



Canadian Association of Professional Immigration Consultants
L'Association Canadienne des Conseillers Professionnels en Immigration

From the Bottom Up

A Newsletter for CSIC members about their issues.

**Issue #224
2010**

JUNE 8,

*Welcome to our Newsletter **From the Bottom Up**. Our articles and postings will cover immigration matters that affect your business and lives.*

In this issue:

CSIC is not what it was in 2006

Dear CSIC Members,

The latest news published in media and aired by CBC TV prompted CSIC to react with posting a response on their website: <https://www.csic-scci.ca/>

In the response, the Chair, Mr. Thomson, states: "...CSIC of 2010 is nothing like the CSIC of 2006."

Mr. Thomson is right. CSIC of 2010 isn't what it was in 2006.

In 2006, CAPIC could offer education seminars for CPD points.

In 2006, CSIC had not yet made a complaint against the entire Board of Directors of CAPIC for supporting the Standing Committee recommendations on consultants.

In 2006, CSIC members had not been asked three times to vote on essentially the same package of by-law amendments which they voted no on three times.

In 2006, CMI Inc. hadn't yet been formulated.

In 2006, the CEO was not also a Director of CSIC in contravention of the by-laws.

In 2006, not every suggestion from members (except one) had been refused for inclusion on AGM agendas.

In 2006, election rules were simpler and any member in good standing according to the by-laws could run for election to the Board of Directors.

In 2006, CSIC didn't have a coat of arms.

In 2006, CSIC didn't have a TV studio.

In 2006, CSIC didn't have a CSIC merchandise store.

In 2006, CSIC didn't have shark advertisements.

CSIC has changed a lot in four years.

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**Issue #225
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JUNE 8,

*Welcome to our Newsletter **From the Bottom Up**. Our articles and postings will cover immigration matters that affect your business and lives.*

In this issue:

Business As Usual No Longer!

Dear CSIC Members,

CAPIC stands up and applauds the Minister of Immigration today as he has introduced a bill to make Ghost Consulting a criminal offence, and announced plans to replace CSIC as the regulator of Certified Immigration Consultants.

In a ringing endorsement of the criticisms heaped upon CSIC by members, the press, industry groups, and in lawsuits, Minister Kenney has agreed that it is time to replace CSIC and create a regulator that operates with accountability. The new regulatory body must be "professional, transparent, accountable, focused on enforcement and have the respect and support of legitimate practitioners" says Kenney.

CAPIC agrees! Respect and support of the members must be earned; it cannot be forced upon them in a by-law amendment. CSIC is now operating without a mandate to go forward and soon they will not have regulatory authority either. The Minister has announced a bid process to create a new regulator that will meet their criteria, and members can be sure that CAPIC will continue to be their voice in this process.

It is clear is that it is no longer "business as usual"!

It's time to join CAPIC and become a part of the exciting future! Visit www.capic.ca !

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Canadian Association of Professional Immigration Consultants
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From the Bottom Up

A Newsletter for CSIC members about their issues.

**Issue #228
2010**

JUNE 11,

*Welcome to our Newsletter **From the Bottom Up**. Our articles and postings will cover immigration matters that affect your business and lives.*

In this issue:

A Fresh Start: TOWARDS A BETTER REGULATOR

Dear CCICs,

Changes are occurring rapidly in our profession.

The Government has now published a "Notice of Intent" in the Canada Gazette regarding the process whereby proposals will be solicited to identify the new governing body.

CAPIC is now analyzing Bill C-35 and the Gazette Notice. We will shortly be in a position to to inform all CSIC members, and develop a strategy for the long term future that we envision for the profession. We're calling this "*The Better Regulator*" - or TBR for short.

Next week, we will start holding information sessions in various cities ~ members helping members to stay informed and get involved in the next steps. In order to connect with the most members possible, updates will soon be available on You Tube, Facebook and Twitter as well.

One thing is certain: The Better Regulator is NOT going to look like the old CSIC!

Keep those wonderful ideas flowing for what you want to see (or avoid) in the TBR. We have set up a dedicated email address to collect them, so please forward all ideas to: TBR.ideas@capic.ca.

