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Immigration Canada

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Immigration Canada

Evaluation of the Immigration Consultants of Canada Regulatory Council

Evaluation Division

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List of acronyms

AFP	Analysis of Financial Position
AGM	Annual General Meeting
CAPIC	Canadian Association of Professional Immigration Consultants
CBSA	Canada Border Services Agency
CBA	Canadian Bar Association
CEO	Chief Executive Officer
CIC	Citizenship and Immigration Canada
CPD	Continuing Professional Development
CPR	Centralized Processing Region
CSIC	Canadian Society of Immigration Consultants
ESDC	Employment and Social Development Canada
FSE	Full Skills Exam
G&C	Grant and Contribution
GCFM	Grants and Contributions Financial Management Division
GCMS	Global Case Management System
GoC	Government of Canada
HR	Human Resources
ICCRC	Immigration Consultants of Canada Regulatory Council
IPMB	Integration Program Management Branch
IPP	Immigration Practitioner Program
IRB	Immigration and Refugee Board of Canada
IRPA	<i>Immigration and Refugee Protection Act</i>
IRPR	<i>Immigration and Refugee Protection Regulations</i>
NGO	Non-Governmental Organization
OGD	Other Government Department
OMC	Operational Management and Coordination Branch
PME	Practice Management Education
PR	Permanent Resident
RCIC	Regulated Canadian Immigration Consultant
RCMP	Royal Canadian Mounted Police
R&E	Research and Evaluation Branch
TBS	Treasury Board of Canada Secretariat
TR	Temporary Resident

Executive summary

Purpose of the Evaluation

This report presents the results of the evaluation of the Immigration Consultants of Canada Regulatory Council (ICCRC), the body designated under the *Immigration and Refugee Protection Act* (IRPA) to govern the immigration consultant industry. The evaluation was conducted in fulfillment of requirements under the *Financial Administration Act* and the Treasury Board of Canada Secretariat (TBS) *Policy on Evaluation* (2009), as well as a commitment to report on the activities of the organization by December 2013. As the ICCRC was recently established, this evaluation will be useful in identifying areas where the organization needs to further increase its capacity. The data collection for this evaluation was undertaken by the Research and Evaluation Branch, Citizenship and Immigration Canada (CIC), between January and April, 2013, with an updated assessment on the financial data completed in February 2014.

Background on the ICCRC

Bill C-35, *An Act to Amend the Immigration and Refugee Protection Act* (formerly called the *Cracking Down on Crooked Consultants Act*) received Royal Assent on March 23, 2011 and came into force on June 30, 2011. The Bill made the changes to Sections 13.1 and 13.2 of the *Immigration and Refugee Protection Regulations* (IRPR), as well as provided authorization under IRPA for the Minister to designate a body to be responsible for governing immigration consultants. The Bill makes it an offense for anyone other than an authorized representative to provide immigration advice (including prior to the submission of an application) or represent clients on immigration matters and receive direct or indirect compensation for it. The Bill also requires that body to provide information sufficient to allow the Minister to evaluate whether the designated body governs its members in a manner that is in the public interest, so that they provide professional and ethical representation and advice.

Following the passage of Bill C-35, CIC requested submissions from candidates interested in becoming the regulator of immigration consultants. The request called for candidate entries to demonstrate that they would be able to effectively regulate immigration consulting activities in the public interest, thereby enhancing public confidence in the immigration process and preserving the integrity of the immigration system.

As a result of this competitive process, the Immigration Consultants of Canada Regulatory Council (ICCRC) was selected, replacing the Canadian Society of Immigration Consultants (CSIC) as the body responsible for the regulation of Canadian immigration consultants. To support the creation of this arms-length governing body, CIC established a *Contribution in Support of the Regulation of Immigration Consultants*. Under this program, CIC and the ICCRC signed a \$1M contribution agreement. The purpose of this Agreement was for CIC to provide funding, in the form of a repayable contribution, for the start-up and operating costs of the governing body, and through evaluation and monitoring, to ensure financial accountability and performance of the organization as per its obligations of the Agreement. The full amount of the contribution will be repaid by the ICCRC to the Government of Canada with its revenues.

Methodology

The evaluation approach and methodology were set out in an evaluation plan developed prior to the commencement of the evaluation. This planning phase was undertaken from October to January, 2012-13, and was conducted in consultation with all CIC Branches involved in the regulation of immigration consultants, as well with the ICCRC. The evaluation is aligned with the risk-based Departmental Evaluation Plan, which was developed in part based on assurance mapping that provides senior management with information on the ways in which the department ensures appropriate oversight of programs, based on level of risk.

The primary purpose of the evaluation was to examine the extent to which the ICCRC had implemented activities in the areas of capacity building, communications, competencies and compliance, as outlined in the contribution agreement with CIC, as well as the achievement of expected immediate outcomes. The expected immediate outcomes examined are as follows:

- ICCRC is a viable, transparent, accountable, and well-managed organization;
- Stakeholder groups have information on the immigration consulting sector, including accreditation, potential of fraud, and recourse mechanisms;
- Members receive accreditation and professional development opportunities to continually develop their competencies and qualifications; and
- Fair, transparent and accessible complaint and discipline mechanisms are established.

The evaluation examined activities of the ICCRC since it was established in June 2011 up to December 2012. The activities of the past regulator, the Canadian Society of Immigration Consultants (CSIC), were not included in the scope of this evaluation. In addition, as the evaluation focused on the activities of the ICCRC, the evaluation did not explore the issue of unauthorized representatives in depth.

This evaluation included four lines of evidence, including both qualitative and quantitative methods, drawing upon both primary and secondary data sources:

- A review of documents and secondary sources;
- An analysis of administrative and financial data;
- Interviews and site visits with key informants; and
- A survey of ICCRC members.

Additional input was gathered from missions, through case studies conducted for other evaluation projects.

Limitations

Although the evaluation contained a balance of qualitative and quantitative lines of evidence, there were four limitations that should be considered when reading the report:

- There was limited administrative data available to analyse and determine trends related to the use of immigration consultants; only 2012 data on applications was available to inform the evaluation on this aspect.
- As the ICCRC was set up as an arms-length body, interviewees outside of the organization were somewhat limited in their ability to comment in detail on how the ICCRC has operated;

- The perspective of the missions, and those who process immigration applications, was not built into the evaluation as a distinct line of evidence; and
- Respondents to the ICCRC member survey differed somewhat from the full population of ICCRC members – grandfathered members were under-represented, and members with less experience in immigration consulting were over-represented among the respondents.

Recognizing that these limitations exist, it is equally important to note that they have not significantly influenced the findings, conclusions, or recommendations put forward in this evaluation.

Evaluation findings

Relevance

- The industry was regulated to protect consumers; to reduce incidence of fraud, unethical behaviour, and misrepresentation; and to establish standards for the profession. As such, there was a need to put a body in place to regulate the industry.
- The objectives of the regulation regarding representation or advice align with federal obligations and Government of Canada and CIC priorities related to reducing fraud and protecting the integrity of the immigration system and potential applicants.

Performance (effectiveness)

- Appropriate governance and management structures were put in place within CIC and between CIC and the ICCRC, and evolved as needed over time to become more arms-length as the ICCRC matured. There are also processes in place within CIC, which are documented in operational manuals, to validate the use of authorized representatives and for CIC to file complaints. However, there is some indication that there is a lack of clarity on these processes and that they are not being applied consistently by CIC staff.
- The evaluation found that the ICCRC put in place most of the elements of the management structure, as per its contribution agreement with CIC and that the ICCRC is a well-managed, transparent and accountable organization. Financial viability had not been achieved as of December 2013 and the financial situation of the organization remained unfavourable.¹ However, ICCRC's financial situation has steadily been improving and it has started repaying the contribution to CIC.
- The ICCRC has undertaken communications activities as planned, adequately informed members about the organization's processes, and members were satisfied with the information provided. There are opportunities for the ICCRC to enhance external communications by increasing outreach to the public and stakeholder groups as well as improving its website.
- Initially, CIC's communications activities focused more on 'crooked' consultants rather than promoting the use of authorized representatives, which stakeholders feel had a negative

¹ According to CIC's assessment as per the Department's Funding Risk Assessment Model (FRAM), which is the tool used to assess the risk of Gs&Cs recipients.

impact on how the industry is perceived. As a result, it was expressed by interviewees that there is a need for CIC and the ICCRC to coordinate communication efforts.

- The ICCRC implemented the competency activities related to granting certification and offering professional development opportunities to members as planned and as a result, there are processes in place for members to receive certification and to participate in professional development opportunities. Stakeholders consider the certification process appropriate and ICCRC members are positive about the professional development opportunities provided.
- The ICCRC has put an appropriate complaints and discipline process in place, which is viewed as fair, accessible, and independent by interviewees and ICCRC members. However, the complaints and discipline process was slow to be established and the ICCRC has no jurisdiction over complaints against unauthorized representatives that it refers to other organizations (i.e., the CBSA and the RCMP), which has led to the perception that little is being done as a result of the complaints. In addition, the implementation of the member audit process was delayed but is now in process and the compensation fund to compensate the public in cases of member malpractice will not be established due to the large cost involved.

Performance (resource utilization)

- Although the ICCRC spent more than originally budgeted, the evaluation found that the ICCRC was able to mainly achieve what was planned as per the outputs identified in the contribution agreement.

Conclusions and recommendations

Over the course of its first year and a half of operations, the ICCRC had successfully established itself as an arms-length organization that regulates immigration consultants. Although spending more than originally anticipated over this time period, the ICCRC was able to undertake the majority of the activities outlined in the contribution agreement in the four areas of capacity building, communications, competencies, and compliance and was able to operate without requiring additional funding from CIC above what was agreed to at the outset. The assessment of these four areas of activity showed no major issues and, overall, the evaluation found the organization has established the foundations required to regulate immigration consultants. In addition, the financial analysis conducted by CIC's Financial Management Branch shows that financial viability had not been achieved as of December 2013 and the financial situation of the organization remained unfavourable according to the department's standards. However, ICCRC's financial situation has steadily been improving and it has started repaying the contribution to CIC, as per the negotiated schedule.

Recognizing that the ICCRC is a young organization that is still developing its capacity, there is room for improvement on certain aspects.

- While the foundations of ICCRC's governance and management structure have been established, the organization still needs to finalize its internal policies and procedures.
- The organization also has to continue to monitor spending and maintain a strong membership base to ensure ongoing financial viability.

- The ICCRC needs to improve its website and continue its work on external communications to ensure that its mandate and activities are clearly communicated to stakeholders (e.g., public, potential applicants, CIC).
- Where possible, the ICCRC needs to provide more information to its various stakeholders, including the public, on how it handles complaints and the disciplinary actions taken.
- The ICCRC should proactively engage in discussions with CIC regarding any originally planned activities agreed upon in the Contribution Agreement that are still outstanding, e.g., compensation fund.

CIC was involved with the organization by providing support during its establishment and ongoing operation, both in the form of operational guidance and financial support. Overall, CIC and the ICCRC were successful in establishing a good working relationship and CIC provided adequate support during the creation of the organization. The relationship between the ICCRC and CIC is now more arms-length with the CIC role limited to monitoring the repayments from the ICCRC and liaising with the organization on an as needed basis on matters of mutual interest. From an internal perspective, the evaluation identified a few issues that CIC should address to ensure that the department is working only with authorized representatives (including members of the ICCRC) and that stakeholders, both internal and external to CIC, are sufficiently informed about the regulatory body and the use of authorized consultants.

Recommendation #1: *CIC should ensure that staff processing immigration applications have a common understanding of the regulations, the role of the regulatory body, and the processes for CIC to validate the use of authorized representatives and to file complaints regarding authorized and unauthorized representatives. This should be done by:*

- a) Clarifying the process for how CIC validates the use of authorized representatives and for how complaints should be filed;
- b) Updating the relevant manuals (e.g., IP9) in a timely manner to reflect any changes to these processes;
- c) Issuing operational bulletins in a timely manner to ensure processing centres and visa offices are aware of any changes to the processes; and
- d) Updating relevant training material and/or courses to ensure that they include information on the regulations, the use of authorized representatives, the role of the ICCRC as the regulatory body, and the process in place within CIC for validating authorized representatives and for filing complaints.

Recommendation #2: *CIC should establish a communication strategy to raise public awareness regarding authorized representatives. This strategy should ensure that stakeholders (e.g., the public and potential applicants) understand the role of immigration consultants and that an authorized representative must be used if applicants choose to be represented.*

Evaluation of the Immigration Consultants of Canada Regulatory Council - Management Response Action Plan (MRAP)

Recommendations	Response	Action	Accountability	Completion date
1. CIC should ensure that staff processing immigration applications have a common understanding of the regulations, the role of the regulatory body, and the process for CIC to validate the use of authorized representatives and to file complaints regarding authorized and unauthorized representatives. This should be done by:	<p>CIC is committed to respecting the provisions of Section 91 of the Immigration and Refugee Protection Act (IRPA) and will continue to apply the legislative changes consistently to all persons subject to Canadian laws.</p> <p>CIC currently has centralized intake for all applications for permanent residence in Canada at various Centralized Processing Centres (CPCs). CPCs include the following offices:</p> <ul style="list-style-type: none"> ▪ CIO-Sydney ▪ CPC-Mississauga ▪ CPC-Vegreville ▪ Query Response Centre ▪ CPC-PRC-Sydney <p>Applications for Temporary residence are submitted to a visa office overseas via e-applications, by mail/drop box, or to the Visa Application Centre (VAC) that serve the visa office territory.</p> <p>Tools built within the Program Integrity framework in conjunction with validation of immigration representative procedures outlined in Inland Processing (IP) manual 9 are jointly used to identify fraud and ensure transparency in reviewing applications for compliance with S91 (1) of IRPA. CIC is aiming to achieve consistency with regards to the procedures for the validation and</p>			
a. Clarifying the process for how CIC validates the use of authorized representatives and for how complaints should be filed		Operational instructions regarding validating or checking the status of representatives listed on the Use of Representatives Form (IMM 5476) will be updated and distributed to all CIC employees.	Operational Management and Coordination Branch (OMC)	Q2, 2014-2015
b. Updating the relevant manuals (e.g., IP9) in a timely manner to reflect any changes to these processes		As part of the modernization project, all CIC manuals will be updated to include new web features making it fast and easy to update. IP 9 will be updated in a timely manner.	OMC and Communications	Q2, 2014-2015
c. Issuing operational bulletins in a timely manner to ensure processing centres and visa offices are aware of any changes to the processes		CIC is currently working on enhancing the tools we use in accomplishing our day to day work (e.g., the intranet/Connexion) which will reduce the need for operational bulletins. Going forward IP 9 will be updated regularly to reflect any changes in policy or operational directives.	OMC	Q1, 2014-2015

Recommendations	Response	Action	Accountability	Completion date
<p>d. Updating relevant training material and/or courses to ensure that they include information on the regulations, the use of authorized representatives, the role of the ICCRC as the regulatory body, and the process in place within CIC for validating authorized representatives and for filing complaints.</p>	<p>reporting on authorized representatives. In doing so, CIC must take into account the challenges associated with its versatile network.</p>	<p>CIC will review the training module currently available for CPC staff for clarification and update as needed. OMC will partner with International Region (IR) training, to develop a training module on immigration representatives which will be included in the learning agenda of all new hires. This will cover subjects such as: who is an authorized immigration representative, verifying the status of a representative listed on the use of representative form, what is the role of ICCRC, how to file a complaint against an authorized representative and what to do if a representative is not authorized.</p>	<p>OMC, Centralized Processing Region (CPR) and International Region (IR)</p>	<p>Q2, 2014-2015</p>
<p>2. CIC should establish a communication strategy to raise public awareness regarding authorized representatives. This strategy should ensure that stakeholders (e.g., the public and potential applicants) understand the role of immigration consultants and that an authorized representative must be used if applicants choose to be represented.</p>		<p>Given the number of inquiries that the department received related to the implementation of C-35, OMC in collaboration with Communications have developed additional communication products and made the information on authorized immigration representatives more prominent on the Website and on each web page for every line of business. The outreach materials on the CIC website are more visible and can be accessed with fewer keystrokes than before. The strategy developed includes key messages for those working with stakeholders. This project was undertaken after data collection for the evaluation was completed and as such was not considered as part of the evaluation. CIC will also be launching an awareness campaign in March 2014 to reinforce the use of authorized immigration representatives, and how to avoid becoming a victim of fraud.</p>	<p>OMC and Communications</p>	<p>Completed Q4, 2013-2014</p>

1. Introduction

1.1. Purpose of evaluation

This report presents the results of the evaluation of the Immigration Consultants of Canada Regulatory Council (ICCRC), the body designated under the *Immigration and Refugee Protection Act* (IRPA) to govern the immigration consultant industry. The evaluation was conducted in fulfillment of the requirements under the *Financial Administration Act* and the Treasury Board of Canada Secretariat (TBS) *Policy on Evaluation* (2009), as well as a commitment to report on the activities of the organization by December 2013. The data collection for this evaluation was undertaken by the Research and Evaluation Branch, Citizenship and Immigration Canada (CIC), between January and April, 2013, with an updated assessment on the financial data completed in February 2014.

This evaluation report is organized in four main sections:

- Section 1 presents background information on how the provision of immigration advice is regulated;
- Section 2 presents the methodology for the evaluation, and discusses limitations;
- Section 3 presents the findings, organized by evaluation issue; and
- Section 4 presents the conclusions and recommendations.

