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Backgrounder

Cracking Down on Crooked Immigration Consultants

Addressing the problem

People anxious to immigrate to Canada can fall victim to advisers, known as “ghost” consultants, who frequently charge significant fees and may promise would-be immigrants high-paying jobs or fast-tracked visas. These prospective immigrants often find out too late that they have been deceived.

Currently, some immigration consultants are beyond the reach of the *Immigration and Refugee Protection Act*. The Act regulates the activities of immigration representatives from the point of submission of an application or beginning of a proceeding, but does not regulate their activities in the pre-application or proceedings stage of the immigration process.

The proposed legislative amendments would require that all advice supplied for a fee be provided by an authorized immigration representative. This individual would have to be either a member in good standing of a provincial or territorial law society or the *Chambre des notaires du Québec*, or the body governing immigration consultants.

Unpaid third parties, such as family members and friends, would still be allowed to act on behalf of an applicant. Furthermore, under the new rules, there would be exceptions for certain groups (for example, visa application centres and other service providers) when acting in accordance with an agreement or arrangement with the Government of Canada.

Ensuring that the governing body regulates its members

The current Act does not provide the Minister of Citizenship, Immigration and Multiculturalism with adequate oversight of the body governing immigration consultants in order to ensure the integrity of the process.

The legislation would provide the Minister with the power, by regulation, to designate a body to govern immigration consultants.

Also, under the proposed legislative amendments, the onus would be on the current body governing immigration consultants to provide key information to assist the Minister’s evaluation of whether the body is governing its members in the public interest and whether consultants are providing representation and advice in a professional and ethical manner.

Currently, Citizenship and Immigration Canada (CIC) is limited in its ability to disclose information on individuals who provide unethical or unprofessional representation or advice. The bill would allow CIC to disclose such information to those responsible for governing or investigating that conduct. An investigation could be undertaken more readily and, where appropriate, disciplinary action pursued.

While much of the problem lies overseas and beyond our reach, it is anticipated that enforcement in Canada could disrupt overseas networks by removing their Canada-based links.

Strengthening public awareness

Among other non-legislative enhancements tied to this announcement, efforts to raise awareness of the risks of engaging crooked consultants will continue, including updating of websites in Canada and abroad, to carry warning messages for potential immigrants. Service improvements, including Web-based tools and videos, are also being developed by CIC and will make it easier for applicants to independently apply to immigrate to Canada.

Cooperating with foreign governments

The Canadian government will continue to make use of bilateral and multilateral opportunities to address the fraudulent activities of immigration consultants abroad, including encouraging foreign governments to crack down on crooked consultants who are exploiting people trying to immigrate to Canada. This international component was initiated during the Minister's trip to India in January 2009.

Date Modified: 2010-06-08