

Feds ponder tougher controls over immigration consultants

BY NORMA GREENAWAY, CANWEST NEWS SERVICE MAY 22, 2010 8:02 AM



Federal Citizenship and Immigration Minister Jason Kenney speaks with the National Post editorial board in Don Mills, Ontario, Mar. 31, 2010.

Photograph by: Tyler Anderson, National Post

OTTAWA — The body currently regulating immigration consultants in Canada could be replaced by a more accountable organization with stronger investigative powers under new measures the federal government is preparing to introduce in Parliament.

Immigration Minister Jason Kenney is expected to propose a more robust regulatory body as part of a long-promised legislative package aimed at cracking down on unscrupulous “ghost” consultants, Canwest News Service has learned.

The package, which Kenney plans to unveil within the next couple of weeks, is also expected to make it an offence for anyone to misrepresent themselves to prospective immigrants if they are not lawyers or certified immigration consultants.

New Democrat MP Olivia Chow hasn’t seen the proposals, but she is optimistic they will meet the key demand of the all-party immigration committee to create a more muscular regulator.

“He understands the problem. He’s heard the complaints,” said Chow, her party’s immigration critic.

“Ghost” consultants operate inside Canada and abroad without any oversight, charging prospective immigrants thousands of dollars to fill out applications, which they may load with false information and which, in some cases, they don't even submit.

They earned the “ghost” label because they are not seen by immigration officials and their names appear nowhere on the paperwork submitted to the government.

Unlike lawyers and certified immigration consultants, they don't have to adhere to education and ethical standards imposed respectively by provincial law societies or the Canadian Society of Immigration Consultants, a private corporation established in 2004 by the federal government. Many operate abroad, making it difficult for authorities here to put them out of business.

The new measures will likely include a provision requiring applicants to provide the names of people they paid to help them with their paper work, sources said, with a promise their applications will not be affected if they are found to have used an illegitimate representative.

Canada admitted about 250,000 new permanent residents last year, meaning uncertified consultants have a large pool of prospective clients to tap into.

Chow said she's been bending Kenney's ear on the need to tighten the regulatory regime for consultants since he was named immigration minister in 2008.

“I told him, don't be soft on crime against immigrants,” she said, purposely applying the “soft on crime” label the ruling Tories like to hurl at opposition politicians.

The CSIC has been criticized by some of its members, the Canadian Bar Association and politicians of all stripes for not being effective enough in regulating its own membership and going after bad consultants.

Barring a last-minute change of plan, the government intends to replace the CSIC with a new organization, modelled along the lines of provincial law societies, with strengthened powers to investigate its members, prosecute misconduct and compel testimony from witnesses. It would be created as a federal entity, making it more accountable to its members and the public.

There likely will be a transition period during which the estimated 1,700 consultants registered with CSIC will continue to be recognized as legitimate representatives until the new regulatory body is up and running.

The report by the immigration committee, which received support from all parties, called for a new regulatory body after hearing a litany of complaints about CSIC during cross-Canada hearings that, it said, could not be attributed to growing pains.

The committee said it heard that CSIC membership fees were too high, decision-making is undemocratic and lacks transparency, and that the board of directors is not accountable to anyone.

The report also highlighted a rule change that makes it a professional offence to “undermine” CSIC, a change that has resulted in a handful of its members being disciplined because, they say, they publicly endorsed the immigration committee's call for a new regulatory authority.

The consultants are challenging their treatment in the Federal Court of Canada.

Nigel Thomson, chairman of the CSIC, defended the organization, saying it does a good job of educating members, weeding out bad ones and handling complaints.

He acknowledged, however, he is out of loop on what the government is planning and that CSIC has not been asked for input. Thomson said his repeated requests for a meeting with Kenney have gone unanswered.

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