1.2. Background

1.2.1. Changes to regulations regarding the provision of immigration advice

Applying for immigration can be a challenging experience. While many people applying to immigrate to Canada choose to manage their applications themselves, some choose to solicit support from third-party representatives to help them through the process. These third parties from whom they seek advice can be compensated or uncompensated. However, both compensated and uncompensated representatives are required to be declared by the applicant on their application. Section 91 of IRPA states that only certain parties may be engaged to provide advice for consideration in these matters:

- Members of law societies, including paralegals;
- Members of the Chambre des notaires du Québec; or
- Members of a body designated eligible to provide advice through regulation.²

A member in good standing of any of these three regulatory bodies is considered to be an authorized representative.

Sections 13.1 and 13.2 of the *Immigration and Refugee Protection Regulations* (IRPR) provide additional authorities, delineating information to be provided by this regulatory body and authorizing the disclosure of information in cases of suspected misconduct by its members.³

Bill C-35, *An Act to Amend the Immigration and Refugee Protection Act* (formerly called the *Cracking Down on Crooked Consultants Act*) received Royal Assent on March 23, 2011 and came into force on

² See <http://laws-lois.justice.gc.ca/eng/acts/I-2.5/FullText.html>

³ See <http://laws-lois.justice.gc.ca/eng/regulations/SOR-2002-227/FullText.html>

June 30, 2011. The Bill made the changes to Sections 13.1 and 13.2 of the IRPR cited above, as well as provided authorization under IRPA for the Minister to designate a body to be responsible for governing immigration consultants. The Bill makes it an offense for anyone other than an authorized representative to provide immigration advice (including prior to the submission of an application) or represent clients on immigration matters and receive direct or indirect compensation for it. The Bill also requires that body to provide sufficient information to allow the Minister to evaluate whether the designated body governs its members in a manner that is in the public interest, so that they provide professional and ethical representation and advice.⁴

1.2.2. History / objectives of the ICCRC

Following the passage of Bill C-35, CIC requested submissions from candidates interested in becoming the regulator of immigration consultants. The request called for candidate entries to demonstrate that they would be able to effectively regulate immigration consulting activities in the public interest, thereby enhancing public confidence in the immigration process and preserving the integrity of the immigration system.⁵

As a result of this competitive process, the Immigration Consultants of Canada Regulatory Council (ICCRC) was selected, replacing the Canadian Society of Immigration Consultants (CSIC) as the body responsible for the regulation of Canadian immigration consultants. To support the creation of this arms-length governing body, CIC established a *Contribution in Support of the Regulation of Immigration Consultants*. CIC and the ICCRC signed a \$1M contribution agreement. The purpose of this Agreement was for CIC to provide funding, in the form of a repayable contribution, for the start-up and operating costs of the governing body, and through evaluation and monitoring, to ensure financial accountability and performance of the organization as per its obligations of the Agreement. The full amount of the contribution will be repaid by the ICCRC to the Government of Canada with its revenues. Under the original terms of the contribution agreement, the ICCRC was expected to enter into negotiations regarding the repayment terms for the contribution when it reached 2,200 members, or three years after signing of the contribution agreement, whichever came first. As the former occurred first (August 2012), CIC successfully negotiated the repayment terms in December 2012. The ICCRC issued its first repayment towards the contribution in August 2013 and is expected to repay the full contribution amount to CIC by August 2017.

The contribution agreement committed the ICCRC to establishing a number of elements as part of the creation of the organization. This included activities related to building the capacity of the organization (*capacity building*), developing communication products for members and the public (*communications*), putting in place processes to accredit members and ensure professional development opportunities (*competencies*), and establishing a complaints and discipline process (*compliance*).

At the outset, the Integration Program Management Branch (IPMB), CIC, was responsible for managing the contribution agreement, including receiving progress reports, verifying expenditures, and authorizing payments. Now that all payments have been dispersed, IPMB is responsible for monitoring the repayment of the contribution to CIC. The Operational Management and Coordination Branch (OMC), CIC, was responsible for providing support

⁴ See www.cic.gc.ca/english/department/media/backgrounders/2011/2011-06-28a.asp

⁵ See <http://canadagazette.gc.ca/rp-pr/p1/2010/2010-08-28/html/notice-avis-eng.html#d111>

during the establishment of the organization, including providing advice and input on the activities, processes, and procedures being put in place.

The ICCRC’s objective, as outlined on the organization’s website, is to effectively and fairly regulate immigration consultants with accountability and transparency.⁶

1.2.3. Profile of the ICCRC

The ICCRC began operations as of June 30, 2011. A transitional period of four months was established (ending October 28, 2011) to enable former CSIC members to transfer their membership to the new body if desired.⁷ As of December 31, 2012, the ICCRC had 2,450 members, the majority of whom (77%) transferred their membership from CSIC (Table 1.1). The ICCRC added 552 new members in the first 18 months in existence.⁸

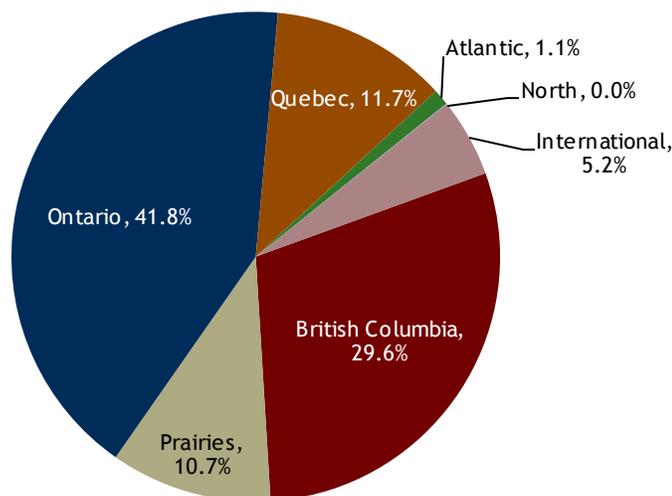
Table 1.1: Number of ICCRC Members, as of December 2012

Membership type	Number of members	Proportion
Membership transferred from CSIC	1,898	77.0%
New memberships	552	23.0%
Total	2,450	100.0%

Source: ICCRC Registrar’s Report, February 2013

While immigration consultants are located across Canada, the highest numbers are concentrated in Ontario (41.8%) and British Columbia (29.6%) (Figure 1.1). Few consultants are located in the Atlantic Provinces, with only 1.1 % of ICCRC members being located in these provinces. A small number of registered immigration consultants are located outside of Canada (5.2%).⁹

Figure 1.1: Distribution of ICCRC members, June 2011 - December 2012



Survey: ICCRC Registrar’s Report, February 2013

⁶ See www.iccrc-crcic.ca/AboutUs.cfm

⁷ See www.cic.gc.ca/english/department/media/backgrounders/2011/2011-06-28.asp

⁸ As of June 2013, the ICCRC reported its membership at 2,587.

⁹ As of June 2013, the distribution remained similar, with the highest concentrations of RCICs located in Ontario, British Columbia and Quebec.

The majority of ICCRC members are owners or part operators of immigration consulting firms (87.2%) or an employee of a consulting firm with no ownership stake (8.7%).¹⁰

Table 1.2: Employment types of ICCRC members, as of December 2012

Employment type	Number of members	Proportion
Owner / part operator of an immigration consulting firm	2,167	87.2%
Employee of consulting firm with no ownership stake	215	8.7%
Employee of a law firm or a Quebec notary firm	48	1.9%
Employee of a for-profit firm whose primary business is not related to immigration consulting help	41	1.6%
Employee of a non-profit firm or non-government organization	14	0.6%
Total	2,485	100.0%

Source: ICCRC Registrar's Report, January 2013

The majority of ICCRC members are relatively new to the immigration consulting business, as 63.5% have been practicing immigration consultancy for less than five years (Table 1.3). Those with five to fifteen years of experience represent a sizeable minority within the ICCRC (24.9%), and a minority of ICCRC members have more than fifteen years experience (11.6%).

Table 1.3: Years of experience of ICCRC members, as of December 2012

Years of experience	Number of members	Proportion
<5 years	1,578	63.5%
5-15 years	619	24.9%
>15 years	288	11.6%
Total	2,485	100.0%

Source: ICCRC Registrar's Report, February 2013

The information above was obtained from the ICCRC. Additional information about the immigration consulting industry (e.g., types of clients served, locations of overseas offices) was collected through a survey administered to ICCRC members. A summary of the information can be found in the Technical Appendices.

¹⁰ The data for Tables 1.2 and 1.3 are from January 31, 2013, which explains the higher total number of ICCRC members in these tables (2,485) compared to Table 1.1 (2,450).

2. Methodology

2.1. Evaluation issues and questions

The evaluation was conducted in accordance with the requirements of the *Directive of the Evaluation Function* (Treasury Board of Canada Secretariat, 2009) and examined relevance and performance. The evaluation questions, organized by core issue, are presented in Table 2.1 (see Appendix A for the full set of evaluation questions, indicators, and methodologies). The logic model for the regulation of immigration consultants can be found in the Appendix B.

Table 2.1: Evaluation Questions: Regulation of Immigration Consultants

Core issues	Evaluation questions	Section of the report
Relevance		
Continued Need for the Program (assessment of the extent to which the program continues to address a demonstrable need and is responsive to the needs of Canadians)	1.1 What need is the regulation of immigration consultants aiming to address?	3.1.1
Alignment with Government Priorities (assessment of the linkages between program objectives and (i) federal government priorities and (ii) departmental strategic outcomes)	1.2 Is the regulation of immigration consultants aligned with federal roles and responsibilities and GoC and CIC priorities?	3.1.2
Alignment with Federal Roles and Responsibilities (assessment of the role and responsibilities of the federal government in delivering the program)		
Performance		
Achievement of Expected Outcomes (assessment of progress toward expected outcomes (including immediate, intermediate and ultimate outcomes) with reference to performance targets, program reach, program design, including the linkage and contribution of outputs to outcomes)	2.1 Are the appropriate governance and management processes in place to achieve program outcomes?	3.2.1
	2.2 Is ICCRC a viable, transparent, accountable, and well-managed organization? (Capacity)	3.2.2
	2.3 Has the ICCRC adequately informed stakeholder groups on the immigration consulting sector? (Communication)	3.2.3
	2.4 Are members receiving accreditation from the ICCRC? Are they receiving professional development opportunities to develop competencies and improve qualifications? (Competencies)	3.2.4
	2.5 To what extent is there a fair, transparent and accessible complaint and discipline mechanism in place to regulate member conduct? (Compliance)	3.2.5
Demonstration of Efficiency and Economy (assessment of resource utilization in relation to the production of outputs and progress toward expected outcomes)	3.1 Have program resources been used appropriately to achieve program outcomes?	3.2.6

2.2. Evaluation scope

The evaluation approach and methodology were set out in an evaluation plan developed prior to the commencement of the evaluation. This planning phase was undertaken from October to January, 2012-13, and was conducted in consultation with all CIC Branches involved in the regulation of immigration consultants, as well with the ICCRC. The evaluation is aligned with the risk-based Departmental Evaluation Plan, which was developed in part based on assurance mapping that provides senior management with information on the ways in which the department ensures appropriate oversight of programs, based on level of risk. The level of effort associated with the evaluation was calibrated in order to ensure that the department meets its coverage requirements.¹¹

Recognizing that the ICCRC was recently established, the evaluation was designed as an implementation evaluation and examined the extent to which the ICCRC was able to accomplish what was outlined in the contribution agreement in the areas of capacity building, communications, competencies, and compliance. Given the timing of the evaluation, only the expected immediate outcomes were examined:

- ICCRC is a viable, transparent, accountable, and well-managed organization;
- Stakeholder groups have information on the immigration consulting sector, including accreditation, potential of fraud, and recourse mechanisms;
- Members receive accreditation and professional development opportunities to continually develop their competencies and qualifications; and
- Fair, transparent and accessible complaint and discipline mechanisms are established.

The evaluation examined activities of the ICCRC since it was established as the official regulatory body for the immigration consultant industry in June 2011 up to December 2012. However, as the contribution agreement was signed before the ICCRC became operational (in March 2011) the evaluation also included activities that took place between when the Agreement was signed and June 2011. The activities of the past regulator, CISC, were not included in the scope of this evaluation. In addition, as the evaluation focused on the activities of the ICCRC, the evaluation did not explore in depth the issues around unauthorized representatives.¹²

¹¹ With regard to CIC strategic planning priorities, the regulation of immigration consultants is expected to contribute to CIC's Strategic Outcome 4: managed migration that promotes Canadian interests and protects the health, safety, and security of Canadians. Indirectly, the program is expected to support all strategic outcomes of the Department as they pertain to advice provided on temporary, permanent resident, and refugee processes.

¹² Unauthorized representatives, commonly referred to as "ghost consultants," consist of those who provide immigration advice for remuneration, despite not being a member of an approved body (e.g., the ICCRC, a law society, or the Chambre des notaires du Québec).

2.3. Data collection methods

The evaluation of the ICCRC included the use of multiple lines of evidence and complementary research methods to help ensure the strength of information and data collected. Data collection for this evaluation took place between January and April, 2013, with an updated assessment on the financial data completed in February 2014. Each of the lines of evidence drawn upon is described in greater detail below.

2.3.1. Document review

A review of relevant program documents was conducted to provide background and context, informing the assessment of the relevance and performance of the ICCRC. Official government documents, such as Speeches from the Throne, Budget Speeches, and policy and strategic documents were reviewed for contextual background information and for information on CIC and Government of Canada priorities. Previous government reports on immigration consulting were reviewed to provide information on the industry and its need for regulation. Departmental reference documents, including contribution agreement documents and processing manuals, were used to address specific evaluation questions. See the Technical Appendices for a list of documents reviewed.

2.3.2. Administrative data analysis

Administrative data from the ICCRC were used to develop a profile of ICCRC members and also to assess the degree of progress made by the ICCRC towards the activities and outputs established in the contribution agreement. The Grants and Contributions Financial Management (GCFM) division of CIC's Financial Management Branch also provided an analysis of the financial position of the ICCRC, which was used to inform the assessment of the financial viability of the organization, its resource utilization and the overall ability, based on the information presented at the time, of the ICCRC to adhere to the negotiated repayment schedule.

CIC administrative data from the Global Case Management System (GCMS) were used to determine the extent to which immigrants to Canada employed the services of immigration consultants. Other CIC administrative data from OMC provided information on the number and type of complaints regarding immigration consultants received by the Department. CBSA administrative data were also analyzed to examine the volume of cases referred to it by the ICCRC or CIC, as well as the outcomes of these referrals.

2.3.3. Interviews

A total of 38 interviews were completed for the evaluation (Table 2.2). Interviews were undertaken with four key stakeholder groups (see the Technical Appendices for the interview guides). This included CIC senior management and program officers involved with the ICCRC; representatives of the ICCRC (including the past and present CEOs, ICCRC staff, and members of the Board of Directors); representatives from other government departments (OGDs) involved with the regulation of immigration consultants (i.e., the Canada Border Services Agency, Employment and Social Development Canada and the Immigration and Refugee Board of Canada); and other stakeholders in the immigration representation business (e.g., immigration lobby groups).

Table 2.2: Summary of interviews completed

Interview group	Number of Interviews
CIC representatives	15
ICCRC staff	17
Representatives from other government departments	4
Other stakeholders	2
Total	38

Interviews were conducted both in-person and by telephone. Where qualitative information is presented in the report, the scale shown in Table 2.3 was used.¹³

Table 2.3: Interview data analysis scale

Descriptor	Meaning
All	Findings reflect the views and opinions of 100% of the interviewees
Majority / most	Findings reflect the views and opinions of at least 75% but less than 100% of interviewees
Many	Findings reflect the views and opinions of at least 50% but less than 75% of interviewees
Some	Findings reflect the views and opinions of at least 25% but less than 50% of interviewees
A few	Findings reflect the views and opinions of at least two respondents but less than 25% of interviewees

A site visit was conducted in March 2013 to the ICCRC head office in Burlington, Ontario. The site visit provided an opportunity for evaluation team members to interview ICCRC staff in-person, observe the facilities obtained by the ICCRC through the contribution agreement, and better understand the ICCRC’s operating environment.

In addition to the 15 interviews that were conducted with CIC representatives, the evaluation also asked questions regarding the validation of authorized representatives and mechanisms to file complaints in five CIC offices abroad. These questions were asked of CIC officers in New Delhi, Beijing, Hong Kong, London, and Paris during site visits conducted in support of other evaluation studies. This information did not constitute a distinct line of evidence, but provided further context for the evaluation findings.

2.3.4. ICCRC member survey

To obtain the views of the ICCRC members, an online survey was developed by CIC (in consultation with the ICCRC). The survey included questions about members’ experiences related to becoming ICCRC members, the quality of information received from the ICCRC, and the ICCRC complaints and discipline process, as well as their views on the regulation of the immigration consulting profession, and questions on demographic characteristics (see the Technical Appendices for the survey instrument).

Invitations to complete this survey were distributed to members through the ICCRC’s membership list and it was pretested before being administered to the full membership. A total of

¹³ Note that, in some cases (e.g., where the number of interviewees was too small or where the question yielded more descriptive information), the responses were not coded and a summary approach was used to analyze the information.

2,436 members¹⁴ were asked to respond to the survey, 1,263 of whom completed the survey between March and April 2013 (Table 2.4).

