Canadian Immigration Lawyers Association
Association canadienne des avocats et avocates en immigration

May 13, 2025

Via email:
minister@cic.gc.ca

Dear Minister Diab,

The Canadian Immigration Lawyers Association (CILA) congratulates you on your appointment to cabinet. CILA wishes you tremendous success and looks forward to partnering with you in pursuit of our shared objective to enhance Canada's prosperity through immigration.

Founded in 2021, CILA is a non-partisan organization that promotes justice and fairness in citizenship and immigration law. Our main goal is to support improvements to Canada's immigration system. We represent over 540 immigration lawyers across Canada. A major reason for our country's immigration success is because Canadians are constantly seeking to improve the system. CILA is enthusiastic about sharing our expertise and insights to help maintain the global competitive standing and integrity of our immigration system.

Improving Client Experience

While we appreciate recent digital innovations, we remain concerned about vulnerable applicants' ability to navigate these systems and the reliability of IRCC's various portals. Based on feedback from our clients and members, "client experience" faces significant challenges due to technology issues, extended processing times, and inadequate responses to status inquiries.

Moreover, protecting access to justice is a pillar of our profession. It is critical that lawyers not be excluded or marginalized from immigration processes as IRCC modernizes its digital platforms. Lawyers play an important role in serving the public while helping to minimize the submission of incomplete applications, which in turn saves valuable department resources.

Program Integrity Measures

Recommendations to combat immigration fraud were published as part of a larger report by CILA on March 4, 2025. The federal government can take action by implementing the following measures:

1. Establish a Government of Canada "Expert Task Force to Combat Ghost Consultants" with key stakeholders to address province-specific issues.

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2. Create a joint task force between provincial law societies and the College of Immigration and Citizenship Consultants (CICC) to seek injunctions against unauthorized practitioners.
3. Require applicants to complete a Letter of Attestation confirming they did not receive unauthorized assistance.
4. Restrict consultants operating outside Canada from representing clients if they cannot be effectively regulated.
5. Ensure CICC has the resources to thoroughly audit its members and enforce regulatory changes if necessary.
6. Mandate CICC licensees to report unethical conduct and uphold the integrity of the immigration system.
7. Establish a whistleblower reporting system to protect victims of fraudulent consultants.
8. Launch public education campaigns to inform the public about immigration fraud and warning signs.
9. Expand access to multilingual resources on fraud prevention.
10. Collaborate with community leaders and advocacy groups to spread awareness.
11. Include fraud prevention education in pre-arrival services for immigrants.
12. Increase penalties for fraudulent actors and introduce criminal law measures.
13. Establish an Ombudsperson for IRCC to address systemic inefficiencies.
14. Mandate audits in high-risk areas like LMIA and asylum applications.
15. Finalize and implement the Compensation Fund for victims of immigration fraud.

Administrative Monetary Penalties and Law Society Regulation

CILA wishes to draw your attention to the proposed Administrative Monetary Penalties (AMPs) regime and its potential impact on immigration lawyers. IRCC has recently introduced regulations to implement this regime through amendments to the *Immigration and Refugee Protection Regulations* and the *Citizenship Regulations*. While we fully support efforts to combat immigration fraud and protect the public, we are deeply concerned about the inclusion of lawyers within the scope of this enforcement mechanism. This raises serious constitutional law issues related to the administration of justice, the

independence of the bar, and the division of powers between federal and provincial jurisdictions, as the regulation of legal professionals falls within provincial authority under the *Constitution Act*.

To provide better context, we invite you to review submissions made by the Federation of Law Societies of Canada, Canadian Bar Association, provincial law societies, as well as our organization.

Immigration lawyers are already subject to rigorous oversight by provincial and territorial law societies, which have established stringent standards of practice, ethical requirements, and disciplinary processes. The AMPs framework would create an unnecessary duplication of regulation and potential conflicts with existing regulatory structures that have proven effective for centuries.

CILA proposes establishing Memoranda of Understanding (MOUs) between IRCC and provincial law societies as an alternative approach. This would ensure appropriate accountability while preserving the independence of the legal profession, which is essential to maintaining the rule of law and providing fearless advocacy for clients navigating the immigration system.

IRPA Reform and CILA's Commitment to Collaboration

As your department works to implement the government's immigration priorities, CILA stands ready to contribute our expertise and insights. Immigration practitioners have valuable frontline experience that can help inform policy decisions and implementation strategies. For example, we have worked with your department to discuss potential reforms to IRPA and have also enclosed in the Appendix our report on this topic for your convenience. We would be pleased to discuss the findings of this report with you to help your department continue to ensure that IRPA remains fit for purpose.

We are particularly eager to engage with your department on the proposed AMPs regime and the establishment of MOUs with provincial law societies, as well as on additional measures to combat fraud and strengthen the integrity of the immigration system to better protect newcomers. We believe this collaborative approach would better serve the public interest while maintaining appropriate standards of professional conduct.

CILA congratulates you once again on your appointment. We look forward to scheduling a meeting at your earliest convenience to discuss how we can help you fulfill your mandate.

Sincerely,

Barbara Jo Caruso
Vance Langford
Co-Presidents

Appendix:

- The State of Immigration Fraud in Canada
- Recommendations on IRPA Reform
- Letter to IRCC and DOJ Ministers on AMPs
- Submission to IRCC on AMPs

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