We are also very concerned about the assets and liabilities of the old CSIC. We are getting legal advice for CSIC members on that.

We need all CCICs to help - please encourage your friends to join CAPIC. The greater our membership, the more ability we have to retain the professional help that we will need to get it right this time. Also, the more members we have, the more clout we will have - we want to speak for ALL consultants and ALL students.

It is indeed a Fresh Start. This profession is OURS to build. Stay tuned! Not yet a CAPIC member? Please join [here!](#)

Lobbying - Information

- Education - Recognition: For You!

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**Issue #229
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June 13,

*Welcome to our Newsletter **From the Bottom Up**. Our articles and postings will cover immigration matters that affect your business and lives.*

In this issue:

End of IT Workers Pilot

IMPORTANT CHANGE:

Please be advised that effective **September 30, 2010** the **National Confirmation Letter for IT Workers** or otherwise known as the IT Workers Program (where an employer hiring a Temporary Foreign Worker in one of 7 specified IT job descriptions did not have to apply for a Labour Market Opinion - see: item 5.25 in the FW1 Manual "Information Technology Workers" and: <http://www.cic.gc.ca/english/work/itw-jobs.asp>) will come to an end.

Effective October 1st, 2010, employers who wish to hire Temporary Foreign Workers previously eligible for IT facilitated processing will be required to apply for a labour market opinion.

Time to renew your CAPIC membership! Please renew [here](#)

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**Issue #230
2010**

JUNE 14,

*Welcome to our Newsletter **From the Bottom Up**. Our articles and postings will cover immigration matters that affect your business and lives.*

In this issue:

Business as Usual?

Dear CSIC Members:

Saturday, June 12, 2010 was an historic day for the immigration consulting profession.

CIC published a Notice in the Canada Gazette Part 1 to initiate the process of selecting a new regulatory body for immigration consultants. It is moving quickly - input on the selection process is requested by July 2.

The Government took this step unilaterally, without consulting CSIC. That alone speaks volumes about the Government's lack of faith in CSIC.

Minister Kenney was quoted in the Toronto Star as saying:

"The concerns about the status quo (of the existing regulator) have been very clear in terms of accountability."

"We want the regulatory body to be professional, transparent, accountable, focused on enforcement and have the respect and support of legitimate practitioners . . . We are going to require they share information on their books and their financial situation."

The Gazette notice also referred to the two reports of the *Standing Committee on Citizenship and Immigration* which pointed to a lack of public confidence in the current regulator and the concern this generates: "A lack of public confidence poses a significant threat to the immigration system, given the regulator's role with respect to the integrity of the system as a whole."

These are very serious matters - and ones that CAPIC has raised repeatedly for the past several years.

[CSIC's Response: Business As Usual](#)

Despite all of this, Board Chair Nigel Thomson insists it is "Business as Usual" at CSIC. Hardly.

The Minister's statements amount to a clear vote of non-confidence. Mr Thomson's response does not bode well for the interim period. The Board has been effectively fired from its job. But, according to Mr Thomson, they intend to apply for their old job back! In the meantime, says Mr Thomson, it's business as usual.

Unfortunately, CSIC members know what business as usual means at CSIC.

It means that CMI Inc will continue to lose money at \$1,000,000 per year.

It means that John Ryan will be the Acting CEO and a Director contrary to the bylaws.

It means that members in good standing will be refused the right to run for Director positions.

It means double, triple, and quadruple dipping because CSIC/CMI/ImmFUNDS/e-academy Directors will continue to get paid for meeting with each other.

It means the Complaints and Discipline Department will continue to harass members who disagree with the Board.

It means that hundreds of thousands of dollars will be spent unwisely on the shark ad campaign.

It means that the CSIC Board has to pretend that it has a mandate even when the Honourable Minister Jason Kenney has publicly moved to replace the regulatory body.

Mr. Thompson, wake up and smell the coffee. Business as usual is not in the cards!

Next: How to get involved! Stay tuned.

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**Issue #232
2010**

JUNE 15,

*Welcome to our Newsletter **From the Bottom Up**. Our articles and postings will cover immigration matters that affect your business and lives.*

In this issue:

Time to Get Involved!

