



## **SUBMISSION TO THE CIMM**

**(STANDING COMMITTEE ON CITIZENSHIP AND IMMIGRATION)**

**42<sup>ND</sup> PARLIAMENT, 1<sup>ST</sup> SESSION**

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## Introduction

I Taj Uddin submitting this Brief as an individual Regulated Canadian Immigration Consultant. Member of ICCRC in good standing.

With many years of experience as a person achieved via several type of immigration application for myself and family member, helping other friends voluntary on immigration matters as a hobby, writing on immigration forums, blogs, and after working on various field decided to peruse my career in field what I enjoy most – helping others in fulfilling their dreams to immigrate country which they can proudly be proud of.

Came across Accredited immigration practitioner's program in 2014, and after successfully completing it, I went through ICCRC Full Skill Licensing exam, total process took me little over a year to become RCIC, and proudly practicing Canadian Immigration Law (IRPA and IRPR) since then.

## Immigration Professionals

Currently, 3 type of players are in this industries, first two are RCIC and Canadian Lawyers who fully legal and licensed to practice immigration but third type are Ghost Consultants which can be within Canada or Overseas and they are one who unlicensed and practicing Illegally and should be our biggest concern.

### Lawyers

Highly qualified professional, member of Canadian Provincial Law society mostly done schooling in Canada then after graduation went to Law school, typically 19+ Years of study. Some of them are overseas qualified too.

### Strength

Study everything about law, from Human rights, International, Criminal, Family, Employment, Corporate, Estate, Property, Contract, Industrial, Constitutional, Tax and various another different type of law.

Got good presentation skills, big offices and highly paid qualified associates and staff who there to assist them in all of above different law field.

### Weakness

Though they know about 20 different type of law but mostly they are expert and practice just one or two type. So they do not got any upper hand in quality and knowledge if compare to any skill and experienced RCIC

When I went through the curriculum for most of Law School, then I notice that most of them haven't got Immigration Law as a compulsory subject. So its means that most of Lawyer haven't taught about immigration law during their Law degree with exception of few school where Immigration law studies as an optional subject.

Immigration practice is a field where 'Immigration representative' need to go in depth of the case, need to know various answer about applicant history which can only be possible if Lawyer is easily accessible directly to client lots of whom are overseas and get firsthand information. Lot of time client think some small things irrelevant to case and never tell at first but more likely to tell his representative during process after talking few time and getting friendly with them, as mostly Lawyers charge by hours for their time and often client who mostly dealt their assistant or paralegal who passes second hand information to Lawyer who actually dealing with case which can cause lot of trouble , On other hand if Lawyers claim that there paralegal are capable enough to deal with Client case themselves then why even client need to pay hefty fees for Lawyer .

Lawyer mostly advertise biggest selling point for themselves over an RCIC is "Lawyers can go to Federal court in case of refusal where as RCIC cannot", Its absolutely true Federal court are Lawyer jurisdiction and we never object that statement , but the Client whose application got refuse after hiring such qualified and expensive professional, will in reality ever want to retain or trust that particular Lawyer for his Federal Court JR ?

Though mostly Lawyer is ethical but having Law degree does not guarantee Ethics, and there are many cases of unethical lawyer seen in past, and I strongly believe that ethics has nothing to do with any profession.

## **RCIC**

RCIC stand for Regulated Canadian Immigration Consultant, licensed to practice Canadian Immigration by ICCRC.

They are mostly the First generation of immigrant themselves, overseas and Canadian qualified. Required to have 2 years of post-secondary degree before doing 6-12-month Accredited immigration practitioner's program, but a lot of them having Master's degree and even more. Some are Overseas qualified lawyers, or retired immigration officials (CIC, IRB, CBSA) with lot of them having unmatched on hand experience.

## **Strength**

The biggest strength of an RCIC is immigration Law which they studied in Canadian institution providing Accredited immigration practitioner's program and upon completion they appear for Licensing exam, once pass they focus on practicing immigration and once someone just focuses on one field , I expect an RCIC not to be 'Jack of all Laws' but they surely are 'Master of one- IRPA & IRPR'.

