoretical based education program and passing a multiple-choice exam made me "qualified and competent" to represent clients in immigration matters despite being licensed to do so. I sought help but the previous regulator offered no tools, solutions or advice to new consultants entering into practice. I decided that to become a competent and qualified practitioner of Canadian immigration law, I had to take control of my own education. Thankfully, after many years of working with the immigration bar in Vancouver I had made lots of friends and I called on my friends for help. On several occasions during my first couple of years of practice, I was fortunate enough to work with some of these lawyer-friends, assisting them with cases that allowed me to gain valuable

practical experience and guidance from seasoned practitioners. Please understand that it was not an easy task to convince my friends to allow me to work with them as I was not becoming their employee. However, my advantages were they already knew me through my past professional work, my willingness to sign and adhere to confidentiality agreements, and I was willing to work for free. These points as well as my persistence – meaning I wouldn't take "No" for an answer – gave me the additional "education" I felt was missing. It also created within me a passion for continuing education for immigration consultants.

In 2011, after the former regulator was replaced by ICCRC and our professional association, CAPIC, was again allowed to provide Continuing Professional Development (CPD) programs to consultants, I joined the BC Chapter of CAPIC as the volunteer Director of Education. My Chapter worked very hard and I was responsible to organize and facilitate monthly CPD courses on various aspects of immigration law. After completing my term with CAPIC, in 2012, I joined a new CPD provider, IMEDA – the Immigration Education Alliance, in the Western Region and again, for 1 year I facilitated and organized monthly CPD programs for both lawyers and consultants. Over a period of 2 and a half years, I attended every CPD program that I organized resulting in approximately 270 CPD hours. In early 2013, I created and ran a free mentoring group for new consultants which became known as "the Saturday group". Myself and a small group of RCICs practicing all over Canada and in other countries would meet on Skype for 2 to 3 hours every Saturday morning to discuss cases, ethics, and business issues experienced by immigration consultants. As the Saturday group grew in reputation, more and more new consultants joined and soon it became 2 groups of over 50 consultants and I called on other experienced practitioners to start their own mentoring groups as I could not meet the demand myself. Unfortunately, due to a serious health issue, I had to suspend my Saturday groups in spring of 2016 but I am happy to say that other groups are still running and that I remain in contact with all of the consultants I mentored over that 3 year period. In 2014, I became an instructor at the University of British Columbia in the Certificate in Immigration Laws, Policies and Procedures program. I am still an instructor at UBC and in 2016, became a Course Lead, responsible for developing curriculum, assessment and examination material in a specific module of the program. I have been a volunteer with ICCRC since 2013, sitting on various committees including Practice Management Education and the Practical Experience Task Force. I'm frequently asked by CPD providers to deliver seminars on various immigration topics and make 3 to 4 presentations per year to immigration practitioners across Canada, including lawyers.

**Purpose of submission:**

This committee has a variety of tasks, one of which is continued study of immigration consultants as a regulated profession. I have listened with great interest to the evidence presented by stakeholders and read all briefs submitted to the committee. My purpose in making this submission as an individual is to offer my own personal insight incorporating all my past experience and to offer recommendations for solutions that have not been discussed.

There is one thing I want to make abundantly clear to this Committee: **The vast majority of RCICs are honest, ethical professionals who very work hard in the best interest of their clients within the limits of the law, while strictly adhering to the Code of Professional Conduct.** I've mentored over 100 consultants personally and they all **want** to not simply be good at this job, they want to be GREAT at it. My submission is that we must provide the education, resources and tools for new consultants to achieve this goal.

My work as the Senior Investigator/Analyst of the Legal Services Society of BC taught me three important lessons:

1. There is such a thing as an "honest mistake"
2. There will always be people who will put financial gain over ethics, despite their education and professional responsibilities
3. Crooks are creative. My department existed because we **knew** the system would be abused.

My work as an Executive Recruiter gave me a "street-PhD" in the psychology of what motivates and drives people in their careers. My work allowed me to witness the various levels of success individuals had in achieving their career goals. I learned that hard work, strong relationship building skills and being willing to take control of your own career path resulted in the highest levels of success in career achievement.

Coupled with the morals and values I was taught as a child growing up in a blue-collar, working class family from Cape Breton, Nova Scotia, I used the lessons from my past professional experience when I began my career as an immigration consultant. However, I believe the biggest reason for my continued success as an immigration consultant is because I took control of my own education in immigration law. It was **not** easy and much of what I did independently could and should be added into the current education programs required to become a licensed immigration consultant in Canada. My firm belief is that increased education standards and entry to practice requirements would significantly decrease complaints from consumers about immigration consultants regarding competency and quality of service as well as alleviate many of the concerns presented to this Committee by the representative of the IRB. I state this as an RCIC, an instructor of a program accredited by ICCRC and as a mentor of over 100 immigration consultants. The education required to enter this profession is simply **not enough**.

