

## **WHAT CSIC MEMBERS WOULD LIKE TO SEE**

### **Preamble**

The purpose of this document is to provide a summary of feedback solicited and received from CSIC members regarding what they want to see in order to move towards a Better Regulator of Immigration Consultants. This data has been compiled from the CSIC members' input.

There are a number of issues that seem to be foremost in the minds of practicing consultants, and are organized here according to the subject matter.

### **Self-Regulation**

Of greatest concern to the overall number of respondents is that Immigration Consultants remain self-regulated. The memory of the struggle to become self-regulated is still very fresh in the minds of senior practicing consultants. There continues to be great confidence that effective self-regulation can be achieved. For many, there is great fear that somehow Law Societies/Lawyers would be given the power to oversee Immigration Consultants and our abilities to represent clients in immigration matters would be stripped away to the detriment of our profession, livelihood and our clients. There is history of legal action taken by Law Societies to take away the right of immigration consultants to be paid representatives of clients and there remains a thread of fear that the Minister could amend IRPA to allow just that. While this seems unlikely, the respondents overwhelmingly want to remain a self-regulating profession.

There were, however, a few strong arguments made that immigration consultants require oversight from the Minister of CIC with the suggested format being a government-appointed Superintendent of Immigration Consultants. They believe that we require this guidance and believe that it could be accomplished with an impartial Ministerial appointment. There is a feeling of tiredness amongst those with this view. They have had enough of the antics of CSIC and its Board of Directors, and what they feel to be ever-changing, more confusing, Big Brother like by-laws and rules. They want to get on with the job with clear and concise rules to follow and not be involved in the politics of the current regime nor a repeat of same. However, this is a minority view; the majority of consultants remain in favour of self-regulation.

### **Financial Transparency**

The current feeling is that there is little revealing and accurate information available to CSIC's membership regarding how "our money" is spent. Notwithstanding the CSIC Annual Reports containing the Society's Financial Statements, members want greater input into how, where and why money is spent. Suggestions include the creation of a Finance Committee made up of CSIC members who are not Board members with a mandate to review budgets, expenses and future plans for large expenditures. This Committee would then make recommendations to the Board and the CEO regarding the best use of members' funds. A vote by the full membership on approval of annual budgets was also suggested.

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Presented by:

**CAPIC-ACCPI - Canadian Association of Professional Immigration Consultants**

Members also want complete disclosure of the salaries, benefits, expenses of all staff members as well as the fees and expenses of Directors. There have been many who expressed that either an absolute cap be placed on Directors' fees or that Directors must not receive any compensation for their service other than reimbursement of required expenses to do Board work such as travel for meetings, etc.

### **New By-Laws**

The general consensus is that the current By-Laws are unnecessarily complicated and confusing and not strictly adhered to by the current BOD of CSIC. In fact, the overwhelming feeling is that in most areas, the current By-Laws allow the BOD too much exclusive power to use at their sole discretion that impacts the membership in negative ways without comprehensive explanation. The examples include but are not limited to:

- Membership fees
- Continuing Professional Development points requirements
- Continuing Professional Development providers

Other by-laws have overly onerous and costly requirements that are felt to be unnecessary and could be reduced. These include:

- Application for membership
- Resignation of a member

Suggestions for complete changes or inclusion to the by-laws include:

- Reintroduction of members' rights to call a Special Meeting
- Right of members to present motions to the membership
- Length of Directors' terms
- Qualifications of Directors' in terms of years of practice and education
- Board members subject to disciplinary action and/or suspension for failure to attend a pre-determined percentage of Board meetings
- If a Board member resigns, that vacancy must be filled through By-elections or by appointment with the consent of a majority of voting members at a special meeting. Such meeting could be held online only. The Board cannot appoint a candidate on their own
- A director, who has been defeated in the elections, cannot be appointed for another position on the CSIC Board of Directors or any other position in any subsidiary without members' consent.
- 3 business day response to inquiries from members or re-direction to the appropriate department/committee
- Minutes of Board meetings made public

In general, most of the changes the membership would like to see would directly impact the current by-laws and therefore, new by-laws must be written in clear, concise plain language that allow for fairness and democracy. This is a needed benefit for the profession as a whole. Strict adherence by all,

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intelligent debate amongst members and progressive changes to the by-laws when needed is essential for the proper functioning of the organization.

### **Accountability**

Accountability means the acknowledgment and assumption of responsibility for actions, products, decisions, and policies including the administration, governance, and implementation within the scope of the role of the Regulator. It encompasses the obligation to report, explain and be answerable for resulting consequences. Members want accountability of the Board and democratic measures built in to ensure this.

### **Reduced Membership/Insurance Fees**

Current fees for membership with CSIC, when insurance is factored out, are higher than those of the provincial Law Societies. Members want a reduction in fees to a more reasonable and affordable level. Fees have increased substantially over the past 6 years and many consultants have left the profession because of this. One year concessions should be made to new graduates/practitioners to allow for the building of their business and ability to afford the full fees.

### **Continuing Professional Development (CPD) Points**

The membership wants CPD points available from more sources with courses that are current and relevant to practice. Several want a reduction in the number of CPD points required to remain practicing. E-courses were also suggested to be more affordable and available to members who do not live and work in major centers.

### **Professional Tools**

The Better Regulator would maintain and constantly update a toolbox for registered consultants to use allowing for better adherence to the Rules of Professional Conduct and resulting in better consumer protection. Examples of acceptable Agents Agreements, Retainer Letters and draft paragraphs to insert into current letters and agreements to address changes to the Rules would be of great benefit to the practitioner. Also, resources made available relating to starting and operating a small business would be greatly beneficial to members.

### **Regulator Staff Members**

As a membership, we are the “clients” of the regulator and as such, there is an expectation of respectful, courteous and prompt treatment of member queries from the staff at the regulatory body. As a regulator, the membership wants direction received from staff to be definitive, reliable and consistent.

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**Practice Advisor**

The Regulator would have a designated Practice Advisor to advise members on appropriate and acceptable practice in response to our questions and issues arising from practice. The advice given in a timely manner and the regulator accepts that the advice given represents acceptable practice for members.

**Grievance and Internal Appeal Procedures**

The Regulator would appoint an ombudsperson to hear and decide administrative complaints from members about staff and the Board. Also, there would be an internal appeal procedure regarding revocation and/or suspension of membership.

**New Consultants**

The Regulator would have an established mentorship and/or articling type program available to new consultants guided by experienced practitioners that could be mandatory for up to at least one year to better ensure qualified practice resulting in better protection for consumers.

**Just Regulate**

The Regulator should be a non-profit organization that does not own or have any financial interest in subsidiaries such as e-academies, CPD providers or any other for-profit entities. Board members of the Regulator should not be allowed to own, operate or be an investor in any such businesses that profit directly from Society members.

**Name Change**

A change in name to Immigration “Advisor” or “Advocate” from “Consultant” would be a help in further separating the ghost consultants from those who are regulated.