

WHISTLER  
IMMIGRATION

---

# Future of Immigration Consulting in Canada

2023

# S F I N L A Y C O N T E N T

01.

Introduction

02.

Industry Overview

03.

Temporary Residents  
Workers

04.

Temporary Residents  
Students

05.

Transitioning to Permanent  
Residence

06.

immigration Consulting Industry

07.

Conclusion

08.

References

## Immigration drives economic growth and job creation, fills labour market gaps and helps Canada remain competitive on the world stage

Canada is considered one of the top 10 immigrant destination countries in the world. In 2021, a total of 8.3 million people were, or had ever been, permanent residents of Canada, accounting for 21.3% of Canada's total population (Statistics Canada, 2022).

Canada welcomed nearly 406,000 in 2021, the most immigrants in a single year in the country's history. During the same year, there were 445,776 study permit holders and 415,817 temporary work permit holders in Canada. New temporary and permanent residents accounted for over 80% of Canada's population growth in 2019 (Immigration, Refugees and Citizenship Canada, 2022).

Canada's current immigration levels plan aims to welcome 1.45 million immigrants in the next three years. Increases to immigration targets over previous years will help economic recovery from COVID-19 and drive future growth and job creation, fill labour market gaps and help Canada remain competitive on the world stage (Immigration, Refugees and Citizenship Canada, 2022).

There are over 120 unique immigration programs, including permanent federal, provincial/territorial and pilot programs.

Navigating immigration processes is stressful and can be complex; laws, policies and procedures are constantly evolving and ripe with nuance. Identifying appropriate programs, understanding one's eligibility, and successfully navigating the application process is daunting for most. There are many sources of information on Canadian immigration, yet acquiring personalized, accurate and complete information presents a real problem for would-be applicants.

Applicants turn to a variety of sources for information, guidance and advice to plan and execute their immigration strategies for Canada. These include the Government of Canada website, lawyers, RCICs, education and other unlicensed agents, international recruiters, and online peer communities. Lawyers and Regulated Canadian Immigration Consultants (RCIC) and notaries in Quebec are the only professionals authorized to provide advice and assistance on immigration applications for a fee in Canada.

The immigration consulting industry is fragmented and gaps in competency and oversight lead to the spread of misinformation, poor advice and unscrupulous actors taking advantage of vulnerable people. Identifying areas for improvement by better understanding the current state of the industry, and reviewing models and practices from consulting areas outside legal, will offer inspiration for a better model for immigration consulting that is rooted in our joint humanity and pursuit of mutual benefit and will generate trust, transparency and competency (Finlay, 2020).

# TEMPORARY RESIDENTS WORKERS

Canada's economic recovery and future economic growth will be determined by employers' ability to access and retain workers with the necessary skills to strengthen our workforce.

It will also be influenced by establishing sound economic policy in conjunction with fuelling prosperity for all Canadian citizens. The Temporary Foreign Worker Program (TFWP) supports Canada's economic and labour market interests.

At the 8th meeting of the Standing Committee on Human Resources, Skills and Social Development and the Status of Persons with Disabilities, the Hon. Marco Mendicino, then Minister of Immigration, Refugees and Citizenship Canada (IRCC), provided an update on his department's priorities in response to the COVID-19 pandemic. Mendicino stated:

*We will continue to ensure that the immigration policies that we have put in place have been effective in responding to the pandemic and will position Canada for success as we begin to reopen the economy... The measures I have spoken about today, the facilitation, the financial supports and the regulations, will help ensure that the enormous benefits that temporary foreign workers bring to our economy are not lost in the disruption of the pandemic, even as we adjust our programs to ensure the health and security of all Canadians. (Standing Committee on Human Resources, 2020).*

Since the 1980s, Canada has embraced a proactive approach to immigration, focusing on immigrants' contributions to future economic growth. Our country depends on a robust immigration plan to combat population decline and drive labour force growth as retirement rates outpace birth rates. This approach has been adopted in the wake of previous recessions, including the 2008-09 financial crisis, and is being pursued as Canada recovers from the COVID-19 pandemic.

Canada's current immigration plan intends to increase immigration levels to welcome new permanent residents at a rate of 1% of the country's population per year, an increase that is necessary to ensure economic growth and attract a diverse and skilled labour force that will allow Canada to remain competitive globally (Immigration, Refugees and Citizenship Canada, 2022).

Foreign nationals typically come to work in Canada through the Temporary Foreign Worker Program (TFWP) and are approved to work in Canada based on arranged employment in occupations employers are unable to fill from the domestic labour market. These foreign workers are permitted entry to Canada only when Canadian employers can demonstrate that a labour or skills shortage exists in the domestic labour market and the foreign national has the necessary employment qualifications.

Foreign nationals may also gain authorization to work in Canada through the International Mobility Program (IMP) that aims to pursue the maximum social, cultural, and economic benefit of immigration for Canada. Temporary foreign workers support innovation, create new job opportunities for Canadians and permanent residents by contributing to business growth and increased economic activity.

