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July 12, 2019

Via email: minister@cic.gc.ca

The Honourable Ahmed Hussen, P.C., M.P.
Minister of Immigration, Refugees and Citizenship
Immigration, Refugees and Citizenship Canada
365 Laurier Avenue West
Ottawa, Ontario K1A 1L1

Dear Minister Hussen:

Re: Clarification of the CBA's Proposal on Immigration Consultants

I write on behalf of the Immigration Law Section of the Canadian Bar Association (CBA Section) to clarify our proposal on immigration consultants.¹ We are concerned that our proposal has been misconstrued based on how you described it on several occasions, including at the CBA Immigration Conference in Winnipeg, and at the Senate Social Affairs, Science and Technology Committee (Senate Committee).

The CBA is a national association of 36,000 members, including lawyers, notaries, academics and law students, with a mandate to seek improvements in the law and the administration of justice. Approximately 1,000 CBA Section members practise in all areas of immigration law. Our members deliver professional advice and representation to thousands of clients in Canada and abroad.

The CBA Section has collaborated with the government on the issue of immigration consultants for over twenty years, always with the mutual objective of protecting vulnerable immigration applicants from incompetent and unscrupulous representation. Our most recent proposal was a response to two failed attempts to establish an effective self-regulatory body for immigration consultants in Canada.

Parliament has now enacted the *College of Immigration and Citizenship Consultants Act* to create a new self-governing regulatory body for immigration consultants. We remain committed to cooperating with the government on this file and advising on measures to protect the public.

¹ The Canadian Bar Association, [Immigration Consultants](#), (March 2017); The Canadian Bar Association, Re: Government Report on Immigration Consultants, (December 2017).

Nonetheless, we are troubled by your characterization before the Senate Committee on May 30 of our proposal:

The Canadian Bar Association's suggestion and policy idea was for immigration consultants to simply work under lawyers, in the same way that paralegals came under the supervision of lawyers in Ontario. I seriously looked at that proposal. I thought it was a serious proposal that had a lot of merit. Unfortunately, we don't have one law society in Canada; we have a number of them. When we canvassed them, some law societies were willing to take on immigration consultants and put them under lawyers, some were not and some were lukewarm. So you can't have a patchwork a situation where immigration consultants in some provinces come under lawyers and in others, they don't. That was really the problem with that policy proposal.²

To clarify, our proposal did not call for law societies to regulate immigration consultants as the Law Society of Ontario regulates paralegals. Rather, we proposed that lawyers, who are themselves regulated by the law societies, should be responsible for supervising immigration consultants in the same way they supervise law clerks or legal assistants. An immigration consultant could perform a wide range of support tasks. However, only a lawyer could be the authorized representative on an application and appear before all tribunals and courts, assuming professional responsibility for the work delegated. Our proposal contemplated the continuation of business relationships that many immigration consultants already have with lawyers, including partnerships where law society rules permit multidisciplinary practices.

The proposal was also cost effective as it would have avoided the considerable public cost of establishing a new regulatory body.

We ask that you take steps to correct the record on our proposal. We will be writing to you soon to give input on the new regulatory scheme with a view to protecting the public.

Yours truly,

(original letter signed by Nadia Sayed for Marina Sedai)

Marina Sedai
Chair, CBA Immigration Law Section

² [The Standing Senate Committee on Social Affairs, Science and Technology](#), (May 30, 2019).