Table 2.4: ICCRC member survey response rate

Response type		
Completed survey	1,263	51.8%
Started survey but did not complete	179	7.3%
Did not respond	994	40.8%
Total	2,436	100.0%

The survey achieved a margin of error of $\pm 1.91\%$ using a 95% confidence level.¹⁵

2.4. Limitations and considerations

The evaluation contained a balance of qualitative and quantitative lines of evidence, allowing for the triangulation of research findings. While mitigated by the use of multiple lines of evidence, some limitations to the evaluation’s methodologies should be noted:

- There was limited administrative data available to analyse and determine trends related to the use of immigration consultants. Prior to the introduction of GCMS, CIC systems did not keep track of which regulatory body the representative was a member of. The first full year for which this data was available is 2012.
- As the ICCRC was set up as an arms-length body, interviewees outside of the organization were limited in their knowledge of ICCRC operations. The lack of external perspectives from interviews was augmented by the use of information from the administrative data review, as well as the survey of ICCRC members.
- Interviews with CIC staff in missions was not built into the evaluation as a distinct line of evidence. However, it was later determined that there were opportunities to enhance understanding of the processes in place to validate the use of representatives and to file complaints by gathering information from certain missions as part of case studies being conducted for other evaluations. To strengthen the findings with respect to these processes, representatives from CIC’s Centralized Processing Region (CPR) were also interviewed.
- There were some differences between survey respondents and the full population of ICCRC members, including a slight under-representation of ICCRC members who were previous CSIC members and a slight over-representation of members with less experience in immigration consulting. The differences in survey results between the two groups were found to be minor, therefore, there is a high degree of confidence in the results obtained.

¹⁴ The ICCRC used its active members list to contact members about the upcoming survey and to provide them with the option of not receiving the survey. Forty-five members requested that they not be sent the survey.

¹⁵ Given that some ICCRC members partially completed the survey, the margin of error for the different questions of the survey varies between $\pm 1.91\%$ (for a sample size of 1,263), and $\pm 1.65\%$ (for a sample size of 1,442).

3. Evaluation findings

This section presents the findings of the evaluation, organized by the two evaluation issues of relevance and performance.

3.1. Relevance

3.1.1. Need addressed by the regulation of immigration consultants

Finding: The industry was regulated to protect consumers; to reduce incidence of fraud, unethical behaviour, and misrepresentation; and to establish standards for the profession. As such, there was a need to put a body in place to regulate the industry.

The issue of regulating immigration consultants has been considered many times by Parliament. This began in 1995 when the first Standing Committee report on the issue was published.¹⁶ This report identified a number of issues related to the use of immigration consultants that left members of the public, including potential applicants, unprotected and vulnerable to fraud, abuse, and misrepresentation by immigration consultants. Issues can be summarized into three main areas of concern:

1. **Lack of standards for the profession:** Prior to the government regulating the industry, any individual was able to establish themselves as an immigration consultant, regardless of education, competencies, or experience, which resulted in varying quality of advice provided by consultants.
2. **Lack of a structure in place to protect consumers:** Prior to the industry being regulated, there was no structure in place (e.g., formal complaint mechanism, disciplinary procedures, compensation funds) to protect consumers against abuse.
3. **Vulnerability factors associated with use of immigration consultants:** Recognizing that some potential immigrants may be more vulnerable than others (e.g., lack of language proficiency, cultural barriers) and that these same factors may push those applicants to seek services of immigration consultants, having an unregulated industry opened the door to exploitation of potential immigrants.

This Standing Committee report also pointed to the consequences of not regulating the industry, some of which are borne by the potential immigrant (e.g., rejection of applications, imposition of a fee, client exploitation, and receipt of misleading advice). Other consequences relate to how Canada is perceived internationally and the impact on the integrity of the immigration system as well as the public confidence. As such, the conclusion was that there is a need for regulating the immigration consulting industry in order to protect the public and more specifically, potential immigrants, while protecting the integrity of the immigration system and Canada's reputation.

Subsequently, in 2002, the government established an advisory committee to identify concerns and provide recommendations regarding the regulation of immigration consultants. The Advisory

¹⁶ House of Commons, Standing Committee on Citizenship and Immigration, Immigration Consultants: It's Time to Act, Ninth Report, 1st Session, 35th Parliament, November 1995.

Committee issued its report in 2003,¹⁷ which re-iterated the issues of a lack of standards to operate as an immigration consultant and the consequences of not having the industry regulated. In addition, it discussed the difficulty for the profession to regulate itself, without intervention of the Government. Prior to the introduction of regulations, professional organizations for immigration consultants operated solely on a voluntary basis, and the extent of their power was to revoke memberships of individuals who did not comply with their code of conduct. As such, these organizations did not have the ability to compel compliance. The report recommended that the government create an independent body for the regulation of immigration consultants and that the regulations define who is allowed to practice as an immigration consultant.

As a result, CSIC was established as the regulator in 2003 and IRPA was amended in 2004 to identify who could provide immigration advice for a fee. Despite those measures, problems persisted and the Standing Committee on Citizenship and Immigration¹⁸ released a report in 2008 which identified concerns regarding the governance of CSIC, ghost consultants, enforcing standards, and unauthorized representatives practicing from abroad. These issues were later addressed through Bill C-35¹⁹ which touched on the matter of ghost consultants, the definition of authorized representatives, enforcement and penalties for those who contravene, as well as designated a regulator for immigration consultants.

In line with findings from the document review, survey respondents and interviewees were very supportive of the industry being regulated. Nearly all (96%) survey respondents agreed that the industry should be regulated and most interviewees agreed that there was a need to regulate the industry, primarily to protect consumers and vulnerable people. Although some interviewees noted that the regulation had no authority abroad, limiting what could be done regarding issues of ghost consultants and misrepresentation. Other issues that were raised by a few interviewees related to questioning the need to regulate certain categories of people who provide limited immigration advice,²⁰ and for the double regulation of immigration consultants under both federal and provincial laws.

Protecting potential immigrants is of particular importance given the share of applicants who report the use of an immigration consultant. An analysis of CIC administrative data showed that over half (57%) of permanent resident (PR) applicants who submitted their application in 2012 and declared the use of a compensated representative used an ICCRC member. This represents 14,683 of the 139,130 PR applications submitted in 2012 for which information on the regulatory body was available²¹ (or 10.6% of the applications received in 2012). Similar findings were found for Temporary Resident (TR) applicants who submitted an application over the same time period. About half (53%) of those that declared the use of a compensated representative had

¹⁷ Advisory Committee on Regulating Immigration Consultants, Report of the Advisory Committee on Regulating Immigration Consultants presented to the Minister of Citizenship and Immigration, Minister of Public Works and Government Services Canada, May 2003.

¹⁸ House of Commons, Standing Committee on Citizenship and Immigration, Regulating Immigration Consultants, Tenth Report, 2nd Session, 39th Parliament, June 2008.

¹⁹ Bill C-35: An Act to amend the Immigration and Refugee Protection Act, 19 January 2011.

²⁰ For example for HR firms who are only marginally involved in the immigration business, specific organizations who recruit temporary foreign workers such as FARM/FERME, universities and NGOs.

²¹ Information on the regulatory body of the representative was not captured in CIC systems prior to the introduction of GCMS. As such, only applications entered in GCMS were considered for the purpose of the analysis. While the majority of 2012 applications were entered in GCMS, some applications were still captured in the Field Operations Support System (FOSS).

designated an ICCRC member according to CIC records. This represents 18,659 of the 1,629,871 TR applications that were received in 2012 (or 1.1% of all TR applicants).²²

3.1.2. Federal role and alignment with federal and CIC priorities

Finding: The objectives of the regulation regarding representation or advice align with federal obligations and Government of Canada and CIC priorities related to reducing fraud and protecting the integrity of the immigration system and potential applicants.

Parameters for representation or advice are described in Section 91 of IRPA, and are further defined in section 13.1 and 13.2 of the IRPR. These sections contain precise regulations regarding the provision of information about potential breaches in conduct by immigration advisors to the appropriate enforcement body, as well as containing reporting requirements for the ICCRC.

Bill C-35, *An Act to Amend the Immigration and Refugee Protection Act* received Royal Assent on March 23, 2011 and came into force on June 30, 2011. The amendments introduced a number of changes, which tightened the regulations with respect to the intervention of third parties in the immigration processes. The amendments make it an offence for anyone other than an authorized immigration representative to conduct business for a fee or other consideration at any stage of an application or proceeding and increases penalties for those who contravene. They also gave the Minister the authority to designate (and revoke) a body to govern immigration consultants.²³ The designated body has the responsibility of providing information to help the Minister determine whether the organization is regulating its members in a manner that is in the public interest so that they provide professional and ethical representation and advice.

The objectives of the regulation are consistent with Government of Canada (GoC) and CIC priorities. Speeches from the Throne, CIC annual reports, Departmental Performance Reports and Reports on Plans and Priorities all recognize the priority of the federal government and CIC towards reducing fraud as well as protecting the integrity of the immigration system and potential immigrants through commitments related to strengthening the rules governing immigration consultants and enhancing the government's oversight of immigration consultants.

The regulation of immigration consultants is aligned with CIC's Strategic Outcome 4 aimed at a "Managed migration that promotes Canadian interests and protects the health, safety and security of Canadians". In particular, the regulations are expected to contribute to CIC's ability to achieve outcomes related to program activity 4.2 (Migration Control and Security Management) and sub-activity 4.2.4 (Fraud Prevention and Program Integrity Protection).

²² Note that this represents the minimum number of TRs that are represented by an ICCRC member. Given the volume of TRs to process, and low priority given to entering all the information relative to a file in the system, it is likely that the number of TRs represented by an ICCRC member is under-reported in GCMS.

²³ The ICCRC was designated as the new regulatory body to oversee immigration consultants by the Minister on June 30 2011, after having been successful in a Request for Proposals process.

3.2. Performance

3.2.1. CIC governance and management processes

Finding: Appropriate governance and management structures were put in place within CIC and between CIC and the ICCRC, and evolved as needed over time to become more arms-length as the ICCRC matured. There are also processes in place within CIC, which are documented in operational manuals, to validate the use of authorized representatives and for CIC to file complaints. However, there is some indication that there is a lack of clarity on these processes and that they are not being applied consistently by CIC staff.

CIC governance processes for overseeing activities of the ICCRC

Two branches within CIC were jointly responsible for overseeing the activities of the ICCRC. OMC was responsible for providing support during the establishment of the organization, including providing advice and input on the activities, processes, and procedures being put in place. At the outset, IPMB was responsible for managing the contribution agreement, including receiving progress reports, reviewing expenditures, and authorizing payments. Now that all payments have been dispersed, IPMB is responsible for monitoring the repayment of the contribution to CIC. CIC's Financial Management Branch provided support to IPMB and the ICCRC for the financial aspect of the Agreement.

Information from the interviews indicated that all CIC Branches worked well together and met on as needed basis. At the outset, the Branches met more regularly; however, there was less of a need to meet as the ICCRC became established and CIC moved to a more arms-length relationship with the organization. Similarly, OMC and IPMB met with the ICCRC as needed, via one point of contact (i.e., ICCRC's President and CEO). Regular weekly meetings were held at the outset, during establishment of the ICCRC, through the frequency of meetings declined as the organization became more mature and there was less need for support. Interviewees from both CIC and the ICCRC indicated that their working relationships were effective and no improvements were necessary.

The ICCRC was responsible for reporting to CIC on the status of its activities and on its financial expenditures on a monthly basis for the first year of operations and on a quarterly basis for the following years. A review of ICCRC reporting showed that although progress reports were provided to CIC on a monthly basis between March 2011 and November 2011, CIC only received one report for the period of December 2011 to February 2012 and no reports between March and June 2012. Quarterly reports have since been received from the ICCRC, for the period beginning July 2012 until March 2013.

Validation of authorized representatives

When submitting an application, applicants using a third-party representative are required to complete a form declaring the use of such a representative (the IMM5476 form). CIC has formal directives on the use of representatives in its IP9 manual. As per instructions in the IP9, CIC officers processing a file that contains an IMM 5476 form are required to perform verification to ensure that the declared representative is a member in good standing of a Canadian law society, the Chambre des notaires du Québec or the ICCRC. When an ICCRC member is being used, the validation process consists of verifying the information provided on the application (i.e., name of

the consultant and ICCRC identification number) against the active members lists (and the revoked/suspended list) that are posted on the ICCRC website.²⁴

The evaluation found that there are some inconsistencies in how validation is being conducted. Information from interviews with missions and CPR indicated that the validation is performed based on instructions in IP9 and that it is generally undertaken after file creation, often by one of CIC's processing centres of the CPR.²⁵ However, interviews showed that the different centralized processing offices have developed their own processes. For example, some offices handling PR application intake have developed scenario notes with instructions to those involved in processing the applications. Although most interviewees stated that information on representatives was verified against the ICCRC website, it remains unclear if this is done in all instances, or if officers use already existing entries in GCMS, or their own internal lists that have been developed.

In addition, while verification happens at file creation, there is no standard practice for validation *during* processing (i.e., in visa offices overseas). In discussions with visa office representatives and some interviewees in CPR and International Region (IR), it was found that some visa offices validate that the representative is in good standing before undertaking further processing of the file; others do so for a sample of cases, while others do not perform any further verification. This is an issue because a members' status could change over the course of the application process and therefore, it is unclear whether CIC is always dealing with authorized representatives.²⁶

The evaluation also found that practices differ with respect to how applications are handled when it is not possible to determine that the representative is a member in good standing of the ICCRC. For example, some offices communicate with the individual and provide them the option of continuing the application process without being represented or submitting another IMM5476 form that identifies a representative that is authorized. Other offices inform the applicant that their application will not be processed and that they can submit a new application, either without being represented or with an authorized representative.

These various ways of handling applications may be related to differing interpretations of the directives in the IP9. Different template letters are suggested, depending on the situation and stage of processing,²⁷ and the different practices may relate to interpretation on when to use one template over the other.

Interviewees identified a need to clarify the process for validation and ensure that it is understood and applied consistently. Some also suggested that the CPRs could benefit from sharing information between offices. Interviewees also felt that creating a CIC-only secure website with information not publically available (such as the address of the representative) would provide

²⁴ As per the IP9 manual, it is not necessary to verify each application from a given representative, especially when the local office is familiar with the representative as an authorized member of one of the regulatory bodies.

²⁵ CPR includes the Case Processing Centres in Vegreville, Mississauga, Sydney and Ottawa.

²⁶ In cases where a representative's status is revoked or when the representative is suspended during the processing of an application, OMC has started to contact GCMS so that all applications associated with that representative are flagged and all communication with the representative ceases until the status is normalized again. This process is not yet outlined in the operational manual, but will be included when the manual will next be updated.

²⁷ Different template letters refer to situations when the authorized representative cannot be verified, when the IMM5476 form is incomplete and when it is not possible to confirm that the individual identified on the file is an authorized representative during case file processing. The different practices identified in CPR (ask applicant to resubmit an application vs. continue with the application process either self-represented or with a new representative) may, for example, be related to differing interpretations of what is considered to be 'during case file processing', as the manual does not offer clear guidelines on the subject.

additional information to assist with validation (e.g., address, office locations, additional details on suspensions and revocations). Note that a CIC portal for authorized compensated representatives was created in April 2013 that allows representatives to electronically conduct business with CIC on behalf of clients²⁸ and that automatically links information associated with the third-party to applications. However, this new portal does not address the issue related to the potentially changing status of a representative over time.

Finally, interviewees noted that the validation process is reliant on applicants truthfully declaring the use of a representative, as well as on the accuracy of the information provided by the respective Canadian law society, the Chambre des notaires du Québec or the ICCRC and the timely update of their website. To that effect, interviewees noted that the information on ICCRC's website regarding its membership has improved over time, with more timely updates to the member's list, and with the addition of a list of suspended and revoked members.

Complaints process

In addition to the validation process, IP9 outlines the process for filing complaints about authorized or unauthorized representatives.²⁹ According to the directives, officers should encourage clients who want to lodge complaints against an authorized representative to visit CIC's webpage on this topic and to contact the respective regulatory body (the ICCRC, law societies, or Chambre des Notaires du Québec). However, if a CIC officer receives information about the professional or ethical conduct of a representative, for which they determined that the conduct of the person is likely to constitute a breach of their professional or ethical obligations, they should forward the information to the Immigration Representatives mailbox that is managed by OMC, who will transmit the information by means of encryption to the appropriate governing body.

Complaints made by clients to CIC officers on a regulatory body should also be forwarded to the Immigration Representatives mailbox. In addition to forwarding complaints on non-ICCRC immigration consultants (including unauthorized representatives) and complaints on immigration consulting firms (when the consultant's name is unknown)³⁰ to the Immigration Representatives mailbox, the officer should direct the client to inform the ICCRC (for future reference in case the individual eventually applies for membership), file a complaint with the Canadian Council of Better Business Bureaus and to contact local law enforcement, if necessary.

As per existing procedures, officers may also perform local investigations and engage local enforcement agencies. Investigations could originate from a complaint raised by a client (even though the client has been referred to the appropriate regulatory body) or an officer's concerns about maintaining program integrity standards. The officer should raise this issue with their direct supervisor, who then would consult their director, if they decide that the concern is justified, to determine whether the issue warrants a local investigation. If the director, in consultation with the supervisor, confirms that the concern affects the integrity of the Regulations concerning immigration representatives, they may authorize a local investigation that involves allocating staff and resources to monitor, research and gather information about an individual or issue to prove

²⁸ While this portal only applies to permanent residency applications, temporary residency and citizenship applications should be integrated to the portal in 2014.

²⁹ Section 9 discusses the complaints procedure and section 10 describes the investigation procedure.

³⁰ Clients wanting to lodge complaints against non-ICCRC members or complaints against consulting firms should also be directed to inform the ICCRC of the matter (for future reference), to file a complaint with the Canadian Council of Better Business Bureaus and to contact a local law enforcement (if necessary).

that unscrupulous activity (whether criminal or involving professional misconduct) has occurred. Directives state that OMC should be kept informed of all major developments regarding investigations to report on the effectiveness of the regulations on authorized representatives. In the case that the issue raised by the officer is determined to be of limited concern by the director and supervisor, and that it does not affect the integrity of the Regulations, the information should be sent to OMC for tracking purposes to the Program-Integrity mailbox.

