



December 12, 2005

The Honourable Joe Volpe, P.C., M.P.
Minister of Citizenship and Immigration
365 Laurier Avenue West
Ottawa, Ontario K1A 1L1

Dear Minister:

Re: Canadian Society of Immigration Consultants

I write on behalf of the Canadian Bar Association (the CBA) to express our concern arising from media reports that key board members and personnel of the Canadian Society of Immigration Consultants (CSIC) have resigned. The reports allege exaggerated compensation levels and mismanagement within CSIC.

The CBA has long been concerned about the serious problems created by unregulated “immigration consultants”. In our view, only lawyers or Quebec notaries in good standing in a Canadian jurisdiction, or consultants regulated by a proper licensing body should be allowed to provide immigration legal services. Just as law societies do for lawyers, any licensing body for consultants must be in a position to ensure effective consumer protection. Such protection is ensured only if the licensing body:

- sets appropriate admission requirements;
- establishes standards of competency;
- sets up an insurance or compensation fund;
- adopts a code of ethics;
- establishes a complaint mechanism; and
- defines offences and penalties.¹

When the government created CSIC in 2003, its stated intention was to create an effective regulatory body that would protect the public by ensuring only competent and licensed individuals could represent Citizenship and Immigration Canada and Canadian Border

¹ CBA Resolution 96-03-M.



Services Agency clients for a fee. The CBA supported the creation of CSIC, in the interests of public protection. The need for protection is particularly acute because clients of Canada's immigration system represent a highly vulnerable segment of the public.

The CBA is increasingly concerned that CSIC may be unable to live up to its public protection mandate. As far as we are aware, no effective disciplinary procedures have been established or enforced and it is unclear whether effective competency assessment procedures have been finalized. Meanwhile, serious concerns have been raised regarding the organization's corporate governance. The allegation of exaggerated compensation, if true, means the board may be in a conflict of interest in setting admission standards. In these circumstances, the directors could feel pressure to compromise standards and ensure a broader financial support base.

Despite the apparent absence of effective competence and professional accountability standards, CIC has given CSIC's members the unqualified right to represent clients since April 2004. The government recognition of their membership confers legitimacy to provide immigration legal services. The media reports leave the unfortunate impression that CIC believes it has no responsibility to ensure that CSIC is establishing and implementing effective standards and procedures.

CSIC is a creation of a federal regulation whose sole mandate is to safeguard the public interest. In the public interest, we call on you and your government to take all necessary steps to ensure that CSIC meets this mandate.

Yours truly,

(Original signed by Brian A. Tabor)

Brian A. Tabor, Q.C.

- cc. Janice Charette, Deputy Minister, Citizenship and Immigration Canada
- cc. Daniel Jean, Assistant Deputy Minister, Citizenship and Immigration Canada
- cc. Johanne DesLauriers, Director, Social Policy and Programs, Citizenship and Immigration Canada