

### *Ghost Consultants and Skilled Worker Changes*

Despite the entry into force of a laudable legislation termed, “Cracking Down on Crooked Consultants” (Bill C-35) in June 2011, it appears that ghost consultants are still operating in these parts with relative impunity.

For those not familiar with the term, “ghost consultants” usually refer to people who accept fees or other consideration for providing immigration advice or services but whose identities are not on any of the documentation submitted to the government mainly because they are not duly-licensed lawyers, paralegals or immigration consultants.

Bill C-35 (officially called, An Act to Amend the Immigration and Refugee Protection Act), makes it an “offence for anyone other than an authorized representative to conduct business, for a fee or other consideration, at any stage of an application or proceeding.”

Ghost consultants therefore, are clearly punishable under this law and if found guilty, could face punishments ranging “from \$50,000 to \$100,000 and/or imprisonment for up to two years upon conviction by indictment; and from \$10,000 to \$20,000 and/or imprisonment for up to six months on summary conviction.”

If there is such a law prohibiting the activity and imposing substantial penalties, how are ghost consultants able to continue in business and get away with it? From what I have gathered, some ghost consultants are very shrewd about avoiding any paper trail by only accepting cash payments or refusing to issue any receipts, for instance. For some reason, they are also good at convincing their clients to tell the authorities that they do not have a legal representative and are doing the immigration application on their own, even if this is clearly not true.

As a result, the ghost consulting business goes on, and appears to be even flourishing, leaving behind a trail of empty pockets and shattered immigration dreams.

We can all try to contribute our share in stopping this criminal activity and preventing others from being similarly victimized by following a few simple guidelines: a) if you have directly dealt with ghost consultants and have some evidence of this illegal activity, report the matter to the authorities as soon as possible; b) never consent to any advice which induces you to commit fraud or misrepresentation in any immigration submission or application; c) before retaining the services of a legal representative or consultant, check with the relevant regulatory body to confirm whether the person concerned is a member in good standing; and d) always require invoices or receipts for payments made and services rendered.

Hopefully, these simple guidelines will help reduce if not eradicate this illegal activity which preys on people’s desperation to gain the much-coveted immigration status in Canada.

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Meanwhile, Citizenship and Immigration Canada (CIC) continues on its path towards introducing further reforms to the immigration system. Aside from unveiling a brand-new interactive website this month, CIC revealed more details regarding the previously announced changes to two permanent residence application categories, both of which will take effect on 2 January 2013.

These changes involve the new Skilled Trades Stream under the Federal Skilled Worker category and the revised Canadian Experience Class.

“The new Skilled Trades Stream will help address serious labour shortages in some regions of the country, and support economic growth,” CIC Minister Jason Kenney said. “For too long, Canada’s immigration system has not been open to these in-demand skilled workers. These changes are long overdue and will help us move to a fast and flexible immigration system that works for Canada’s economy,” he added.

According to the new CIC guidelines, to qualify for permanent residence in Canada under the Skilled Trades Stream, the applicants will need to:

1. have an offer of employment in Canada or a certificate of qualification from a province or territory to ensure that applicants are “job ready” upon arrival;
2. meet a basic language requirement;
3. have a minimum of two years of work experience as a skilled tradesperson, to ensure that the applicant has recent and relevant practice as a qualified journeyman; and
4. have the skills and experience that match those set out in the National Occupational Classification (NOC B) system, showing that they have performed the essential duties of the occupation.

CIC also announced that that it will “accept up to a maximum of 3,000 applications in the first year of the Federal Skilled Trades Program.”

The Canadian Experience Class on the other hand, has been amended to reduce the work experience requirement to 12 months (from the previous 24 months) for temporary foreign workers in Canada and will allow international students up to 36 months (from 24 months previously) within which to complete the required one year of work experience after completing a two-year full time study program at a Canadian educational institution.

Hopefully, these significant changes to Canada’s immigration programs will benefit many prospective immigrants who may not have qualified under the old rules.

**Merry Christmas and a Blessed New Year to all!**

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