Although documented and available to all within the department, information from interviews suggested that the complaints and investigation processes do not appear to be well known by those responsible for processing applications and that the formal process is not always used. For example, while OMC has a generic mailbox to receive complaints, some do not use this formal mechanism and rather use the operational contacts they have to report issues (e.g., contacts in OMC, at the CBSA). Interviewees felt that the process for filing complaints needs to be clearer both within CIC and between CIC and OGDs (i.e., the CBSA). More specifically, interviewees indicated that more guidance on the process was necessary (e.g., how to file a complaint, to whom CIC should refer the complaint, relationship between OGDs in the process) and that CIC needs to increase awareness of this process and of ICCRC's role as a regulator internally within CIC.

Interviewees also expressed dissatisfaction with respect to the information on the outcomes of investigations, suggesting that the feedback loop on complaints could be improved to the benefit of all parties involved on the file (CIC, ICCRC) as well as the public.

As a result of the lack of awareness of the process and of the inconsistent use of the formal process, the exact number of complaints regarding the conduct of representatives originating from within CIC is not known. The complaints received in the OMC immigration representative's box are vetted to make sure that the named representative is a member of a recognized organization for immigration representatives, a breach of professional or ethical obligation exist and that sufficient information exists to proceed with a referral for investigation prior to submitting it to the respective regulatory body. As a result of this process, twelve complaints were transmitted by CIC to the ICCRC. Other complaints regarding unauthorized representatives are forwarded to the Program Integrity division in OMC, who is responsible for transmitting complaints to OGDs for investigation (CBSA, RCMP) if necessary. Since the implementation of information sharing regulations in April 10, 2012, the total number of complaints originating from within CIC and transmitted to OGDs is not accurately tracked. CIC may appear as the originator of some complaints; however, some complaints may have been forwarded informally to an OGD and not be recorded as a CIC complaint in their system. Most importantly, the lack of awareness of the process may also have led to fewer issues being reported.

3.2.2. Capacity building

Under the theme of “capacity building”, the ICCRC was expected to undertake activities that would help establish the organization so that it was *a well-managed, transparent, accountable, and viable organization* (see Technical Appendices for a description of the planned activities and outputs under capacity building).

Finding: The evaluation found that the ICCRC put in place most of the elements of the management structure, as per its contribution agreement with CIC and that the ICCRC is a well-managed, transparent and accountable organization. Financial viability had not been achieved as of December 2013 and the financial situation of the organization remained unfavourable.³¹ However, ICCRC's financial situation has steadily been improving and it has started repaying the contribution to CIC.

Governance and management structures in place

A review of administrative information from the ICCRC found that it has put in place most of the necessary governance and management structures, as per the contribution agreement. This includes the Board of Directors, with supporting committees,³² and key policies and procedures, such as bylaws and a code of conduct. The majority of interviewees validated this finding, agreeing that the ICCRC has put in place the appropriate governance and management structures, with the remaining few suggesting it was in the process of doing so. Note that these interviewees were mainly ICCRC representatives, as most interviewees from the CIC were not able to comment on the management and governance structure of the ICCRC, primarily because the ICCRC is an arms-length body. Interviewees noted that the ICCRC sought advice on setting up the governance structure, hired people with the right skills and expertise to contribute to developing the structure, and provided governance training to the Board of Directors. They also indicated that the governance and management structures of the organization have matured over time, as the Board played a more operational role at first; however, it has gradually transitioned to an oversight role.

Interviewees did not believe that there were any major gaps in ICCRC's governance and the management processes, although some ICCRC interviewees suggested that some work was still needed to finalize the internal structure of the organization, mainly by completing work around policies and procedures, either to refine existing ones or developing ones that were not yet in place. The administrative data review confirmed that the ICCRC has indeed lagged somewhat in its development of internal policies and procedures (e.g., human resources (HR), privacy, travel, bilingualism) and plans (e.g., HR strategy, strategic planning), although most of these are now under development. Interviewees at the ICCRC attributed this lag to the fact that, at the outset, most of the organization's efforts were focused on establishing services for members (e.g., process for transferring membership, accreditation process, training and development) and not on internal organizational processes.

One area in which the ICCRC did not complete activities as planned was with respect to developing an action plan on ghost consultants. The ICCRC noted the challenges of dealing with ghost consultants as it does not have any jurisdiction outside of its membership and thus developing such an action plan was outside the mandate of the organization. The ICCRC has, however, undertaken a number of activities to raise the awareness of using authorized

³¹ According to CIC's assessment as per the Department's Funding Risk Assessment Model (FRAM), which is the tool used to assess the risk of Gs&Cs recipients.

³² ICCRC's Board of Directors comprises 15 directors, which includes 12 elected ICCRC members, and 3 public interest directors who are non-members. The ICCRC also has 6 standing operational committees and 4 committees related to complaints and discipline.

representatives and has been proactive in identifying potential unauthorized consultants where possible, for example, through its “Alert” tool available on its website.³³

ICCRC survey results were also very positive with respect to the management of the ICCRC, with 94% of respondents agreeing or strongly agreeing that it was a well-run organization (Table 3.1).³⁴ The majority of respondents (84%) also felt that the ICCRC was fulfilling its regulatory obligation well (rating the organization with either a 4 or a 5, on a 5 point scale ranging from 1- not very well to 5-very well).³⁵

Table 3.1: Survey respondents’ perception on governance and management of the ICCRC

	All survey respondents	Previous CSIC members	Never a CSIC member
Agree/strongly agree that the ICCRC is a well-run organization (n=1,200)	94%	95%	91%
The ICCRC is fulfilling its regulatory obligations well – 4 and 5 ratings (n=1,224)	84%	87%	77%

Source: ICCRC member survey

Transparency and accountability

One of the outcomes of the ICCRC was to establish itself as a transparent and accountable organization, meaning that it takes responsibility for its actions and communicates with members in an open and timely way.

The ICCRC has been successful in making information about the organization’s process available to the public and members. Information on the ICCRC’s organizational structure, activities, and processes is publically available on its website.³⁶ This includes information on the process for becoming an ICCRC member; the membership of the Board of Directors and its committees; immigration advisories for various industries; information on the complaints and discipline process, including how to file a complaint; and a list of active and suspended members.

The majority of interviewees felt the ICCRC has put practices in place to ensure that it is accountable for the operations of the organization and has been transparent with members and the public. As such, interviewees thought that the ICCRC had communicated information related to decisions, policies and practices in an open and timely manner. Interviewees suggested that the essential structural elements were in place, including by-laws, code of conduct, and the Board of Directors and its committees. Interviewees also noted that reporting structures were in place (e.g., annual reporting, website updates), so that members were aware of the activities of the ICCRC and that members had opportunities to ask questions and express themselves (e.g., via the

³³ Alert is a confidential whistle blowing initiative to report suspected unregulated immigration consultants. In addition to asking people to submit information about the suspected individual, the ICCRC asks for any website links, photographs, emails, advertisements and any other documentation that would support the claim.

³⁴ A statistically significant difference was observed between former CSIC members and those who were not previously members of CSIC with the former responding more positively that the ICCRC is a well-run organization (95% agreeing it is well-run) than those who were never members of CSIC (91% agreeing).

³⁵ A statistically significant difference was also observed between former CSIC members and those who were not previously members of CSIC. Former CSIC members were more positive (87% rated the ICCRC as 4 or 5) than ICCRC members that were never a member of CSIC (77% rated the ICCRC as 4 or 5).

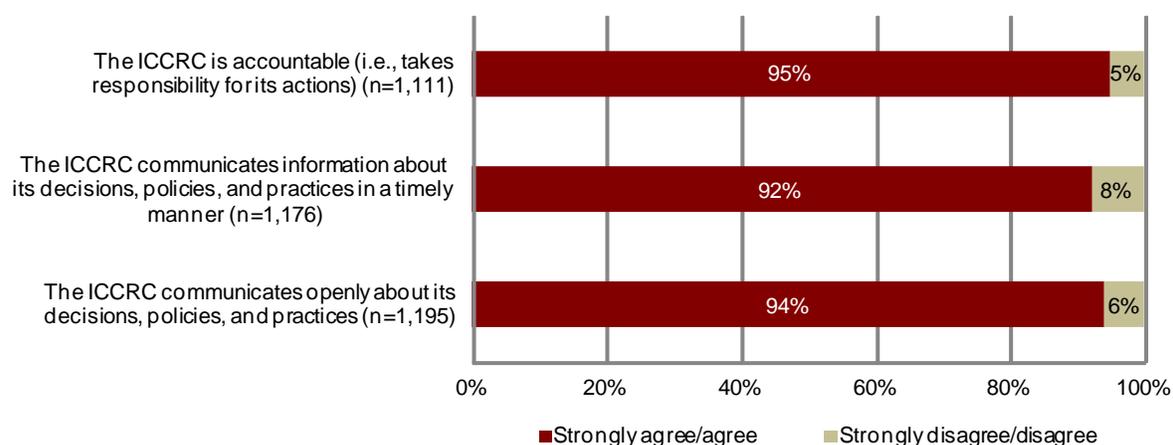
³⁶ ICCRC’s website is discussed in greater detail within Section 3.2.3 – Communications.

ICCRC annual general meeting for members, and through a whistle-blower mechanism to allow for anonymous reporting of issues to the Board).

One area of criticism from interviewees was with respect to the amount of information made available to the public on the status of complaints. Although the website provides information on the process itself, there has been limited reporting on the results of the process to date.

Survey respondents were very positive with respect to the transparency and accountability of the ICCRC. As shown in Figure 3.1, almost all felt the ICCRC is an accountable organization that takes responsibility for its actions (95%), that it communicates information about its decisions, policies and practices in a *timely* manner (92%), and communicates *openly* about its decisions, policies and practices (94%).

Figure 3.1: Survey respondents' views on the transparency and accountability of the ICCRC



Source: ICCRC member survey

Financial viability

As part of the assessment of the ICCRC's capacity, the evaluation sought to determine whether the organization is financially viable.³⁷ The ICCRC was created to operate indefinitely using its revenue. The ICCRC was expected to enter into negotiations regarding the repayment terms for the contribution when it reached 2,200 members, or three years after signing of the contribution agreement, whichever came first. As the former occurred first (August 2012), CIC successfully negotiated the repayment terms in December 2012, as shown in Table 3.2. As per the schedule below, the ICCRC made its first payment in August 2013 and the next payment is due in August 2014.

³⁷ Financial viability refers to whether the organization is generating enough revenue to be able to continue operating in the future and pay back the repayable contribution to CIC.

Table 3.2: ICCRC repayment schedule

Fiscal Year	Due on	% Contribution	Repayable Amount
2013-14	August 29, 2013	15%	\$150,000
2014-15	August 29, 2014	20%	\$200,000
2015-16	August 29, 2015	20%	\$200,000
2016-17	August 29, 2016	20%	\$200,000
2017-18	August 29, 2017	25%	\$250,000
Total		100.0%	\$1,000,000

To assess the financial viability of the ICCRC, the evaluation made use of a 2013 *Analysis of Financial Position (AFP) of the ICCRC* report³⁸ as well as an additional analysis to this report based on financial figures as at December 31, 2013, both performed by the CIC Financial Management Branch. The analyses examined the following three key financial ratios, current, debt and profitability³⁹ over the 30 month period from July 2011 to December 2013, ICCRC's short-term forecasts, the receivables management practices, and revenue collection of the organization.

As shown in Figure 3.2, between July 2011 and December 2013, the debt ratio increased by 56% and was at 0.53 in December 2013. Over the same period, the current ratio increased by 105% and was at 0.45 in December 2013. As such, the ICCRC only has enough assets to cover 53 percent of its liabilities and enough liquid assets to cover 45 percent of the liabilities coming due within a year. Although these two ratios show a positive upwards trend, both still remain unfavourable when comparing to CIC's standards.⁴⁰

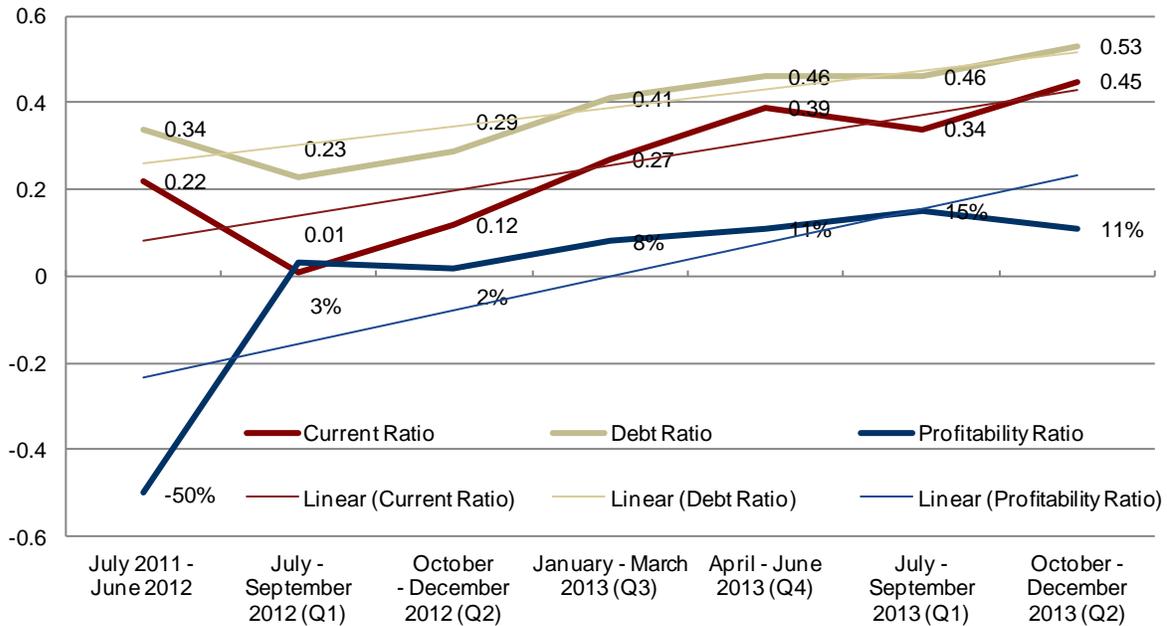
Despite the high risks it still carries in terms of the amount of its liabilities, overall, it appears that the profitability ratio is increasing and the ICCRC has been profitable since Q1 of 2012. The ICCRC had excess revenues of eleven percent over their expenses by December 2013, which is a significant increase from -50% in its first year (July 2011 to June 2012), when the ICCRC was spending two times the revenues collected.

³⁸ A report entitled "*Analysis of the Financial Position of the ICCRC*" was produced by the Grants and Contribution Financial Management Directorate of CIC's Financial Management Branch. It covers the period from July 2011 to March 2013 and, as part of the assessment, utilized CIC's Funding Risk Assessment Model (FRAM), which is the tool used to assess the risk of Gs&Cs recipients. For the Analysis of the Financial Position, draft financial statements as at March 31, 2013 provided by the ICCRC were used.

³⁹ The current ratio is a measure of liquidity and illustrates the ability of an organization to meet its current liabilities out of its current assets. The debt ratio demonstrates the ability of an entity to cover its debts by its assets. The profitability ratio demonstrates the extent of the surplus or deficit the organization has declared and their trends.

⁴⁰ According to CIC standards in the FRAM the current ratio is favourable when greater than 1.0, acceptable when between 0.9 and 1.0, or equal to 1.0 and unfavourable when less than 0.9. The debt ratio is favourable when greater than 1.0 (the organization has sufficient resources to settle its debts), acceptable when between 0.9 and 1.0, or equal to 1.0 and unfavourable when less than 0.9.

Figure 3.2: ICCRC debt, current, and profitability ratio trends (July 2011 - December 2013)



Source: CIC Report on the Analysis of the Financial Position of the ICCRC and the additional analysis performed in February 2014

As a result of the unfavourable current and debt ratio, the AFP report, as well as the additional analysis performed in February 2014, also examined the short-term operating cash flow⁴¹ as another financial indicator to assess ICCRC's ability to adhere to the repayment schedule. The report noted that the revenues collected by the ICCRC have been relatively stable. It also noted that since mid 2012, spending on non-essential items was halted until the ICCRC was able to improve their cash position. Since the end of the first quarter of its third fiscal year (September 2013), the ICCRC has been presenting a favourable operating cash position within the short-term. Furthermore, the ICCRC has begun to demonstrate an improvement of their financial position and health in terms of revenues in excess of expenditures. The short-term operating cash flow analysis for FY3 to FY4 is presented in Table 3.3.

Table 3.3: Short-term Operating Cash flow Analysis

	FY3				FY4	FY3 - FY4
	Q1 (Actual)	Q2 (Actual)	Q3 (Actual)	Q4 (Forecast)	Q1-Q4 (Forecast)	Total Forecast + Actual
Revenue	1,445,941	1,551,171	1,621,328	1,675,172	5,980,446	12,274,058
Expenses	1,235,418	1,532,181	1,477,509	1,670,632	5,357,655	11,273,395
CIC Repayment	150,000	-	-	-	200,000	350,000
Net Cash Position	60,523	18,990	143,819	4,540	422,791	650,663
Cumulative Net Cash Position	60,523	79,513	223,332	227,872	650,663	650,663

Source: Post Report on the Analysis of the Financial Position of the ICCRC

⁴¹ The short-term operating cash flow analysis does not take into account the accumulated deficit, non-cash items (amortization) or capital prior to the years examined.

As it plays a critical role in the ICCRC's ability to remain financially viable, membership fee collection was also examined. As at December 31, 2013, membership dues represent 97% of the ICCRC's receivables while other receivables (e.g., credit card administration fees, CRA tax input credits, examination revenue) represent 3%.⁴² The AFP report found that while there is no formal accounts receivable policy, the method used to collect on receivables appears sound.