A lot of time , RCIC got some level of similarity with a client like Language, Culture, Country which develop bond and confidence between them, making the client more comfortable and enable them to serve better .

As immigration client can be overseas in different time zone, its more expected for an RCIC available at odd hours to accommodate client needs and answer calls compare to Lawyers who mostly during office hours .

RCIC charge much Lower fees, not because their service is substandard then lawyer's but because mostly they working on their own or with couple of employees from home or small offices Unlike Lawyer's they do not need

to pay high salary to fellow associate lawyers, Paralegal and neither they got fancy big offices or lawyer pice tag which make their fees hefty . Here we looking at fees difference in 2 to 4 time at least if Lawyer providing the same quality of service in the amount of time to client compare to RCIC.

#### Weakness

After graduation from Immigration Practitioner program, once pass licensing exam, they can start practice without any supervision, though our ICCRC Code of ethics Article 5 states specifically that 'if RCIC not Competent then do not take that case, or take that particular case under some one supervision'. RCIC got access to various Groups and Forums run by association and other senior members which help and mentor them to established in their early age of practice and then time to time support and help whenever needed.

We have seen in past that some Law firm and RCIC have been involving in the unethical practice of selling LMIA or Job offer to TFW , and Foreign national for 20-40,000 \$ , Its more of 'unethical practice and criminality; then to be linked with any professional.

#### Ghost Consultant

They are people practicing immigration, charging for Immigration services and sometime offering illegal means to bypass immigration system and can be in Canada or Overseas.

#### Within Canada Ghost Consultants

These are various people who try to take advantage and making some good money by playing with the Canadian system . they can be anyone for e.g.. TFW , Travel Agents , Canadian employer's or even from the general public.

Biggest play area for these are LMIA, other are residency, fraud marriages name to few.

ICCRC have no authority to go behind them, CBSA and RCMP are very busy and unless something big they do not have time and resources to deals with unless scam is on large scale. These should be first to focus as we can deal easily with them if properly plan and execute.

Famous Xun 'Sunny' Wang case , were he has nothing to do with RCIC but in general public he was called as B.C Immigration Consultant give us RCIC bad impression , as all public remember word 'Immigration Consultant'.  
<http://news.nationalpost.com/news/canada/how-a-b-c-man-pulled-off-one-of-the-most-sophisticated-immigration-frauds-in-canadian-history>

#### Overseas Ghost Consultants

Our major concern. As Canada law cannot be enforced on them, these are big players who behind half of the Canadian immigration clients .

They charge much time more then what any Canadian Representative can charge, and all their main goal is to

get their client inside Canada without any ethics attached.

Lots of them are indirectly and unknowingly funded by Canadian institutions in name 'international student agent' getting approx \$ 1500 to \$ 3000 commission for the recruiting International student ,they acting as Agents of Universities and Colleges but some do anything to get their Client in Canada .

They own big offices, lots of staff and some even claiming to hire services of small Canadian Lawyers and RCIC , which they get their name for few thousand \$ and use on their website to look genuine , but never use any of their services and do all immigration work themselves .

Canada has got currently approx. 250k International student and approx. 200k TFW, lots of TFW were themselves International student first.

'Canadian University and Colleges agent status' give them a platform to open their business overseas and then they use it to do all type of Canadian Immigration stuff. Lots of Canadian institution look international students as cash cow, and they prefer to work with one who can give them better result in term of number instead of quality and eligibility. Those agents sitting in Asian and African country do all type of unethical guidance to make sure that Client get student visa and they get their commission, in contrast Canadian representatives do not deal with those unethical clients. There are evidences that some of those agents sitting in India and Pakistan even charge up to 20k \$ to assist them get study permit which couldn't be possible without forge documents.

Concern is that once those ineligible students came Canada by those unethical means then we shouldn't expect lot from them when time comes for their extension and PR. They will use same route to get settle in future.

