

Citizenship and Immigration Canada

Speaking notes for The Honourable Jason Kenney, P.C., M.P. Minister of Citizenship, Immigration and Multiculturalism

At a news conference to announce the coming into effect of new rules making it easier to investigate the professional or ethical misconduct of an immigration representative

**Toronto, Ontario
May 25, 2012**

As delivered

We're here for an important announcement today. Back in 2009, shortly after having become Minister of Immigration, newcomers, both in Canada and around the world, told me about their frustration with unethical immigration representatives, so-called ghost consultants and criminals posing as immigration consultants who were exploiting would-be Canadians. I heard stories from people who had handed over sometimes as much as \$100,000 in cash payments to people posing as immigration consultants only to lose all of that money and get nothing in return for it. Thousands of people had been exploited and were very frustrated that they didn't see disciplinary or legal action being taken against ghost consultants and criminals posing as consultants.

That's why back in 2009, I committed to clean up the regulation of immigration consultants in Canada to ensure the proper regulation of the industry amongst the many ethical, hard-working, honest and law-abiding consultants, but most importantly, to protect would-be immigrants and visitors to Canada from the exploitation of those who were simply out to make a fast buck. Today I'm here with Phil Mooney from the ICCRC to say to you that we made a promise to clean up the regulation of immigration consultants. Promise made, promise kept.

Back in 2009, we began national consultations to hear from bona fide consultants, immigrants and victims of many of the fraud schemes that had been established. We had parliamentary hearings. So through all of these consultations, we heard that there needed to be a proper, a stronger law that cracked down on consultants who were operating in the shadows, not properly licensed or registered, that there needed to be stronger sanctions and penalties and there needed to be a professional, transparent, well-governed regulatory body that would take serious disciplinary action against wayward or unethical practices, and that there had to be much better cooperation between our law enforcement agencies, my ministry and the immigration regulators, and that is exactly what we have done.

And so, in 2010, we introduced Bill C-35, which, as you know, makes it a crime to operate as an unlicensed immigration consultant, closing the loophole that so-called ghost consultants used to operate in the shadows. We also gave legislative authority for the Government to effectively oversee the activities of the immigration consultant regulatory body because, to be quite blunt with you, we were fed up with what was happening under the previous regulator that had been established previously, CSIC. We were fed up with the lack of financial transparency, we were fed up with the lack of disciplinary action, we were fed up with the lack of financial accountability and with the many allegations of stranger internal business dealings in that organization, and we wanted to ensure that we did not relive the mistakes of the past that we saw through

CSIC.

Secondly, we recognized and designated a new regulator, the ICCRC, the Immigration Consultants of Canada Regulatory Council, putting CSIC out of business and creating a new designated platform to help oversee the activities of licensed consultants. And we've also, of course, launched significant public awareness efforts, both in Canada and abroad, through postings in 18 languages on the CIC website and at our missions overseas, making sure that prospective visitors or immigrants know that if they deal with their representative, it should be a properly licensed ICCRC member or member of a provincial law society, and that they should do their due diligence to make sure the person has an ethical track record. We've done so through YouTube ads, through print and television advertising.

Finally, I've worked very hard overseas to lobby foreign governments that are the principal sources of immigration to Canada to work with us in combating the industry of fraudsters who seek to exploit people based on their dream of coming to Canada, and I have raised this personally with the Prime Minister of India, the Prime Minister of Pakistan, the President of the Philippines, and the Public Security Minister of the People's Republic of China, asking all of them in repeated visits to those countries to work with us and our authorities in better enforcement, following up on tips that we give them, ensuring that the police in those countries take seriously immigration fraud. And I'm pleased to say that we are seeing results in all of these areas.

As a result of our efforts overseas, we have seen increased enforcement in most of those countries. We've seen a significant increase in the number of arrests and prosecutions brought against fraudsters posing as immigration consultants in India, particularly in the Punjab region. We have seen more cooperation from the Chinese authorities and these measures are very important.

A year ago, I held a press conference with Mr. Mooney to announce that we were moving forward with the designation of the ICCRC. We are delighted with the results that we have seen. I recently met with members of the Board of the Immigration Consultants of Canada Regulatory Council, and I was delighted to hear that they have managed to register and license 2,300 members, 400 more than was the case under CSIC, and I'm hearing from consultants all across the country how happy they are to be working with a credible regulatory body with integrity.

We have also seen a very significant increase in enforcement activity, both disciplinary activity with respect to complaints that are made amongst CSIC members, much greater information sharing from the ICCRC with our police and law enforcement agencies, much greater enforcement activity on the part of the Canada Border Services Agency and the RCMP that are responsible for enforcing the Immigration Act, and, of course, more broadly, the criminal law. And all of this says to me that for those criminals out there who are seeking to exploit new Canadians, we're on to you. Your days are numbered. We have a strong regulator. We have law enforcement agencies that are taking this seriously.

We are cooperating, we have a new and strong law, we have more willing partners overseas, and the good news today, a year after the creation of the new designated body, is that we have seen a massive improvement in the regulation of the important profession of immigration consultants. There will likely always be some bad actors out there, some bad apples, like they exist in every profession and in every walk of life, and that's why we'll continue to need to be very vigilant.

Today I'm pleased to announce the last step in our ambitious efforts to better protect would-be immigrants to Canada, in that we, as of today, are announcing the coming into effect of new regulations under the Immigration Act to allow for our law enforcement agencies and my ministry to share information with the regulators, with the ICCRC and the provincial law societies.

In the past, because of legal limitations, if we became aware of the potentially fraudulent activities of a member of the ICCRC, we couldn't necessarily share that information. But now, as a result of these new regulations that I'm announcing today, for example, if the Immigration and Refugee Board sees that a consultant has coached an asylum applicant clearly to lie in a fake asylum claim, the IRB will be able to share that information with the ICCRC, that can then launch an investigation and, if necessary, undertake disciplinary action, including removing the license of a wayward consultant.

Similarly, if my ministry, CIC, finds that a licensed consultant has coached someone to lie in a spousal sponsorship application from overseas, and we believe there's evidence to believe that a consultant did so in bad faith, we can refer that information now to the regulator, to the ICCRC or the law societies. They can look into it and, if necessary, take disciplinary action. So this is an important step forward. Phil is going to describe other ways in which the regulator is sharing information with our law enforcement agencies. This kind of sharing of information is absolutely essential to being able to effectively enforce the law and to protect innocent citizens.

So I want to again thank everyone who's been part of this for their good work. We are seeing, I think, tangible progress, and I can tell you that in fact, we have just transferred the very first piece of information under the new regulations to the ICCRC, and I'd like to invite Phil Mooney, the CEO of the Council, to come forward to actually receive from me the first official transmittal of information from my ministry to the Council to launch an investigation, demonstrating that we are taking real action to protect would-be immigrants to Canada.

Date Modified: 2012-05-25