Despite this, as of December 31, 2013, 66% of membership receivables were more than 60 days overdue, which represents a change of ten percent from Q1 to Q2. It does not appear that the ICCRC is expecting to collect this revenue as they have allotted this amount for their allowance for doubtful accounts. Membership revenues more than 60 days old represents 8.4 percent (\$221.4K) of revenues collected year-to-date⁴³, which is seven percent higher than the allowance for doubtful accounts forecasted by the ICCRC.⁴⁴ Since membership revenues account for the majority of the revenues collected by the ICCRC, the increasing trend in the amount of uncollected revenue is unfavourable (i.e., the total outstanding receivables represents approximately 13% of revenue earned, an increase of seven percent since March 31, 2013).

Of the few interviewees who could comment on ICCRC's finances, most noted that the fee holiday given to past CSIC members had a significant effect on the ICCRC's revenue stream and cash flow in its first year, which ultimately caused financial hardship for the ICCRC.⁴⁵ As a result, the ICCRC secured additional funding to finance its operations.⁴⁶ Others noted that the organization initially lacked financial management capacity during its first year and had to build internal capacity from scratch with no support from the previous regulator. The lack of financial capacity early on was also mentioned by interviewees as a factor in ICCRC's spending more than originally budgeted in its contribution agreement (which is discussed later in Section 3.2.6 on resource utilization). Despite these initial financial setbacks and challenges, the ICCRC has begun repaying the contribution to CIC and when comparing the ratios over the periods examined, as well as the forecasts submitted by the ICCRC, it appears that their financial situation is improving. Moreover, as per the long-term budget submitted by the ICCRC in February 2014, the ICCRC has confirmed its adherence to the established repayment schedule. CIC continues to monitor the ICCRC's financial viability on a quarterly basis.⁴⁷

⁴² Figures based on the draft financial statements as at December 31, 2013.

⁴³ Figures based on the draft financial statements as at December 31, 2013; 7.4 percent based on the cash-basis cash flow.

⁴⁴ The ICCRC forecasted the allowance for bad debt to be one percent of the total revenues collected (before interest) in their Five Year Plan.

⁴⁵ The Minister of Citizenship and Immigration granted members a 'fee holiday' when the ICCRC was created and members were not required to pay fees in the first three months of the operation of the organization. This loss in revenue was unplanned for the ICCRC.

⁴⁶ The additional financing was in the form of a \$150,000 line of credit and a \$200,000 restricted bridging loan for the build-out costs of the Burlington office.

⁴⁷ As part of a report prepared by GCFM in October 2012, it was recommended that the ICCRC submit draft quarterly financial statements until such time that the amount contributed by CIC is repaid in full. In addition, the report also recommended that the ICCRC submit their annual audited financial statements to CIC no later than three months following ICCRC's fiscal year-end.

3.2.3. Communications

Under the theme of “communications,” the ICCRC was expected to undertake communications activities to ensure that *stakeholders are adequately informed on the immigration consulting sector* (see Technical Appendices for a description of the planned communications activities and outputs).

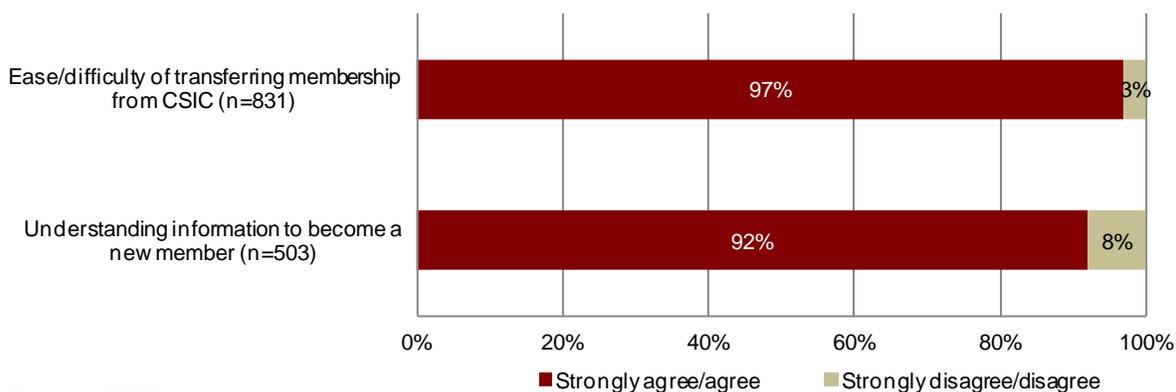
Finding: The ICCRC has undertaken communications activities as planned, adequately informed members about the organization’s processes, and members were satisfied with the information provided. There are opportunities for the ICCRC to enhance external communications by increasing outreach to the public and stakeholder groups as well as improving its website.

Appropriateness and effectiveness of communication activities

The communications activities of the ICCRC have been primarily internal with a specific focus on providing information to members (e.g., how to transfer a membership from CSIC and how to become a new member of the ICCRC). Additional communication activities undertaken by the ICCRC in its first 18 months of operation included developing a communications strategy, establishing a Communications and Outreach Committee, and developing a variety of information materials for consultants, students, and the general public (e.g., frequently asked questions, advisories on the use of consultants, the complaints and discipline process, information on the Canadian immigration system). The ICCRC has also conducted some outreach to the public through the use of display of booths at community events and media interviews.

The main ways in which the ICCRC has engaged with its membership is via its website or through email ‘blasts’. Overall, survey respondents were very satisfied with information provided on the certification processes and indicated that ICCRC information products are appropriate and effective. When asked about the processes for becoming an ICCRC member, former CSIC members who transferred their membership to the ICCRC were very positive regarding the ease of doing so, with the majority (97%) saying it was either very easy or easy to transfer their membership to the ICCRC and only 3% disagreeing. New members who had to apply to become ICCRC members were also very positive about the certification process, with 92% reporting it was easy or very easy to understand the information that explained how to become a member of the ICCRC (Figure 3.3).

Figure 3.3: Survey respondents’ views on ICCRC communication on certification process



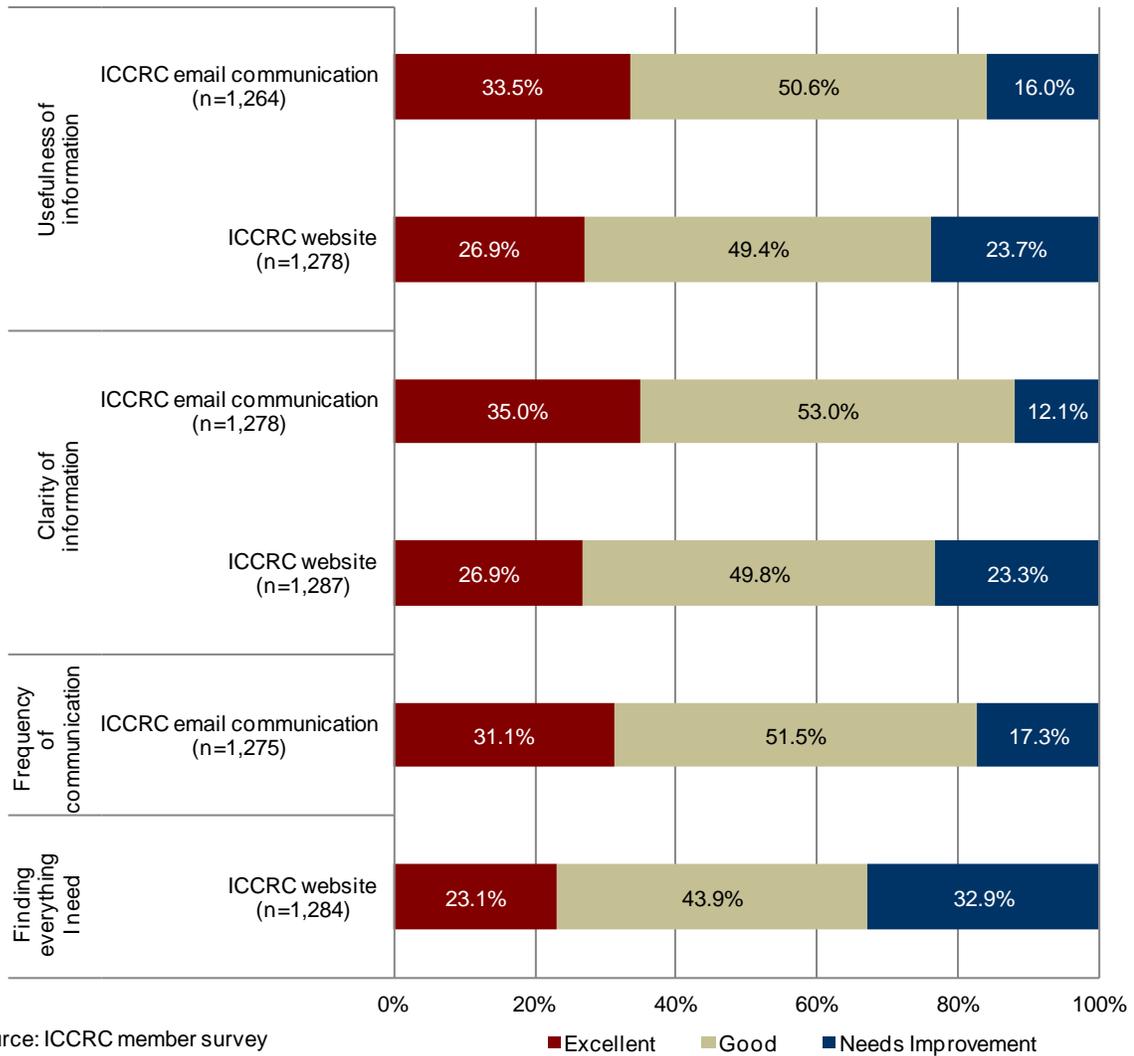
Source: ICCRC member survey

Survey participants were also asked their opinions on the usefulness and clarity of the information provided by the ICCRC via the website and email 'blasts'. The majority of survey respondents said that the ICCRC website and email communication were excellent or good, although they were slightly more favourable regarding email communication than the website (Figure 3.4). More specifically, 84% of respondents rated email communication as either excellent or good in terms of the usefulness of information it provided, with 16% stating that it needed improvement. They also felt that the frequency of email communication was good (83% rated it excellent or good) and the information provided was clear (88% of respondents rated this excellent or good).

Respondents were somewhat less positive about the website. While 76% of respondents rated the usefulness of the website as either excellent or good, almost one quarter of respondents (24%) stated that it needs improvement. Similarly, 23% stated that the information on the website needs to be more clear and one third (33%) said the website needed to be improved with respect to finding the information that they needed.⁴⁸

⁴⁸ For all questions regarding the website and email, statistically significant differences were observed between former CSIC members and those members who were never members of CSIC. In all cases, a greater proportion of former CSIC members rated either mechanism as excellent or good, as compared to those who were never members of CSIC. The difference in excellent/good ratings ranged from 4 to 9 percentage points depending on the specific question. These differences are perhaps not surprising given that newer RCICs may have a greater need for information than those that had been working in the industry longer.

Figure 3.4: Survey respondents' views on the effectiveness of ICCRC information products



The opinions of interviewees with respect to ICCRC communications were mixed, with most saying the ICCRC communications products were somewhat effective, but could be improved, or they were not effective. Only a few interviewees felt that the ICCRC communications products were effective. Some interviewees contextualized their response by noting the fee holiday given to members limited what the ICCRC was able to achieve in terms of communications, which resulted in the ICCRC having to prioritize what it wanted to achieve in this area. As a result, ICCRC's communication efforts were more focused on internal communications and much less on external communications. Interviewees indicated that more outreach was needed to promote the ICCRC and the use of immigration consultants, including better promotion abroad and better provision of information to prospective immigrants on the regulation of immigration consultants. A few interviewees also suggested that specific efforts should be made to improve the image of the industry and more work was needed to better inform key stakeholders (e.g., educational institutions, other governments, employers) on the limits of the advice they could provide on immigration matters.

Similar to the survey results, some interviewees also suggested that improvements were needed to the ICCRC's website. The ICCRC is well aware of the current limitation of its website and does have a plan in place for a major upgrade, which will be done in the longer-term. In the meantime, it was observed during the evaluation that the ICCRC has made revisions to its website with additional content added for both the public and ICCRC members.

Finding: Initially, CIC's communications activities focused more on 'crooked' consultants rather than promoting the use of authorized representatives, which stakeholders feel had a negative impact on how the industry is perceived. As a result, it was expressed by interviewees that there is a need for CIC and the ICCRC to coordinate communication efforts.

A review of documents and communication materials showed that in 2011 and 2012, CIC undertook a multilingual ad campaign warning prospective immigrants, permanent residents and Canadian citizens of fraud by 'crooked' immigration consultants. This campaign, reflecting the spirit of Bill C-35 (initially called *Cracking Down on Crooked Consultants Act*), appeared on television, in the mainstream and ethnic print, in Canadian airports, and over the internet. This campaign ran for about one month each year, between February 21 and March 20, 2011 and between March 5 and March 31, 2012.

Some ICCRC interviewees felt that the campaign had a negative impact on the perception of the industry as a whole. The central critique raised was that the campaign focused on the risks posed by 'crooked' consultants, rather than promoting the use of authorized representatives, such as members of the newly designated regulatory body. When the ICCRC contacted CIC to express concerns about the detrimental impact the message had on public perception of the industry, CIC worked collaboratively with the ICCRC and withdrew its ad campaign.⁴⁹

Interviewees saw a role for CIC, along with communication efforts of the ICCRC, in the provision of information to prospective immigrants on the ICCRC and the use of authorized representatives. Numerous interviewees also feel there is a need for a joint effort between CIC and the ICCRC to coordinate communication efforts of both organizations to avoid sending inconsistent messages to the public, in the view of maintaining the ICCRC's reputation.

3.2.4. Competencies

Under the theme of "competencies," the ICCRC was to put in place processes for individuals *to receive certification and ensure that members had professional development opportunities to develop their competencies and qualifications* (see Technical Appendices for a description of the planned competency activities and outputs).

Finding: The ICCRC implemented the competency activities related to granting certification and offering professional development opportunities to members as planned and as a result, there are processes in place for members to receive certification and to participate in professional development opportunities. Stakeholders consider the certification process appropriate and ICCRC members are positive about the professional development opportunities provided.

⁴⁹ Since the end of data collection in the spring 2013, CIC has updated the information on authorized representative on its website, which includes increased number of links on authorized representatives, and making the information more prominent for the benefit of the public and potential applicants.

Certification process for members

To become certified as an RCIC, the ICCRC requires prospective members to meet the following five conditions:

1. Successful completion of an immigration practitioners program – a course on Canadian immigration and refugee law, taken through an accredited post-secondary institution;
2. Successful completion of the Full Skills Exam – an examination on immigration law and practice management;
3. Demonstrated good character through satisfactory background check;
4. Demonstrated language proficiency in English or French through the submission of results of an accredited language test; and
5. Status in Canada as a citizen, permanent resident, or Status Indian.⁵⁰

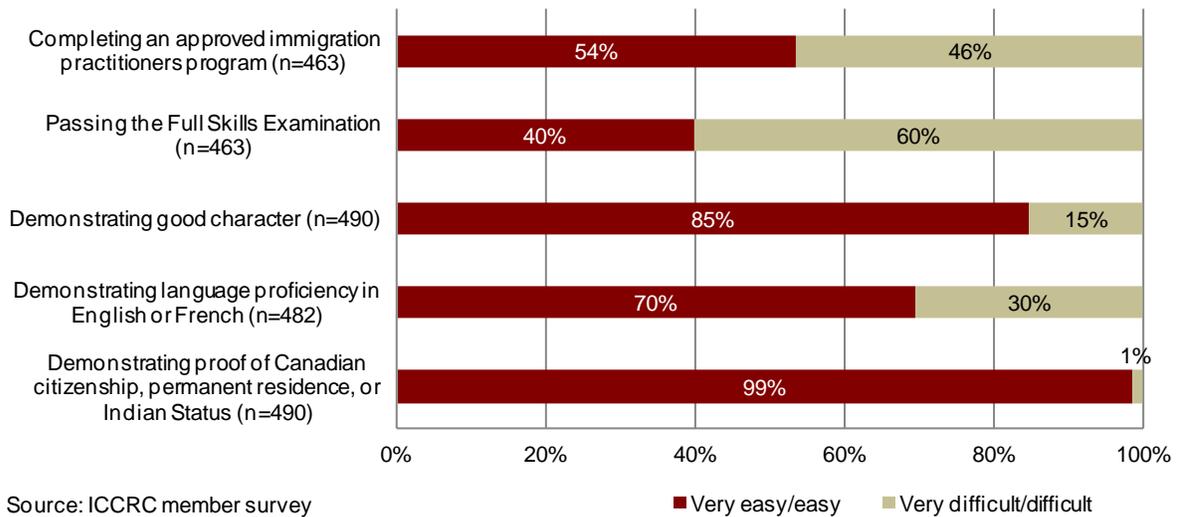
When asked about the timeliness of the certification process, half (50%) of all survey respondents reported that it took one month or less from the time they submitted their completed application to the time they received their ICCRC certification. One-quarter (25%) of respondents reported that it took two months, 15% reported that it took three months, and 10% reported that it took longer than three months. The majority (91%) of respondents were very satisfied or satisfied with the time it took to receive certification.

Respondents who had to apply to become ICCRC members were asked a series of questions regarding the ease or difficulty of meeting the five membership requirements (Figure 3.5). The two requirements that were deemed the most difficult to meet were completing an approved immigration practitioners program (46% stated it was very difficult or difficult) and passing the Full Skills Exam (60% stated it was very difficult or difficult).⁵¹ The three other membership requirements were found to be easy to meet by the majority of respondents.