## Do we need Immigration representative?

In my honest opinion, yes we do need them, as most of the people dealing with immigration have little to no knowledge about the Canadian system, a lot of time when they applying for any immigration process then things they think are small and not necessary to answer can make them inadmissible and even subject to bar under Misrepresentation as per Section 40 (1) , which even held by Federal Court in *Mohammed v. Canada (Minister of Citizenship and Immigration)* (T.D.) [1997] 3 F.C. 299, which state that An innocent and unintentional failure to disclose a change of circumstances is still misrepresentation.

[http://www.cba.org/cba/cle/pdf/imm13\\_paper\\_mccrea.pdf](http://www.cba.org/cba/cle/pdf/imm13_paper_mccrea.pdf)

Though Canada is trying to make immigration as DIY (do it yourself) thing, and do not encourage foreign nationals to hire immigration representative , but on another hand if something goes wrong in application or process then IRCC do not have any recourse to fix them or give chance foreign national to fix that process.

In past we have dealt with a client who does not hire representative because they read on CIC website that they can do their application without hiring them , but didn't able to understand the process fully and sent the

application which was return or refused by CIC marking as incomplete or accusing foreign national of misrepresentation. Some time applicant got option to fix those things and reapply but again few time they don't left with any option or even became out of status by the time they got application returned/refuse from CIC and then things can be as serious that they just left with option to leave Canada due to that small negligence which most likely wouldn't be case if they went to any professional.

## Problem Area

If we Identify any one doing some unethical practice –in theory we can report them but in practical there are different processes for reporting Lawyers, RCIC or Ghost but none of this is easy or practically efficient.

## ICCRC

We all know who they are, now questions are

Are they efficient?

Can they be better?

Should they give more authority ?

Does something need to be done to improve their purpose ?

Isn't try to fix things in the current body is better than starting something new ?

Answer : I think 'Yes' for all of above, but I am sure by the end of this session, Hon. committee member will come up with some positive solution for everything.

## Recommendations

Professionals should stop bad mouthing about other (Lawyers vs RCIC) , till Govt of Canada recognizes RCIC, we expect Lawyers stop spreading misleading information about RCIC, as it only gives an advantage to Ghost Consultants.

Canadian Institutions (Universities and Colleges) should be held responsible about wrong doing of their overseas agents. They should encourage to work with Canadian professionals. International students are multibillion \$ industries , but more important we cannot afford to get ineligible foreign national in Canada as a student, once they in our system then they are one who will further be looking for unethical ghost consultants to get there purpose of Immigration solve. On another hand if we see that average \$3000 commission and fees from approx. 100k international student going to Canadian professional, who likely to be only dealing with a genuine student then that 3 billion \$ will be getting back in Canadian economy plus we are getting a student who in future can be good Canadian.

Further I recommend making Accredited immigration practitioner's program for up to 2 fulltime years including a year of mandatory internship .

Lawyers, if they havent studied Immigration law during their law school studies, they should do a mandatory course in Immigration Law or Few month work under any Immigration professional before started doing solo Immigration Practice .

Empower ICCRC by giving them Federal Statute to improve the regulation of our profession.

Advice overseas visa offices to identify local ghost consultants and make public aware about them, still if someone got caught using them then act as per IRPA.

At least half of ICCRC board of director should be non RCIC, from places like CIC, IRB, CBSA or Parliament etc. appointed directly by Immigration minister.

lastly, we all should work together to identify and fix all problem of Ghost and Unethical professionals.

## Conclusion

I would like to conclude by stating that we Regulated Canadian Immigration consultant are hardworking Canadian who have spent their time and money, get all required qualification and licensing asked by Canadian government to practice as immigration professional. Now we are getting bad name due to no faults of own.

I am confident that whatever committee will decide will be in best interest of all stakeholder including Professionals, Canadian Citizens and Foreign Nationals.

With lots of respect and thank 's for your time and attention

Yours's Sincerely



Taj Uddin (RCIC)

Date; May 07, 2017