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Lost in migration

Three years after self-regulation, the lucrative immigration consulting industry has failed to purge itself of advisers who operate beyond the reach of the rules

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STAFF REPORTERS

A Mexican family responds to an Internet pitch, arrives in Toronto with the name and number of a stranger and instructions to stay at a hotel. The man collects 10 crisp \$100 U.S. bills, cooks up a fake refugee claim and disappears.



JIM RANKIN/TORONTO STAR

An Internet ad drew Rodrigo Sanchez and wife Erica Ayala to a consultant who took \$3,500 and disappeared.

Twenty-four Korean truck drivers empty their bank accounts to buy into a dream spun by a Korean recruiter and come to Canada for "guaranteed" jobs that, in the end, don't pan out.

A community activist operating a "non-profit" group out of a backstreet Toronto church draws hundreds of people facing deportation and offers to help them – for a fee.

A woman facing removal pins her hopes on a consultant who, she claims, boasted of having an inside contact at Citizenship and Immigration Canada, and promised to make her problems disappear for \$10,000. When nothing happens, she secretly records the consultant refusing to give her a receipt, telling her not to worry and chiding her: "In this country, you no have to be honest." For years, the migrant tells no one about the ripoff, even the police, for fear of being deported.

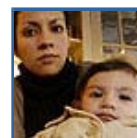
Stories like these were supposed to go away when Ottawa put up \$1.2 million three years ago to create the Canadian Society of Immigration Consultants, a self-regulatory body that everyone hoped would instill a sense of professionalism and faith in a business with a lousy reputation.

The desire was to protect Canada's integrity, the taxpayers who must cover the cost of a bunged-up system, and the

Investigation

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Twenty-four Korean truck drivers empty their

quarter-million newcomers who land here each year, some of whom are unschooled in what's expected, unable to meet the standards of the country's "points" system, or accustomed to official corruption in their homelands – and desperate to stay.

Rules were created for membership. Standards set for English proficiency and knowledge. Dues and insurance fees collected.

Yet chaos reigns.

A *Star* investigation that included undercover reporting and interviews with dozens of consultants, lawyers, police and advocacy groups found major loopholes in a regulatory system that still fails to protect the people who place their trust, dreams and money in the hands of consultants.

Some of the issues:

Despite measures that were supposed to keep unqualified people out of the business, it seems anyone can still hang out a shingle as a consultant.

It's been estimated as many as 6,000 were operating in Canada before 2004, and untold numbers abroad and on the Web. CSIC has only 1,068 current members, down from the original 1,600 – many were suspended after failing a required test or not paying dues.

Did thousands of pre-regulation consultants just up and quit? Not likely.

So-called "ghost" consultants continue to charge for their services, but avoid detection by not signing the paperwork.

Some registered consultants and police believe legal loopholes have made "ghosts" a bigger problem than ever.

"It did get worse. They are still practising, they are still advertising, they are badmouthing those who are registered," says consultant Vilma Filici, who is also the academic co-ordinator of a Seneca College program that certifies immigration practitioners.

The only stick immigration officials have to wield when they discover a non-member consulting is to refuse to process an application. Then it's the *client* who pays the price – Ottawa threatens them with a two-year ban on coming to Canada.

Police get involved only if they suspect fraud or a violation of immigration law.

"People who were prone to cheat before continue cheating," says RCMP Cpl. Kevin Gibson, a veteran investigator in the Mounties' immigration section. "I don't think we saw a lot of changes with CSIC."

Incompetent or unscrupulous consultants, registered or not, give poor advice, encourage clients to lie, and place them in

bank accounts to buy into a dream spun by a Korean recruiter and come to Canada for "guaranteed" jobs that, in the end, don't pan out.

A community activist



operating a "non-profit" group out of a backstreet Toronto church draws hundreds of people facing deportation and offers to help them – for a fee.



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consultant who, she claims, boasted of having an inside contact at Citizenship and Immigration Canada, and promised to make her problems disappear for \$10,000. When nothing happens, she secretly records the consultant refusing to give her a receipt, telling her not to worry and chiding her: "In this country, you no have to be honest." For years, the migrant tells no one about the ripoff, even the police, for fear of being deported.

Undercover video: The consultants

the wrong immigration stream. That jeopardizes a client's chance of being accepted and strains an overburdened system.

Star reporters, posing as prospective clients, were advised by four separate consultants to file refugee claims, even though they clearly said they had not faced hardship back home. Three consultants were prepared to fabricate a story for them.

Consultants get their message across to would-be immigrants more effectively than the government, thanks to multilingual websites, seminars abroad, ads in the ethnic press, and word on the street. That message is strongly optimistic, often exaggerating opportunities in Canada.

The immigration department posts information and downloadable applications on its website. It explains there that only certified CSIC members or Canadian lawyers can charge fees to represent applicants. It also makes it clear that applicants need not hire anyone to help them.

But that information is available only in English or French.

Clients may fear being deported if they speak up about unethical or incompetent advisers. While some police forces, including Toronto's, have a don't-ask-don't-tell policy, RCMP immigration investigators can't make such promises. They work with the Canada Border Services Agency, which enforces deportations.

CSIC doesn't aggressively pursue members who violate the rules. It acts only on complaints – and then weakly. CSIC officials said they had received hundreds of complaints over the past three years and dealt with three-quarters of them. But it had yet to hold a single disciplinary hearing.

CSIC demands its members be Canadian citizens or permanent residents. But it has no jurisdiction over the untold thousands of foreigners who work as consultants, recruiters and agents abroad, sometimes in partnership with CSIC consultants. Only 5 per cent of CSIC's 1,000-plus members are based in other countries.

A Korean recruiter tells the *Star* there are 80 firms like his in Korea alone profiting from people who want to come to Canada.

E-mail your responses and comments to
consultants@thestar.ca.

To determine how widely the immigration advice given might vary, *Star* reporters posed as would-be immigrants, starting with phone calls to 33 consultants and lawyers. Four suggested the callers file a refugee claim, without having heard of any basis for such a claim. Reporters wearing a hidden video recorder visited these four in person. [Read summaries of the visits and view excerpts from the videos in Part 2.](#)

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