⁵⁰ See www.icrc-crcic.ca/students/becomingConsultant.cfm

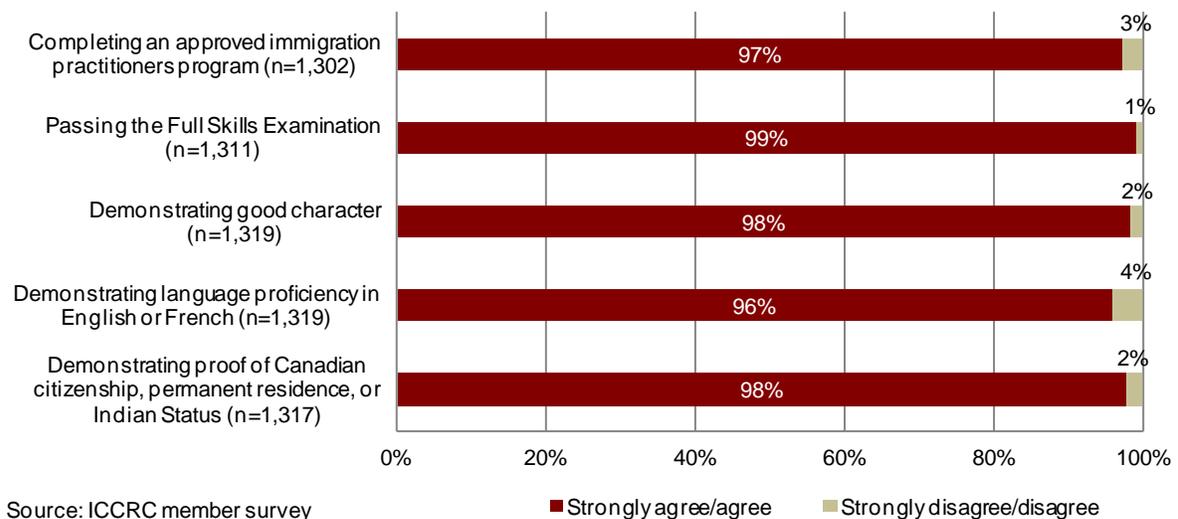
⁵¹ Successfully completing the Full Skills Exam is one of the requirements to become a registered immigration consultant. Between October 2011 and December 2012, a total of eight Full Skills Exams were offered; 736 students wrote the exam and 640 passed, for a pass rate of 84.2%.

Figure 3.5: Survey respondents' views on the ease of meeting membership requirements



Although some requirements were deemed harder to meet than others, all survey respondents agreed that the ICCRC has established the right criteria to become a member of the ICCRC. As shown in Figure 3.6 nearly all respondents either strongly agreed or agreed that these five criteria are appropriate (ranging from 96% to 99%).

Figure 3.6: Survey respondents' views on the appropriateness of membership requirements



Interviewees also expressed positive views about the current member certification process, with the majority agreeing that it was adequate. The process was seen as rigorous, with appropriate criteria that resulted in the certification of qualified individuals. A few interviewees suggested that there was a need to examine the current language benchmarks, which the ICCRC is planning on doing.

One theme that emerged from the interviews and the ICCRC member survey with respect to the membership requirements relates to the Immigration Practitioner Program (IPP). The ICCRC has put in place a system to recognize institutions eligible to deliver the IPP. At the time of data collection for the evaluation, nine institutions had been accredited by the ICCRC. While interviewees generally felt that the process for the accreditation of educational institution was appropriate, it was noted that there were no standards in place to ensure consistency of the IPP in terms of length and curriculum. The ICCRC had already identified a gap in this area and its Board recently approved National Educational Standards, which will standardize the curriculum of the different accredited programs (e.g., in terms of number of hours for the program, core courses and competencies around which to articulate the curricula), with the view of setting a single, robust standard for the IPP.

It was also suggested by interviewees and survey respondents that the IPP could be improved by adding a practical component to the certification process (e.g., mentoring, practicum, articling, and internship) and by requiring a university degree, diploma or certificate as a prerequisite to the IPP.

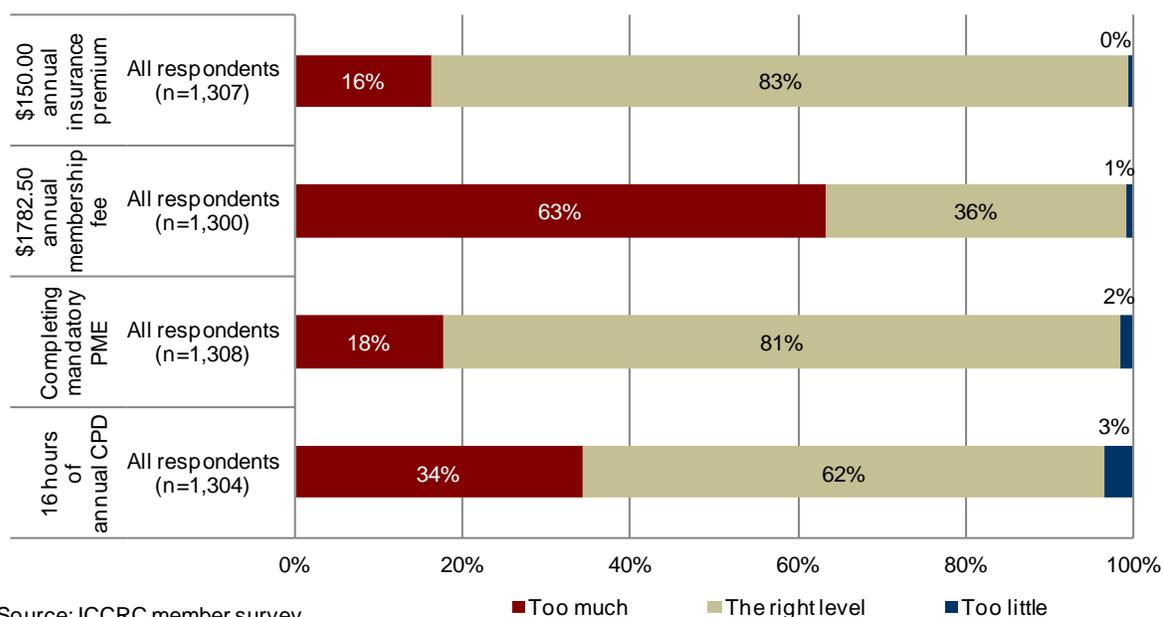
Once becoming an RCIC, members must abide by the ICCRC's Code of Professional Ethics and meet four requirements to maintain membership, including:

1. Complete 16 hours of annual continuing professional development (CPD);
2. Complete mandatory Practice Management Education (PME) courses;
3. Pay the \$1782.50 annual membership fee (July 2012 rate); and
4. Pay the \$150.00 annual professional errors and omissions insurance premium.

When asked whether these requirements are set at the right level, the majority of members who responded to the survey stated that three of the four criteria are set at the right level: CPD hours (62% of respondents); PME courses (81% of respondents); and insurance premium (83% of respondents). For the fourth criteria (i.e., the membership fees), the majority of respondents (63%) felt it was too high (Figure 3.7).⁵²

⁵² Statistically significant differences were observed between former CSIC members and those members who were never members of CSIC. For each requirement, a greater proportion of former CSIC respondents agreed that they are set at the right level. The differences between these two groups were most notable for the membership fees, where a 25 percentage points difference was observed between the two groups (57% for previous CSIC members thought fees were too high, compared to 82% of non-former CSIC members). Similarly, statistically significant differences were observed between years of experience and the extent to which respondents agree that these requirements are set at the right level (with the exception of completing mandatory PME courses). In all cases, groups with more experience were more likely to agree that these requirements were set at the right level. Note that there is a high correlation between previous CSIC membership and years of experience.

Figure 3.7: Survey respondents' views on the appropriateness of requirements to maintain membership



Continuing professional development offerings

After members are certified, they are required to complete 16 hours of CPD each year. This requirement is outlined in the ICCRC's Continuing Professional Development Regulation,⁵³ which also outlines eligible CPD activities, subject matter requirements, and how CPD hours are to be calculated and approved. To count towards CPD, courses must focus on issues related to Canadian immigration and be delivered by ICCRC-approved organizations.⁵⁴ All information related to CPD is available on the ICCRC website and the member section of the website allows members to enter and track their CPD hours. With respect to the competency activities, the ICCRC did not undertake one planned activity, which was to develop a best practices manual to be shared with members. Information from the ICCRC indicated that the manual will not be developed, as members have opportunities to gain and share knowledge through CPD and the mandatory Practice Management Education (PME) courses.

Between June 2011 and December 2012 the ICCRC approved 168 CPD offerings, delivered by 40 different organizations. Most members were able to meet the CPD requirements, with 92% of members (983 of 1,066) meeting the first transitional deadline of obtaining 5 hours of CPD by April 30, 2012 and 84% of members (1,164 of 1,378) meeting the second transitional deadline of obtaining 10 hours of CPD by October 21, 2012.

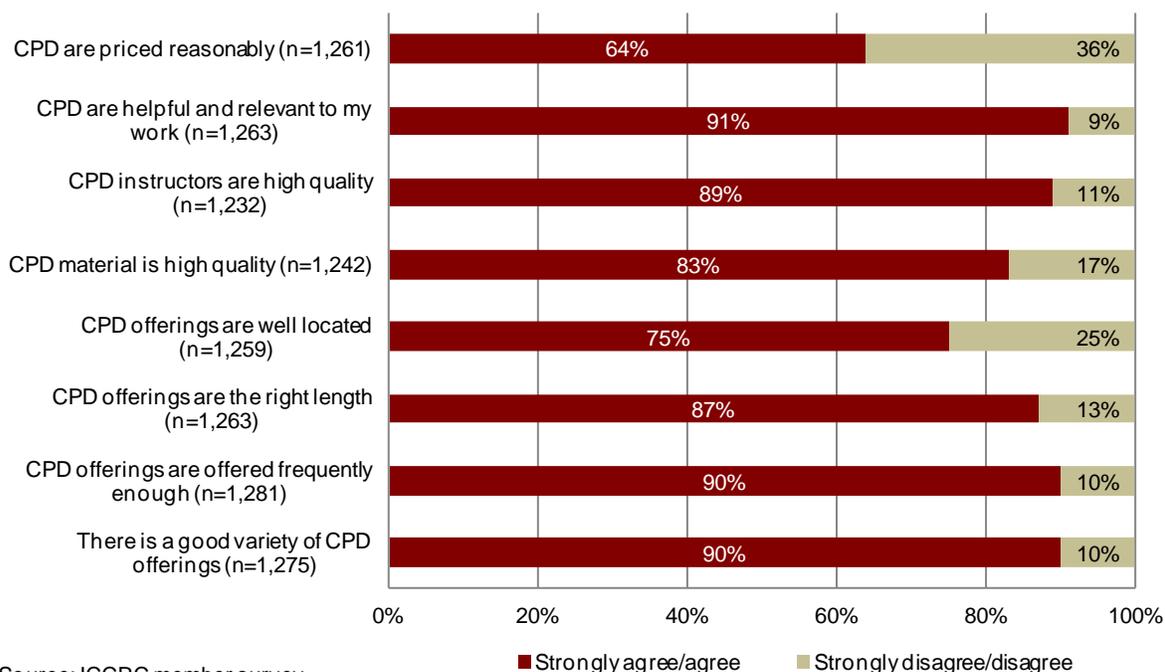
When asked about CPD offerings, most interviewees were not in a position to comment, which is not surprising, given that many interviewees would not have participated in CPD and within the ICCRC, CPD is the responsibility of a small group of staff. Therefore, an examination of the sufficiency of CPD was assessed primarily through the ICCRC member survey. Note that of the ICCRC interviewees that did comment on CPD, most said that the opportunities available to members were sufficient.

⁵³ The regulation was developed in February 2012 and updated in August 2013.

⁵⁴ See www.iccrc-crcic.ca//CPDsection.cfm

Survey respondents were very positive about the CPD that was being offered and agreed or strongly agreed that it was helpful and relevant to their work (91%), offered frequently enough (90%), that there was a good variety of offerings (90%), that instructors were of high quality (89%), that they were the right length (87%), and that the material was of high quality (83%). As shown in Figure 3.8, respondents were slightly less positive about the location of the CPD offerings (25% disagreed or strongly disagreed), as well as the cost (36% disagreed or strongly disagreed). These issues were also reflected in the open-ended comments for this survey question, with respondents noting that CPD was too expensive and that it needed to be made more accessible in terms of timing, locations, and having more on-line options.⁵⁵

Figure 3.8: Survey respondents' views on continuing professional development



⁵⁵ Statistically significant differences were observed between former CSIC members and ICCRC members who were never part of CSIC. In all cases, former CSIC members were more positive about CPD compared to those who were never members of CSIC. The differences between these two groups varied considerably depending on the statement, ranging from a low of 4 percentage points difference to a high of 24 percentage points difference. Highest discrepancies were noted on the price of CPD offerings and perceptions on the frequency of offerings. Statistically significant differences were also observed between years of experience and the extent to which respondents agreed/disagreed with the statements. In most cases, groups with more experience were more positive. As noted earlier, years of experience and past CSIC membership are highly correlated. Finally, statistically significant differences were found between respondents from different provinces regarding their level of agreement that CPD offerings are well located. Those with an office in Ontario, Quebec and Alberta were more in agreement that PD offerings are well located.

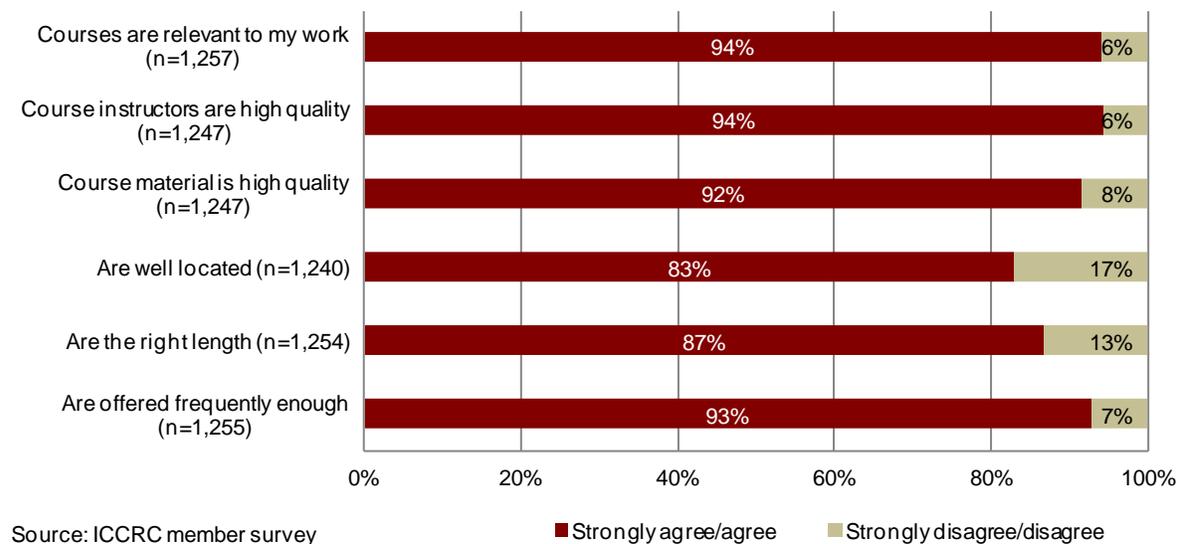
Practice Management Education

In addition to CPD, the ICCRC requires members to take mandatory PME courses in order to maintain their membership. The purpose of the PME courses is to provide members with the education, tools, and resources that are required to establish and maintain an immigration consulting practice.⁵⁶ The PME courses are developed and delivered by the ICCRC and are free to members. The ICCRC implemented its first two PME courses starting January 2012 on the topics of client accounts (delivered 152 times) and retainer agreements (delivered 196 times).⁵⁷ Members can participate in classroom or via real-time remote training. The ICCRC tracks adherence to these requirements and has suspended members for not completing the courses.

The ICCRC administers feedback surveys to PME course participants to ask about the clarity, quality, and usefulness of the courses. Over 1,800 surveys were submitted by participants that took the courses between January and June 2012. Feedback from these forms was very positive with the majority of respondents agreeing or strongly agreeing on all of the rated elements.⁵⁸

These results are similar to those gathered from the evaluation, as interviewees who provided comments on the PME courses thought the training was of good quality and did not have any suggestions for improvement. Results from the member survey were also very positive. As shown in Figure 3.9, respondents agreed or strongly agreed that the PME courses were relevant to their work (94%), delivered by high quality instructors (94%), and contained high quality material (92%). They also agreed that the training was of the right length (87%), that classes were offered frequently enough (93%), and were well located (83%).⁵⁹

Figure 3.9: Survey respondents' perception of PME courses



⁵⁶ See <http://icrc-crcic.ca/PME1.cfm>

⁵⁷ Since December 2012, the ICCRC has developed and delivered additional PME courses related to client file management, ethical practice, and the use of agents. The ICCRC will continue to develop PME courses as it identifies gaps in member knowledge related to the management of an immigration consulting practice.

⁵⁸ The feedback forms asked participants to rate 14 different elements related to clarity of course objectives, usefulness of the material, quality of the training and instructors, and the training facilities. The results from the feedback forms were published in the June 2012 ICCRC Annual Report.

⁵⁹ Survey respondents had taken on average 3.5 courses and 2% of respondents had not taken any courses.

3.2.5. Compliance

Under the theme of “compliance”, the ICCRC was to put in place processes to ensure that *fair, transparent, and accessible complaints and discipline mechanisms were established* (see Technical Appendices for a description of the planned compliance activities and outputs).

Finding: The ICCRC has put an appropriate complaints and discipline process in place, which is viewed as fair, accessible, and independent by interviewees and ICCRC members. However, the complaints and discipline process was slow to be established and the ICCRC has no jurisdiction over complaints against unauthorized representatives that it refers to other organizations (i.e., the CBSA and the RCMP), which has led to the perception that little is being done as a result of the complaints. In addition, the implementation of the member audit process was delayed but is now in process and the compensation fund to compensate the public in cases of member malpractice will not be established due to the large cost involved.