Canada's population is aging; the percentage of the population aged 65 and over is expected to exceed 24% by 2035. It is imperative that temporary and permanent immigration programs are maintained to support growth in Canada's workforce as the world recovers from COVID-19 pandemic and beyond.

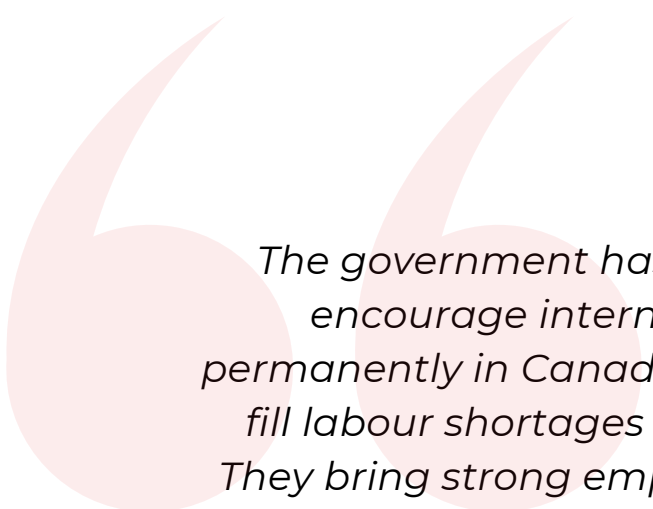
# TEMPORARY RESIDENTS STUDENTS

International students provide tremendous social, cultural and economic benefits to campuses and communities across Canada.

The Government of Canada is placing a priority on attracting and retaining international students. International students have a greater impact on the economy than exports of auto parts, lumber or aircraft. In 2019, 402,427 new study permits were issued, a 15% increase from 2018, and 11,566 study permit holders were granted permanent residency. Canada had the 7th highest percentage of international students enrolled in post-secondary education in 2017 compared to other OECD countries. In 2018, international students in Canada spent an estimated \$21.6 billion on tuition and other expenses (Immigration, Refugees and Citizenship Canada, 2022).

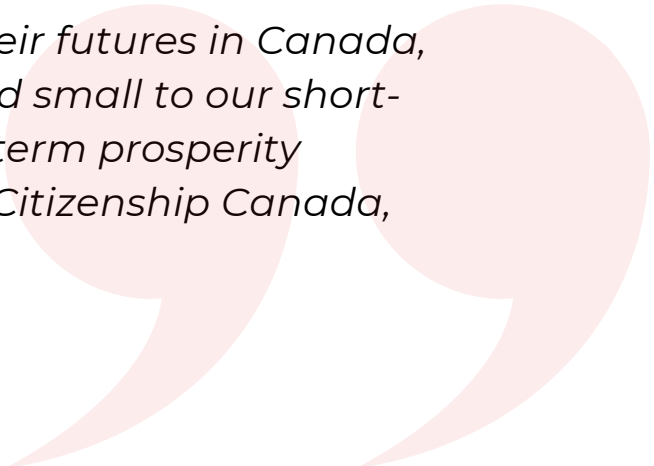
Canada's commitment to attracting and retaining international students is evidenced by favourable recognition in permanent residency processes (Canada Study News, 2016) and as the subject of several beneficial changes made in response to the COVID-19 pandemic creating flexibility and leniency to continue attracting international students (Immigration, Refugees and Citizenship Canada, n.d.), including a public policy to help facilitate the transition of former international students to permanent residence (Immigration, Refugees and Citizenship Canada, 2021).

The following statement encompasses the Government of Canada's position on international students:



*The government has made significant efforts to encourage international students to settle permanently in Canada, as they help create jobs and fill labour shortages so our businesses can thrive. They bring strong employment and language skills, bolstered by their Canadian education and work experience, so they are typically well positioned to apply for permanent resident status. More than 58,000 graduates successfully applied to immigrate permanently in 2019, and their decisions to stay in Canada will help to address our stark demographic challenges.*

*As we confront the pandemic's second wave and chart a course for our recovery, attracting skilled immigrants is a central part of our plan. This new policy will help more graduates fill pressing needs in areas like health care, technology and more. As we look forward, it will help even more former international students build their futures in Canada, contributing in ways large and small to our short-term recovery and long-term prosperity (Immigration, Refugees and Citizenship Canada, 2021).*





# TRANSITION TO PERMANENT RESIDENCE

In 2020, 95% of applicants were 19-39 years of age (Immigration, Refugees and Citizenship Canada, 2020).

Temporary foreign workers and international students who meet the requirements of one of Canada's permanent immigration programs can apply to become permanent residents. Foreign nationals are not required to become a temporary resident of Canada to qualify for permanent residency, however studying or working in Canada significantly increases one's likelihood of becoming a permanent resident. As demand for immigration to Canada continues to rise, prior work or study in Canada will be key to becoming a permanent resident.