Dear CSIC Members,

It's Time to Get Involved! Process Underway to Choose The New Regulator

Now that Citizenship and Immigration has published the Official Notice in the Canada Gazette, all members need to know that an important step has been taken: the process of choosing a new regulator for Immigration Consultants has begun!

Certified Consultants have spoken to government about the problems with the current regulator, and the Minister has listened and acted. Last weekend the Government announced that it will continue to listen to consultants and the public to choose the new regulatory body.

CAPIC has produced a discussion paper on our website on the *Cracking Down on Crooked Consultants Act - Bill C-35*. See the homepage under "Explanatory Notes on C-35" for a glimpse into what the government has in mind for our profession.

CAPIC encourages all CCICs, and all students to get involved - the deadline for consultations is July 2. *This is your chance to provide advice on what the new regulator will be!* We are assured that the bidding process will be held out in the open. We want to your thoughts and recommendations in order to create a better regulator.

CAPIC will be working closely on several fronts with our membership to make a submission to CIC.

First,
we are collecting ideas on a dedicated email address at:
TBR.ideas@capic.ca Please send them there!

Second, we are launching a series of meetings around the country for all CCICs to come together, hear what is happening, meet your colleagues and generate ideas.

Third, we are now on Twitter and Facebook! See below.

From all of these sources, CAPIC will collect up the ideas we receive, review them and formulate the position we will put forward as the lead organization representing immigration consultants. We must do all that by July 2nd! Remember that individuals can also send their ideas directly to CIC as invited in the Gazette Notice.

So look for the many new avenues to join in the conversation with us!

<https://twitter.com/capicacapi>

<http://www.facebook.com/lizvang#!/group.php?gid=104799452895463&ref=ts>

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From the Bottom Up

A Newsletter for CSIC members about their issues.

**Issue #233
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JUNE 16,

*Welcome to our Newsletter **From the Bottom Up**. Our articles and postings will cover immigration matters that affect your business and lives.*

In this issue:

A Fair Election?

A Fair Election? You Be the Judge

On Friday, June 11, after the close of business, CSIC posted the names of candidates for the two director positions open in the 2010 Board elections.

Voting starts June 24th, leaving eight short business days for candidates to campaign - in an organization of 1750 members spread throughout Canada and abroad. Absolutely no campaigning was permitted before the candidates were announced.

This election sees CSIC at a crossroads. The Minister has initiated the process to replace the organization, citing the lack of respect from its own membership, a lack of accountability and a lack of public confidence.

One would hope the existing Board, having smelled the coffee, would be anxious to find new leaders - perhaps to protect the members' assets during the transition period and ensure that any wind-down, if it eventually comes to that, is responsibly done in keeping with members' wishes.

Is the CSIC Board willing to hold free and fair elections this month? Will it allow members to openly and frankly engage in the critical issues of the Society? You be the Judge.

How the June 2010 Election at CSIC will work

The Senior Elections Officer (SEO) is Mr Imran Qayyum, former Vice-Chair of CSIC who was defeated by the membership in the 2008 election. He remains in numerous appointed positions at CSIC, including Chair of CMI Inc.

Here are some key features of the campaign, summarized from the 47-page Election Policy and messages from Mr Qayyum:

1. Many voluntary leaders of the industry are not eligible to run, despite being in good standing. This is because, contrary to the By-laws, CSIC imposes many arbitrary rules on who can run. Barred are such industry leaders as Phil Mooney, Gerd Damitz, Rhonda Williams, Lynn Gaudet and Jeff Hemlin.
2. No candidate is allowed to address the membership on any member-run forum such as such as the Immigration Consultants' Listserv or the CAPIC website.
3. Candidates are not permitted to attend any meetings of members, unless the meeting is CSIC-approved. No candidate is permitted to attend any all-candidates in-person meetings. No candidate is permitted to attend any educational gathering of members that is not CSIC-approved.
4. Any candidate who is publicly endorsed by any member, or on any private industry forum, will be disqualified. Any candidate who posts a notice on a non-CSIC website will be disqualified.
5. Any candidate who posts messages to the membership without CSIC's pre-approval of the message will be disqualified.
6. CSIC will send three messages by email to the membership from each candidate. The messages must be pre-approved by CSIC. They may not contain any non-CSIC URL.
7. CSIC will organize 3 online forums for members to email questions to CSIC for vetting by the SEO. If CSIC approves, they will put the question to the candidate(s). No live question period will be held.
8. Any candidate who says anything unacceptable to the Board of CSIC may have a complaint brought against them under Rule 16 for "undermining the mandate and principles of the Society."
9. Two incumbents from the current board are running. Their

