



College of Consultants Regulations

CCR comments, 29 January 2025

The following are the comments of the Canadian Council for Refugees (CCR) in response to the publication in the Canada Gazette, Part I, Volume 158, Number 51, on December 21, 2024, of proposed [College of Immigration and Citizenship Consultants Regulations](#).

The proposed regulations would operate under the *College of Immigration and Citizenship Consultants Act* (the College Act) – in force since 2021.

The proposed regulations are mostly beyond the scope of the mandate of the Canadian Council for Refugees.

However, the members of the CCR hear frequently from people who have complaints about the services of consultants. We are therefore commenting on how the proposed regulations would affect people who have suffered the negative effects of dishonest or incompetent services by a consultant.

1. Supporting the most vulnerable whose rights have been abused

We welcome the provisions creating a compensation fund for clients who have suffered financial loss as a result of a consultant's dishonest action. This measure recognizes that individuals can suffer serious consequences as a result of a consultant's actions.

However, the consequences are not only financial: people may lose their status or their opportunity for status in Canada. They may face deportation from Canada.

People without status are at their most vulnerable – and because of their vulnerability they may be the least likely to make a complaint.

The Regulatory Impact Analysis Statement recognizes that potential complainants may be reticent to complain, saying as part of the Gender-based analysis plus: “for the complaints and discipline process, victim identity and private information would not be disclosed in a complaint and discipline decision, to mitigate against potential reprisals by the licensee.”

However, this comment fails to address the range of concerns that may deter a potential complainant. These concerns include fears of negative consequences to themselves if they acknowledge that false information was submitted to the government under their name, fears

that there is no way for the complaint to be investigated without disclosing personal information or that they will be identified despite non-disclosure measures, and lack of confidence navigating official institutions in English or French.

At a minimum, the College should develop multilingual resources explaining the complaint process, partner with community organizations and legal clinics to educate vulnerable populations about recourses and make available support to potential complainants, in a range of languages, to answer their questions and explain the process.

2. Obligations towards the complainant

For similar reasons, we are concerned that the Act and Regulations provide minimal commitments towards the person who has made a complaint, including where the complainant is the victim of abuses by a consultant.

In particular we identify a gap in the proposed regulations with respect to sharing personal information with another entity, including a foreign government. The regulations rightly include considerations about whether disclosure would harm or prevent a harm. But the proposed regulations include no requirement to consult with the person whose information is being shared first. How can the College be confident that it knows whether sharing the information with a foreign government might hurt the person if they don't give them an opportunity to comment on the proposed disclosure of information?

Section 21 of the Refugee Protection Division (RPD) Rules at the Immigration and Refugee Board provides a model of rules for disclosure of personal information that requires that the person concerned be given an opportunity to object to the disclosure.

We recommend that the regulations include an obligation to give a person an opportunity to object to disclosure of their personal information, before such information is disclosed, modeled on the RPD rules.

3. Obligations towards clients of sanctioned consultant

We recommend that the regulations attend more fully to the interests of clients of a consultant against whom a complaint has been upheld.

Under section 12, the Discipline Committee is required to provide “to any person who is referred to in a decision made under subsection 68(1) or 69(3) of the Act a copy of the decision.”

However, there is no commitment to inform, or attempt to inform, clients who may not be named in the decision, other than through the publication of the results.

With respect to the Compensation Fund, in certain circumstances individuals who have suffered a financial loss do not need to make an application to the fund and they are to be informed of this

fact (section 5.1 – “no application for compensation is required and the College is to inform the individual that they may be eligible for compensation”).)

However, in other circumstances (if the consultant didn’t cooperate or their licence was already revoked), an individual application is required (section 5.2). Yet in these circumstances – when the need for the individual to be informed is all the more important – there is no obligation to inform the individual.

We recommend that the regulations be amended to add an obligation on the College to at least attempt to contact clients of a consultant whose licence has been suspended or revoked, as well as informing those who may be eligible for compensation. As far as possible, notifications should be sent in the language of the client (this is particularly important in contexts where the client has been relying on the consultant to translate all communications addressed to them).