Complaints and discipline processes

As part of the compliance activities, the ICCRC developed codes of conduct and organizational bylaws and put in place a complaints and discipline process to respond to complaints against members and to forward complaints against non-members to the appropriate authorities. Detailed information on the complaints and discipline process and how to file a complaint is available to the public via the ICCRC website. A simplified description of the complaints and discipline process is as follows:⁶⁰

1. When a complaint is received, an intake officer determines the subject of the complaint. If the subject is an authorized consultant, it is forwarded to the Director of Complaints and Discipline, ICCRC. If the subject is a lawyer or a member of the *Chambres de Notaires du Quebec*, the complaint is referred to the applicable body. If the subject is neither, the complaint is referred to the RCMP or the Canada Border Services Agency (CBSA).⁶¹
2. The Director of Complaints and Discipline reviews complaints against ICCRC members, advises them in writing of the complaint, and provides them the opportunity to respond. The Director may attempt to negotiate a resolution to the complaint, but can also refer it to the Complaints Committee.
3. The Complaints Committee reviews the complaint and the member’s response and may order an investigation. The Complaints Committee renders a decision on the complaint and may refer the case to the Discipline Committee.
4. If applicable, the Discipline Committee reviews the complaint and may schedule a hearing with witnesses for both the prosecution and the defence. As a result of the hearing, the Discipline Committee will decide on the matter and render a verdict.
5. Appeals processes exist to challenge the decisions of the Complaints Committee not to refer cases to the Discipline Committee and, the decisions of the Discipline Committee.

⁶⁰ See www.iccrc-crcic.ca/admin/contentEngine/contentImages/file/ICCRCComplaints_and_Discipline_Outline_Apr2011.pdf

⁶¹ The ICCRC does not have any jurisdiction over complaints against non-members after the complaint has been referred to the appropriate body.

The ICCRC keeps detailed statistics on the complaints received and how complaints are handled. Between June 2011 and December 2012 a total of 887 complaints were received by the ICCRC. As shown in Table 3.4, just over half of those complaints (446) were received in the first year of operation, while the remainder (441) were received during the first six months of the second year of operation—already almost as many as received in the first year.⁶² ICCRC interviewees indicated that it was not surprising to see the number of complaints increasing and attributed this to more awareness of the existence of the complaints process. The ICCRC expects the number of complaints to increase for a few years before decreasing.

Overall, the number of complaints against members versus non-members during this time period was equally distributed (50.5% and 49.5%, respectively). Although in the first year of operation, the ICCRC received a much higher number of complaints against members (63.5%). This number has declined in the first six months of the second year of operations, with 37.4% of complaints being against members.

Table 3.4: Number of complaints received by the ICCRC, June 2011-December 2012

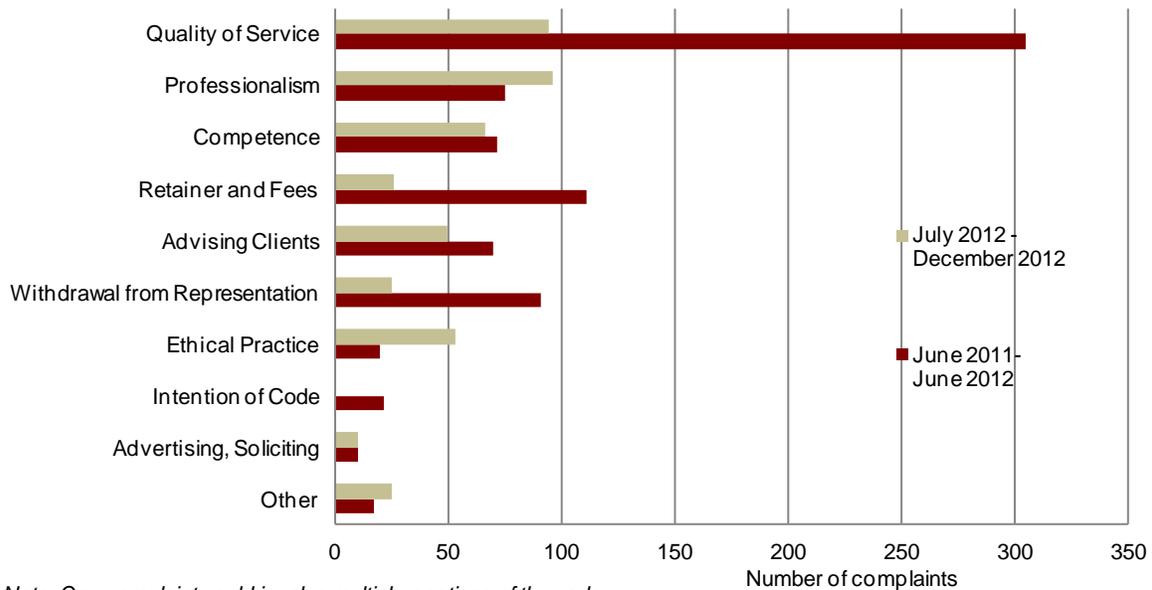
	# of Complaints Received		# of Complaints Received		Total	
	(June 2011-June 2012)	(63.5%)	(July 1, 2012 -Dec 31, 2012)	(37.4%)		
Complaints about members	283	63.5%	165	37.4%	448	50.5%
Complaints about non-members	163	36.5%	276	62.6%	439	49.5%
Total	446	100.0%	441	100.0%	887	100.0%

Source: ICCRC Registrar's report, February 2013

The ICCRC tracks the nature of the complaints according to the articles in ICCRC's Code of Professional Ethics. In the first 18 months of operation, the ICCRC received the most complaints related to the quality of service (399), professionalism (171), competence (138), retainer and fees (137), advising clients (120), and withdrawal from representation (116). In comparing the two reporting periods, there are some noteworthy decreases in the number of complaints in certain areas. For example, as shown in Figure 3.10, while there were 305 complaints from June 2011 to June 2012 related to quality of service, there were only 94 from July 2012 to December 2012. Similarly, there were 111 complaints in the first year of operation related to retainer and fees, but only 26 in the first 6 months of year 2. These decreases are potentially attributable to the mandatory PME courses that were delivered to members starting in January 2012. These courses were designed specifically to address problem areas identified by the ICCRC, two of which focussed on client retainer agreements and client accounts.

⁶² Over half of the complaints (56.7%) originated from within Canada, while 32.7% originated from outside of Canada (10.5% of complaints originate from an unknown location).

Figure 3.10: Allegations contained in the complaints received, June 2011-December 2012



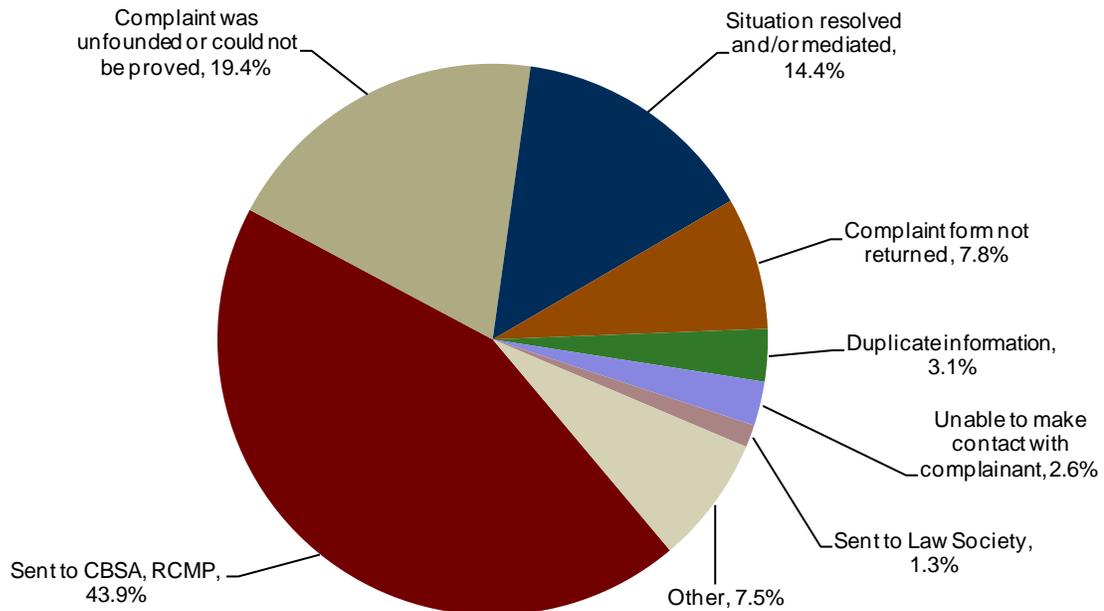
Note: One complaint could involve multiple sections of the code
 Source: ICCRC Registrar's report, February 2013

Of the 887 complaints received by the ICCRC between June 2011 and December 2012, 76.8% (681) were officially closed by the ICCRC. There are many reasons why the ICCRC closes a complaint, one being when it is referred to the CBSA or RCMP. Between June 2011 and December 2012, 299 complaints were referred to the CBSA or the RCMP, which accounts for 43.9% of all of the closed complaints (or 33.7% of all complaints received) (Figure 3.11). All of these referrals were related to complaints about non-members. Comparatively, a very small number of complaints (all against non-members) were referred to the Law Societies (9 complaints or 1% of the total number of complaints received). The ICCRC also closed complaints because it found the complaint was unfounded (in 19.4% of the close cases) or was able to resolve the issue through mediation (in 14.4% of the cases).

If a case is referred to the complaints committee, it is not included in the closed complaints. Between June 2011 and December 2012, 67 (7.6%) of the complaints received were referred to the complaints committee, 46 of which were referred to the committee in ICCRC's first fiscal year.⁶³ In the first fiscal year, only 2 of the 46 complaints were closed with no further action, while the rest were still pending. In the first 7 months of ICCRC's second year, an additional 15 cases were closed with no further action, for a total of 17 cases (or 25% of all cases referred to the committee). Of the remaining cases, 10.4% (7) resulted in remedial education, 13.4% (9) were referred to the discipline committee, and the remaining 49% (34) were still pending. Of the 9 files that were referred to the discipline committee, 2 are currently under investigation. The others (7) were still pending as of August 2013.

⁶³ The remaining 139 complaints (15.7%) were in-process at the time of data collection for the evaluation.

Figure 3.11: Reason for closure of complaints received between June 2011-December 2012



Source: ICCRC Registrar's report, February 2013

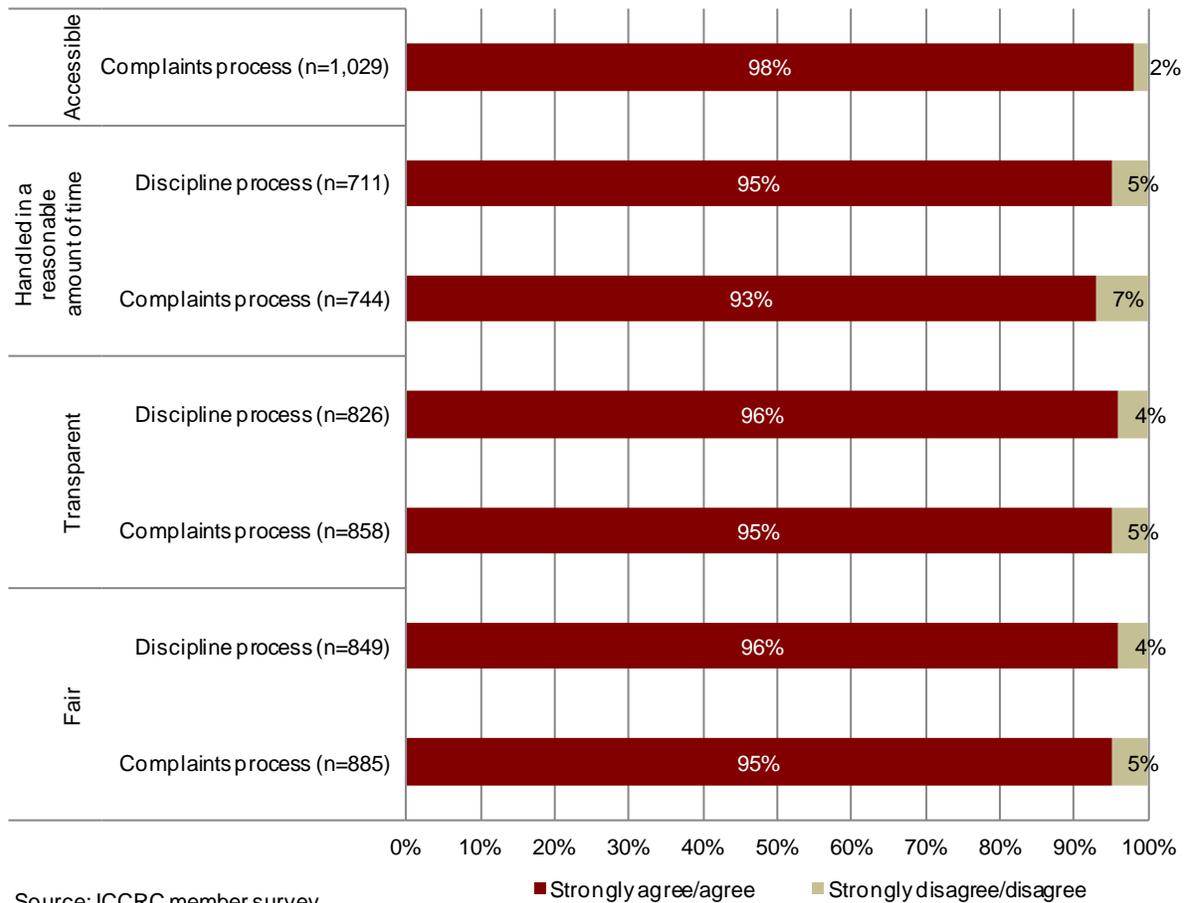
Awareness and perception of the complaints and discipline processes

While interviewees and survey respondents had varying degrees of knowledge about the complaints and discipline process, overall, these processes were viewed very positively. Interviewees noted that the processes were appropriate, as they were established as independent of the ICCRC (e.g., complaints are handled by independent investigators, files related to complaints are kept secure with restricted access).

Survey respondents who were very or somewhat familiar with the complaints and/or discipline processes were asked their opinions on the processes.⁶⁴ As shown in Figure 3.12, respondents were very positive about the complaints process and agreed or strongly agreed that it was accessible (98%), fair (95%), transparent (95%), and handled within a reasonable amount of time (93%). Similarly, for the discipline process, most agreed or strongly agreed that it was fair (96%), transparent (96%), and handled within a reasonable amount of time (95%).

⁶⁴ Complaints process: 31% of respondents stated that they were very familiar with it, 55% were somewhat familiar and 14% not familiar. Discipline process: 27% of respondents stated that they were very familiar with the discipline process, 53% were somewhat familiar with it, and 20% were not familiar with it at all. There was a high incidence of “don’t know” for these questions, varying between a low of 7% of survey respondents who could not express an opinion on the accessibility of the complaints process, to a high of 33% of survey respondents who could not express an opinion on the timeliness of the complaints process.

Figure 3.12: Survey respondents' perception of the complaints and discipline process



While interviewees and survey respondents were positive about the complaints and discipline processes, some interviewees noted that the process had not yet gone through a complete cycle so it would likely take a bit more time to see whether it would be effective. Interviewees were also critical of the outstanding number of cases that were still with the complaints committee. As noted above, 67 complaints received by the ICCRC between June 2011 and December 2012 were referred to the complaints committee. Of those 67, 34 were still pending as of December 2012, with only 2 of 46 complaints addressed in the first year of operation. Information from the evaluation showed that this inventory was related to the fact that the complaints committee was slow to be established and build capacity. As a result, nine cases have been referred to the discipline committee, two of which are being addressed.

Interviewees were also critical of the fact that not enough information was available on the outcomes of complaints. This is due in part to the fact that the complaints committee was slow to be established, but mostly due to the fact that the ICCRC is reliant on partners for investigation and enforcement, and thus has no control over the outcomes of those referrals. In an attempt to understand the status of complaints that are outside of the ICCRC's evaluation, the evaluation examined information from the CBSA on the complaints it has received. Out of the 275 referrals identified in CBSA systems (originating from various sources, ICCRC included) for the fiscal years 2011/12 and 2012/13, 40 have been turned into active cases for investigation.

In addition to a desire for increased information on the results of complaints, interviewees and survey respondents also suggested that there was a need to increase awareness of the process among both the public and ICCRC members. Survey respondents also suggested that the ICCRC needs to strengthen its provisions and investigations for complaints against ghost consultants and illegal recruiters. Although the ICCRC would have limited ability to do this, as it does not have any jurisdiction over individuals that are not members of the ICCRC.

Other compliance activities

Other compliance activities that the ICCRC had planned to undertake included establishing an audit mechanism for members, putting in place errors and omissions insurance, and establishing a criminal compensation fund. Information from the evaluation showed that the implementation of compliance audits for members had not yet been completed at the time of data collection for the evaluation, although since then the ICCRC has made progress on putting this process in place and has begun auditing members.

In addition, although the ICCRC has been successful in requiring all members to obtain errors and omissions insurance, it has not yet established a compensation fund. Information from the ICCRC indicated it has been unsuccessful in its attempts to transfer the compensation fund that was established by the previous regulatory body to the ICCRC and due to the large cost involved, it was not feasible for the ICCRC to establish its own fund at this time.