names are Alfred Wong and Nigel Thomson. On June 11, CSIC announced the names on the ballot will appear in reverse alphabetical order.

10. The two incumbents running, in the last several weeks, have been assigned by CSIC and CMI Inc to conduct education seminars in several locations across the country.

11. CSIC is providing a financial incentive for members to vote. Those who do will receive a 3% reduction in fees for 2010-2011.

There you have it ~ eleven principles on which CSIC will run its election. Perhaps it does not need eight days for such a "campaign" after all.

As can be seen, even while the unfairness of the 2009 election is still before the courts, the Board responded with even more restrictions. Perhaps such disregard for the legal rights of CSIC members guaranteed by s. 2 of the *Canadian Charter of Rights and Freedoms* to freely associate and freely speak to each other lies at the heart of the utter lack of public confidence in this Board the Minister is now poised to address.

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**Issue #234
2010**

JUNE 18,

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In this issue:

FOR THE RECORD

For the Record, the public's lack of confidence in CSIC poses a threat to the public integrity of the immigration system, according to the all-party House of Commons Standing Committee on Citizenship and Immigration Canada, the Minister and the Department of Citizenship and Immigration.

Here is the official, unexpurgated view of the government and parliament of Canada as published in the Canada Gazette on June 11, 2010:

The Standing Committee on Citizenship and Immigration undertook a study of the immigration consulting industry and summarized its findings in a report titled *Regulating Immigration Consultants*. This Report, supported by a 2009 Report titled *Migrant Workers and Ghost Consultants*, points to a lack of public confidence in the body currently governing immigration consultants. A lack of public confidence poses a significant threat to the immigration system, given the regulator's role with respect to the integrity of the system as a whole. The establishment of a public selection process contemplates these concerns with the objective of identifying a governing body for recognition as the regulator of immigration consultant. It is intended that the body identified would have the capacity to effectively regulate immigration consultants so as to ensure public confidence in the integrity of the immigration program through the regulation of the provision of professional and ethical services by its membership.

For the Record, these are the facts. CSIC members have been invited to act. The time to act is now. CSIC members are acting.

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Issue #235

June 20, 2010

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In this issue:

New Rules for Post Grad Work Permits

Operational Bulletin 194

Original Release June 1, 2010

Update on June 11, 2010

Clarification on the eligibility of combined programs for the Post-Graduation Work Permit Program and the last semester of study

Issue

Clarification on the eligibility of combined programs for the Post-Graduation Work Permit Program (PGWPP) and on full-time versus part-time in the last semester of study.



Revised program criteria

Students holding a one-year graduate degree **or** diploma from a provincially or territorially accredited post-secondary educational/training institution in Canada after having obtained, within the prior two years, a diploma or degree from an accredited post-secondary educational/training institution in Canada may qualify for a three-year work permit. This exception also applies to students who have left Canada temporarily between programs of study.

[Read the whole Operational Bulletin here](#)

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**Issue #236
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JUNE 21,

*Welcome to our Newsletter **From the Bottom Up**. Our articles and postings will cover immigration matters that affect your business and lives.*

In this issue:

The Legal Situation of CSIC Members

The Legal Situation of CSIC Members

Dear CSIC Members:

Ever since the Minister announced his intention to replace CSIC with a new Regulator for immigration consultants, we have been hearing from members with questions about our status.