Here's an interesting fact for the Committee to consider. IRPA has "grown" significantly since I completed my education program in 2009 with the introduction of several new economic programs, the massive growth of provincial nominee programs, and the implementation of the Express Entry program. There have also been several changes to the refugee programs with the addition of new levels of appeal. The practice of immigration law has significantly increased in complexity over the past 8 years yet the length of the education programs for immigration consultants has not increased at all. How is this possible? I personally didn't believe that the education programs were long enough when I was attending as a student and now that I'm an instructor, I'm given the same amount of instruction time yet have to teach my students more material. You can obviously see how the quality of instruction would deteriorate.

As requested by the members, ICCRC is tasked with studying ways to improve education and entry to practice standards. The Practical Experience Task Force, of which I am a member, is completing a feasibility study about the implementation of additional practical experience requirements to become an RCIC which will be presented to the Board with recommendations to be discussed at the next Annual General Meeting of ICCRC. Other task forces have been created to study areas of specialization by RCICs within immigration law which I believe will include studying a graduated licensing process as suggested by the representative of the IRB. I am not a member of that task force and cannot comment further.

However, I ask the Committee to recognize the unique challenges of this profession when implementing a practical experience component into the entry to practice requirements. We are a very small profession, with less than 4,000 RCICs, most of whom are self-employed and don't work in large firms surrounded by colleagues from whom they may gain practical experience as well as professional guidance and advice. It's a "lonely" profession, requiring us to build our own networks of mentors. We have done this by creating two Listservs, similar to the lawyer's Listservs, where questions are asked and answered by consultants.

To become an RCIC, an individual must be a Canadian citizen or permanent resident which I firmly support. But there is no requirement for an RCIC to reside in Canada nor do I think there should be. As Canada continues to be the most sought after country of residence in the world for foreign nationals, and because of the unique nature of the work we do, the presence RCICs on the ground in other countries can be one of the best ambassadors Canada has to attract the high skilled talent our country and economy needs to remain a world leader.

These challenges have required us to be creative when developing plans to add practical experience requirements to the entry to practice requirements. The Task Force must also recognize that ICCRC is solely funded by professional fees paid by members. It's a not-for-profit organization that has no outside funding source. To keep membership fees affordable for members, the ICCRC must very cost-conscious and adding new programs and entry to practice requirements will, quite frankly, cost a significant amount of money to develop and implement.

### **Recommendation**

I have heard this Committee ask several witnesses "what can the government do?" to improve and/or fix the abuses experienced by consumers. First, I ask the Committee to acknowledge that crooks come in all shapes and sizes with all kinds of initials after their names. Yes, this includes RCIC but also LLB and JD. Being a member of the ICCRC or any Law Society simply does not guarantee that a lawyer or consultant is an honest person. I don't have a solution to that issue other than to continue to encourage consumers using the services of representatives to ensure their representative is authorized under IRPA and to make complaints to the regulators in cases of wrongdoing. Creating a federal statute for the regulation of RCICs would also improve the ICCRC's ability to pursue the criminal acts of unauthorized individuals holding themselves out to be "immigration consultants".

What I believe is needed and something this Committee **can** do is recommend a grant be given to ICCRC to enable the regulator to **quickly** develop and implement additional entry to practice standards for new immigration consultants. While I believe that this will eventually be done with or without financial support from the government, the speed at which it can and should be done is of paramount importance. This is needed **now**. Financial assistance from the government dedicated to this singular task would allow ICCRC to develop and implement an entire program within a very short time period instead of by small increments over several years as their budget can afford. The achievement of this one very large task would show immediate benefits to consumers by vastly improving the knowledge and competency of new consultants entering this profession.

Millions of dollars are spent on advertising campaigns around the world in an effort to prevent consumers from becoming victims of fraud in immigration matters. Perhaps allocating a small portion of that advertising budget to the improvement of entry to practice standards of immigration consultants would significantly decrease the need for these advertising campaigns. Creating higher standards to become an RCIC significantly benefits not only the reputation of my profession, but also the consumer utilizing the services of authorized representatives. Remember that there once was a time where the local butcher was also the local surgeon. That seems ridiculous now! But it does show us that every profession needs time to find its footing and gain acceptance and respectability amongst consumers. Many of us are working very hard to do the same in the immigration consulting profession in Canada. We will continue to do so.

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