3.2.6. Resource utilization

The evaluation used an operational efficiency approach to assess how well the ICCRC used its resources to produce its outputs.⁶⁵ In particular, the evaluation compared ICCRC planned versus actual costs and examined interviewee perceptions on whether program resources were allocated appropriately to achieve program outputs and outcomes. In addition, certain projected financial savings for switching to a new regulator outlined in the June 28, 2011 Regulatory Impact Analysis Statement (RIAS)⁶⁶ were compared with actual financial data.

Finding: Although the ICCRC spent more than originally budgeted, the evaluation found that the ICCRC was able to mainly achieve what was planned as per the outputs identified in the contribution agreement.

In 2011, financial indicators were developed as part of the RIAS and Cost-Benefit Analysis to demonstrate savings to Canada as a result of establishing a new regulator. Data were available to support an assessment for three of the indicators from the 2011 RIAS: directors' fees, number of staff and the ICCRC membership fee.

Directors' fees: The RIAS projected that the ICCRC would incur incremental savings in directors' fees (from the previous regulator) because it had proposed to reduce such fees from a reported \$55,000 per year to \$12,000 per year, per Director, even though the ICCRC suggested hiring an additional six directors (for a total of 15). As per the ICCRC's 2012 Annual Report, directors' fees totalled \$273,500 or \$18,233.33 per director, which is \$6,233.33 higher than the RIAS projections.

⁶⁵ Per Treasury Board guidelines, operational efficiency is concerned with how inputs are being used and converted into outputs that support the achievement of expected outcomes.

⁶⁶ For the Regulations Designating a Body for the Purposes of Paragraph 91(2)(c) of IRPA.

Number of staff: The RIAS projected that the ICCRC would hire 18 staff in the first two years and reach a complement of 24 staff by year three, which would result in a net salary savings to the ICCRC. As of March 2013, ICCRC had 25 positions on its organizational chart, which exceeds the RIAS projection by one staff member.

Membership fee: The RIAS projected that the average fee (which does not include errors and omissions insurance) of the previous regulator of \$2,095 would be reduced to \$1,550, which was more in line with comparable legal associations. Lower fees would also address concerns expressed in the 2008 Standing Committee Report about CSIC membership fees being too high. While the ICCRC membership fee was originally set at \$1,550, as of July 2012 the fee was \$1,782.50, which is \$232.50 more than the RIAS projection.

To explain the differences in RIAS projects and present a complete picture of the ICCRC's spending, the evaluation reviewed the financial information for the organization between October 2011 and March 2012. This review found that the ICCRC had an original budget of \$1.6M and spent \$3.6M, which represents 2.31 times its total budget outlined in the contribution agreement. As illustrated in Table 3.5, the ICCRC exceeded this budget in nearly all cost categories for both start-up and operating costs, with 1.88 times its start-up budget (\$1.6M actual vs. 900K budgeted) and 2.73 times its operating budget (\$1.9M actual vs. \$700K budgeted). Overall, the largest discrepancies (in terms of dollars) were in rent and occupancy (\$381K or 701% over budget)⁶⁷, salaries and benefits (\$292K or 91% over budget), and marketing and promotion (\$267K or 314% over budget).

In terms of the composition of expenditures, the five largest start-up cost categories were:

- marketing and promotion (22%);
- management transition team (17%);
- incorporation/bylaws (13%);
- membership administration (13%); and
- practice management development (11%).

The five other specific start-up cost categories accounted for 24% of all start-up costs. The five largest operating cost categories were:

- salaries and benefits (32%);
- rent and occupancy costs (14%);
- membership administration (11%);
- director fees (9%); and
- general office supplies, recruitment and meetings (8%).

The finding that the ICCRC did not meet its RIAS projection is consistent with the general finding that the establishment and operation of the ICCRC has cost more than initially projected.

⁶⁷ These numbers include both start-up and operating rent, and occupancy expenditures.

Table 3.5: Budgeted and actual costs incurred by the ICCRC

Cost category description	Budget - from CA	Actual until March 2012	Variance
Start-up Costs			
Computer purchase	\$54,000	\$79,654	-\$25,654
Office furniture purchase	\$87,400	\$35,657	\$51,743
Incorporation, By-Laws	\$100,000	\$218,186	-\$118,186
Practice Management Development	\$75,000	\$178,046	-\$103,046
Marketing and Promotion	\$85,000	\$352,078	-\$267,078
Membership Administration-upfront	\$126,000	\$216,866	-\$90,866
Recruitment Costs	\$100,000	\$85,204	\$14,796
Rent, first & last	\$28,500	\$166,605	-\$138,105
Project Management Transition Team	\$180,000	\$274,106	-\$94,106
Travel & Accommodations	\$30,000	\$19,823	\$10,177
Start-up costs Total	\$865,900	\$1,626,224	-\$760,324
Operating Costs			
Bank Service Charges	\$6,500	\$71,820	-\$65,320
Miscellaneous Consulting Fees	\$2,500	\$16,560	-\$14,060
Director's Fees	\$45,000	\$176,535	-\$131,535
General Office Supplies, Recruitment & Meetings	\$68,000	\$145,523	-\$77,523
Practice Management Development	---	\$2,300	-\$2,300
Membership Administration	\$46,800	\$207,471	-\$160,671
Professional Fees - Legal	\$75,000	\$131,442	-\$56,442
Professional Fees - Accounting	---	\$47,849	-\$47,849
Rent & Occupancy costs	\$25,800	\$268,600	-\$242,800
Salaries & Benefits	\$320,448	\$612,522	-\$292,074
Telephone & Communications	\$5,100	\$74,013	-\$68,913
Travel & Accommodations	---	\$95,410	-\$95,410
Insurance*	\$98,760	\$42,048	\$56,712
Operating costs Total	\$693,908	\$1,892,093	-\$1,198,185
Other			
Decrease in Member fees	---	\$10,856	-\$10,856
Non Eligible amounts	---	\$71,623	-\$71,623
Other Total	---	\$82,479	-\$82,479
Grand Total	\$1,559,808	\$3,600,796	-\$2,040,988

* For Directors and officers, Business (assets/liabilities), and Errors and Omissions for members.

Source: Grants and Contributions Funding Management Division, CIC.

Of the few interviewees from CIC and the ICCRC who could comment on ICCRC's expenditures, most noted that the organization faced challenges during its first year related to getting operations running smoothly and building internal capacity. According to those few interviewees, this, coupled with inexperience regarding sound financial management practices and a potentially unrealistic forecast for several key expenditures areas such as marketing and promotion, rent, and salaries/benefits, provide some explanation as to why the ICCRC experienced cost-overruns in most cost categories. A few interviewees also noted that the primary reason the membership fees was increased was due to financial pressure arising from the unanticipated fee holiday given to past CSIC members who were grand-fathered into the ICCRC which adversely affected the organization's revenue and cash flow.

A few interviewees noted that in recognition of its financial management challenges, the ICCRC created a position of Finance Director in March 2012 (prior to this it had only employed a bookkeeper and the CEO to manage finances). Of the few interviewees within the ICCRC and CIC who could comment on the finances of the ICCRC, most noted that sound financial

practices and controls are now in place and the ICCRC has started to overcome the financial management challenges it experienced in its first year.⁶⁸

Despite the fact that there remain gaps and needed improvements in certain areas within the ICCRC (e.g., website, internal policies), there is no evidence from the evaluation that indicates that resources were allocated inappropriately or that there were viable alternatives (in terms of key areas to fund) which should have been given more prominence in terms of funding. Moreover, as discussed in previous sections, the ICCRC has generally achieved the outputs it set out in the CA, albeit with some delays in hiring staff and an initial shortage of funds for taking on communication activities.

⁶⁸ Audited financial statements are included in the ICCRC annual reports.

4. Conclusions and recommendations

Over the course of its first year and a half of operations, the ICCRC had successfully established itself as an arms-length organization that regulates immigration consultants. Although spending more than originally anticipated over this time period, the ICCRC was able to undertake the majority of the activities outlined in the contribution agreement in the four areas of capacity building, communications, competencies, and compliance and was able to operate without requiring additional funding from CIC above what agreed to at the outset. The assessment of these four areas of activity showed no major issues and, overall, the evaluation found the organization has established the foundations required to fairly regulate immigration consultants. In addition, the financial analysis conducted by CIC's Financial Management Branch shows that financial viability had not been achieved as of December 2013 and the financial situation of the organization was unfavourable according to the department's standards. However, ICCRC's financial situation has steadily been improving and it has started repaying the contribution to CIC, as per the negotiated schedule.

Recognizing that the ICCRC is a young organization that is still developing its capacity, there is room for improvement on certain aspects.

- While the foundations of ICCRC's governance and management structure have been established, the organization still needs to finalize its internal policies and procedures.
- The organization also must continue to monitor spending and maintain a strong membership base to ensure ongoing financial viability.
- The ICCRC needs to improve its website and continue its work on external communications to ensure that its mandate and key activities are clearly communicated to stakeholders (e.g., public, potential applicants, CIC).
- Where possible, the ICCRC needs to provide more information to its various stakeholders, including the public, on how it handles complaints and the disciplinary actions taken.
- The ICCRC should proactively engage in discussions with CIC regarding any originally planned activities agreed upon in the Contribution Agreement that are still outstanding, e.g., compensation fund.

CIC was involved with the organization by providing support during its establishment and ongoing operation, both in the form of operational guidance and financial support. Overall, CIC and the ICCRC were successful in establishing a good working relationship and CIC provided adequate support during the creation of the organization. The relationship between the ICCRC and CIC is now more arms-length, with the CIC role limited to monitoring the repayments from the ICCRC and liaising with the organization on an as-needed basis on matters of mutual interest. From an internal perspective, the evaluation identified a few issues that CIC should address to ensure that the department is working only with authorized representatives (including members of the ICCRC) and that stakeholders, both internal and external to CIC, are sufficiently informed about the regulatory body and the use of authorized consultants.

Recommendation #1: *CIC should ensure that staff processing immigration applications have a common understanding of the regulations, the role of the regulatory body, and the processes for CIC to validate the use of authorized representatives and to file complaints regarding authorized and unauthorised representatives. This should be done by:*

- a) Clarifying the process for how CIC validates the use of authorized representatives and for how complaints should be filed;
- b) Updating the relevant manuals (e.g., IP9) in a timely manner to reflect any changes to these processes;
- c) Issuing operational bulletins in a timely manner to ensure processing centres and visa offices are aware of any changes to the processes; and
- d) Updating relevant training material and/or courses to ensure that they include information on the regulations, the use of authorized representatives, the role of the ICCRC as the regulatory body, and the process in place within CIC for validating authorized representatives and for filing complaints.

Recommendation #2: *CIC should establish a communication strategy to raise public awareness regarding authorized representatives. This strategy should ensure that stakeholders (e.g., the public and potential applicants) understand the role of immigration consultants and that an authorized representative must be used if applicants choose to be represented.*

Appendix A: ICCRC Evaluation Matrix

Question	Indicators	Methods/Data sources
Relevance		
What need is the regulation of immigration consultants aiming to address?	Reasons why the industry is being regulated (e.g., level of fraud, immigration practitioner issues, use of 'ghost consultants')	Document review (Relevant industry reports, Standing committee reports, POR) Key informant interviews (CIC, ICCRC, CBSA, IRB, ESDC, CAPIC, CBA) ICCRC member survey
	# and % of immigration applicants who use the support of immigration consultants (by mission, immigration category)	Review of program data (CAIPS, FOSS, GCMS)
Is the regulation of immigration consultants aligned with federal roles and responsibilities and GoC and CIC priorities?	Existence of federal legislation and obligations related to the regulation of immigration consultants	Document review (Federal legislation and regulations (E.g., IRPA))
	Alignment of the objectives of the regulations with GoC and CIC priorities	Document review (Speeches From the Throne / Budgets, CIC reports on Plans and Priorities, CIC Annual Reports)
Performance		
Are the appropriate governance and management processes in place to achieve program outcomes?	Mechanisms are in place for coordination, communication and decision-making within CIC, between CIC and other government departments, and between CIC and ICCRC	Key informant interviews (CIC, ICCRC, CBSA, IRB, ESDC) Review of program data (Committee terms of reference, Meeting records)
	Stakeholder perceptions on the effectiveness of mechanisms for coordination, communication, and decision-making	Key informant interviews (CIC, ICCRC, CBSA, IRB, ESDC)
	Processes and tools are in place for CIC and other government departments to validate bona fide representatives	Key informant interviews (CIC, ICCRC, CBSA, IRB, ESDC) Review of program data (CIC processing manuals)
	Processes and tools are in place for CIC and other government departments to report misrepresentation	Key informant interviews (CIC, ICCRC, CBSA IRB, ESDC) Review of program data (GCMS)
	# of complaints received through the complaints mailbox (SecretariatonConsultants@cic.gc.ca) on authorized and/or unauthorized consultants	Review of program data (OMC data)
Is ICCRC a viable, transparent,	Capacity building activities and outputs are delivered as	Key informant interviews

Question	Indicators	Methods/Data sources
accountable, and well-managed organization? (Capacity)	planned, with explanation of variances	(CIC, ICCRC) Review of program data (ICCRC output and outcome reports, Annual reports, Committee terms of reference and records of decision, Financial reports, Meetings minutes, Organizational charts, By-laws, Code of ethics, Membership)
	Evidence of public reporting on organizational structure and activities, processes, and investigations	Review of program data (ICCRC annual reports, Web publications, Communication products)
	ICCRC balance of revenues against expenditures, by fiscal year	Review of program data (ICCRC financial reports)
	Stakeholder perceptions on the appropriateness of governance and management structures that have been put in place	Key informant interviews (CIC, ICCRC, CBSA, IRB, ESDC, CAPIC, CBA) ICCRC member survey
	Stakeholder views on the transparency and accountability of ICCRC	Key informant interviews (CIC, ICCRC, CBSA, IRB, ESDC, CAPIC, CBA) ICCRC member survey
Has the ICCRC adequately informed stakeholder groups on the immigration consulting sector? (Communication)	Communication activities and outputs are delivered as planned, with explanation of variances	Key informant interviews (CIC, ICCRC) Review of program data (ICCRC administrative files, Output and outcome reports, Communication plan, Communication products, Web material)
	% of information products made available in both official languages and in target applicant languages	Review of program data (ICCRC administrative files, Output and outcome reports, Communication plan, Communication products, Web material)
	Stakeholders are aware of, and have access to, ICCRC information products	Key informant interviews (CIC, CBSA, IRB, ESDC, CAPIC, CBA) ICCRC member survey
	Stakeholders believe that ICCRC information products are appropriate and effective	Key informant interviews (CIC, ICCRC, CBSA, IRB, ESDC, CAPIC, CBA) ICCRC member survey

Question	Indicators	Methods/Data sources
Are members receiving accreditation from the ICCRC? Are they receiving professional development opportunities to develop competencies and improve qualifications? (Competencies)	Competency activities and outputs are delivered as planned, with explanation of variances	Key informant interviews (CIC, ICCRC) Review of Program Data (ICCRC administrative files, Output and outcome reports, Documentation on accreditation process / certification procedures, Training tools and activities, Professional development tools)
	# of new ICCRC members, by month	Review of Program Data (ICCRC annual reports, Membership records)
	# and % of members certified	Review of Program Data (ICCRC membership records, training records)
	# and % of members meeting continuing education requirements	Review of Program Data (ICCRC annual reports, Training records)
	Stakeholder perceptions on the accreditation process	Key informant interviews (CIC, ICCRC, CBSA, IRB, ESDC, CAPIC, CBA) ICCRC member survey
	Stakeholder perceptions on the sufficiency of professional development opportunities	Key informant interviews (CIC, ICCRC, CBSA, IRB, ESDC, CAPIC, CBA) ICCRC member survey
	Stakeholder perceptions on the quality of training provided	Key informant interviews (CIC, ICCRC, CBSA, IRB, ESDC, CAPIC, CBA) ICCRC member survey Review of program data (Training feedback forms)
To what extent is there a fair, transparent, and accessible complaint and discipline mechanism in place to regulate member conduct? (Compliance)	Compliance activities and outputs are delivered as planned, with explanation of variances	Key informant interviews (CIC, ICCRC) Review of program data (ICCRC administrative files, Output and outcome reports, Code of ethics, Complaints procedures, Investigations procedures, Enforcement mechanisms, Liability insurance plan)
	# of complaints filed with the ICCRC, by type of complaint	Review of program data (ICCRC annual reports, Complaints reporting)
	# and % of complaints referred to other stakeholders, by type of complaint	Review of program data (ICCRC annual reports, Complaints reporting)
	# and % of investigations conducted by the ICCRC, by type of complaint	Review of program data (ICCRC annual reports, Complaints reporting)

Question	Indicators	Methods/Data sources
	# and % of complaints that are heard by the complaints committee; and discipline committee, by type of complaint	Review of program data (ICCRC annual reports, Complaints reporting)
	# and % of infractions issued by the ICCRC, by type of complaint	Review of program data (ICCRC annual reports, Complaints reporting)
	% of complaints launched and finalized within 3 months	Review of program data (ICCRC annual reports, Complaints reporting)
	# and % of complaints or disciplinary decisions appealed by either party	Review of program data (ICCRC annual reports, Complaints reporting)
	Stakeholder awareness and understanding of compliance and discipline mechanisms	Key informant interviews (CIC, ICCRC, CBSA, IRB, ESDC, CAPIC, CBA) ICCRC member survey
	Stakeholder views on adequacy of compliance and discipline mechanisms	Key informant interviews (CIC, ICCRC, CBSA, IRB, ESDC, CAPIC, CBA) ICCRC member survey
Resource utilization		
Have program resources been used appropriately to achieve program outcomes?	ICCRC planned versus actual costs, and reasons for variations	Key informant interviews (CIC, ICCRC) Review of program data (ICCRC financial reports)
	Stakeholder perceptions on whether program resources have been allocated appropriately to achieve program outcomes	Key informant interviews (CIC, ICCRC)

Appendix B: ICCRC Logic Model