- Do we have to pay the instalment on July 1st?
- What happens to those who prepaid their fees? Are they entitled to refunds?
- What happens to the assets members have in CSIC if it were to be dissolved? Would they be divided among us?
- Would we be responsible to the creditors for the contracts, the liabilities and litigation of CSIC?
- How can we preserve assets, ensure they are not spent improperly during the transition period?

CAPIC has sought legal counsel from the notable corporate law firm, Miller Thomson, on such questions to determine the basic legal situation of CSIC members under the *Canada Corporations Act*.

Here are the answers that we have received:

1. The Letters Patent of CSIC addresses several of these questions. Part IX says:

The Corporation is to carry on its operations without pecuniary gain to its members and any profits or other accretions to the Corporation are to be used in promoting its objects. No part of any income of the Corporation will be available for the personal benefit of any member of the Corporation. In the event of the dissolution, wind-up, liquidation or other termination of the Corporation or the protection fund maintained by it, the property of the Corporation shall be distributed at such time or times as the directors may determine to any organization which (a) is established or operates for not-for-profit purposes and on a basis which qualifies it as being not subject to tax in accordance with the Income Tax Act (Canada), and (b) carries on activities similar to those of the Corporation.

2. It is clear that CSIC members would not benefit personally by any refunds or distribution of any assets remaining in CSIC were a dissolution to occur.
3. Should dissolution happen, any assets remaining would be turned over to another non-profit organization with similar activities to those of CSIC. A successor corporation appointed as the new regulator would be the obvious choice, but it is the decision of the directors of CSIC as to what not-for-profit receives any remaining assets.
4. Because CSIC members will not be receiving any assets, they are also not personally responsible for the debts and liabilities of CSIC. Only the directors are potentially liable to any creditors, and only then in accordance with numerous legalities around this.
5. There is no practical legal way at this point for CSIC members to prevent the Board from spending money as it sees fit.
6. Nor is there a legal way to place members' fees in trust. As long as CSIC retains the legal mandate, it has the legal right to compel payments. So members must continue to pay their fees to CSIC at this time.

It is clear that any assets purchased by CSIC with members' funds belong to CSIC. We recently heard that \$29 million dollars has been paid by members. Surely, this is a major investment to protect. It is critical that assets be preserved **and** spending on non-essential items be halted until the Minister's full plan is known.

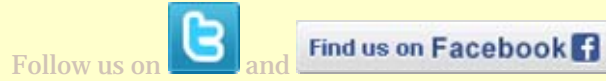
If CSIC is dissolved, it is solely up to the Directors to decide what to do with the assets. The Board has much leeway in that regard. If the Board wished, it could make a smooth transfer of assets to a new regulatory body. If members are concerned about the assets, they should elect **directors they can trust to act in accordance with the wishes of the membership.**

There is an opportunity this week to elect two new directors. Ask the candidates where they stand: Would they fight to keep the old CSIC? Or

would they support a Better Regulator and the passing on of any assets to the new regulator? Then vote!

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Issue #239

JUNE 26, 2010

*Welcome to our Newsletter **From the Bottom Up**. Our articles and postings will cover immigration matters that affect your business and lives.*

In this issue:

JUST THE FACTS

Dear colleagues:

CMI has sent three email messages over the past few days stating information that is not factual. We invite all interested parties to visit our website - www.capic.ca, or speak to one of National Board Members or attend one of cross country meetings to obtain the real facts and truth.

It is time to put aside industry differences, and instead roll up our sleeves, and work collectively for better regulation. Send your ideas and suggestions to tbr.ideas@capic.ca

We are all tired of the mud-slinging. We are working on your behalf for the improvement of the profession, and we invite all hands to join us in this effort. Make your voice heard.

Calgary Session

Date: June 29th 2010

Time: 4:00pm

Location:

805 - 5th Avenue SW

Calgary, AB

Phone: 403-984-3810

[map](#)

Register with Peter Veress at peter@vermax.ca

Toronto Session

Date: June 30, 2010
6:30-8:30 pm
PLACE: North York Library - Auditorium
[map](#)
5120 Yonge St.
Toronto, Ontario St.
M2N 5N9

Register with Monica O'Brien at
monica.obrien@rogers.com

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