Canada's permanent immigration programs include economic, family, refugee, protected person and humanitarian and compassionate categories. Eligibility and selection for these programs is established based on a combination of human capital factors, like applicants' language proficiency in one of Canada's official languages, education, employment and work experience in Canada, that demonstrate applicants' abilities to become economically established. In 2021, over 191,000 work and study permit holders transitioned to permanent residence (Immigration, Refugees and Citizenship Canada, 2022).

## Economic Class

Canada's three primary federal economic immigration programs, the Federal Skilled Worker Program, Canadian Experience Class and Federal Skilled Trades Program, account for the largest proportion of applicants for permanent residence in Canada. Applications to these programs are managed through an online system called Express Entry. This system is the main source of permanent residence applications for the economic immigration category of IRCC's multi-year immigration levels plan (Immigration, Refugees and Citizenship Canada, 2018). Immigration targets for the next three years in these categories include 82,880 in 2023, 109,020 in 2024 and 114,000 in 2025, representing 37% of all economic immigration applicants per year (Immigration, Refugees and Citizenship Canada, 2022).

In the 2020 Consultations on Immigration Levels Report, respondents identified filling labour market gaps and bringing new skills, as well as supporting Canada's economic recovery as the top two reasons for Canada to have a robust immigration program in 2021 (Immigration, Refugees and Citizenship Canada, 2020).

The Immigration and Refugee Protection Act authorizes designated professionals to provide immigration and citizenship advice and services for a fee.

This includes Canadian lawyers and Regulated Canadian Immigration Consultants (RCIC) licensed by the College of Canadian Immigration Consultants (CICC).

Using a paid, third-party representative to apply for temporary or permanent residence in Canada is not mandatory. Doing so can save applicants time, reduce stress, and increase overall likelihood of success.

Estimates suggest that 75% (Mooney, 2018) to 85% (Kurland, Canadian Immigration Lawyer, 2021) of applications submitted to IRCC are self-represented. Despite the high number of self-represented cases, the demand for additional information and guidance about Canadian immigration matters is high based on the number of unique monthly visitors to one of the country's most popular immigration website, Moving2Canada, which sees 350,000 unique visitors per month (Lin, 2019) and hundreds of thousands of members in peer-help Facebook groups.

Immigration consulting became a regulated profession in 2003 with the creation of the independent and self-regulating body of the Canadian Society of Canadian Immigration Consultants (CSIC) (Immigration, Refugees and Citizenship Canada, 2003). The profession has been plagued with dishonest and unethical behaviour. Complaints abounded about unacceptable practice of some immigration consultants resulting in the transition from CSIC to the Immigration Consultants of Canada Regulatory Council (ICCRC) in 2011 (Canadian Association of Professional Immigration Consultants, 2021).

The profession underwent a third iteration of self-regulation and transitioned from ICCRC to the CICC in November 2020. The college has statutory authority providing "enhanced power and tools for oversight, enforcement and investigation, and expanded authority to identify unauthorized immigration practitioners (ghost consultants) and hold them responsible for their actions" (Immigration Consultants of Canada Regulatory Council, 2021).

## You don't need to hire a representative! Beware of fraud

There is significant distrust and negative reputations of the immigration consulting profession for reasons that include varying degrees of competency, actions of unregulated agents and unethical behaviour. Warnings about immigration fraud, like the one above, are advertised by official and unofficial sources (Miekus & Collette, 2020) (Government of Canada, 2020). Horror stories of negative experiences, often involving incompetence and/or fraud, with regulated and unregulated consultants and recruiters abound (Thibault, 2020) (Yogesh & Neatby, 2017) (Tomlinson, 2019).

Unauthorized “ghost” agents have cost would-be immigrants tens of thousands of dollars and immeasurable heartache. Just last month, an unlicensed agent in India was arrested for defrauding several students bound for Canada out of tens of thousands of dollars. These students now face deportation and a 5-year ban from Canada (Aulakh, 2023). An elaborate network of ghost consultants and recruitment companies was uncovered in 2020 linked to a fraudulent scheme offering non-existent employment opportunities in Quebec to skilled workers in the Middle East (Lapierre, 2020).

Education agents have also played a role in compromising Canada’s reputation as a desirable location to study and immigrate. The Government of Canada does not “qualify, accredit, guarantee or endorse” education agents, nor are these agents qualified or authorized to provide immigration legal advice or support for a fee” (EduCanada, 2019). Critical reports have exposed student recruiters of exploiting foreign nationals (Tomlinson, The foreign students who say they were lured to Canada by a lie, 2019).

Many solutions by a variety of governments and non-profit organizations have been deployed to address the occurrences of fraud and to eliminate deceitful actors taking advantage of those eager to come to Canada to work, study and live permanently. These include legislation enacted in B.C. and Saskatchewan to bolster foreign worker protection and initiatives by the Canadian Association of Professional Immigration Consultants (CAPIC) to improve international worker and student recruitment.

# IMMIGRATION CONSULTING CURRENT STATE

The industry is highly fragmented and market share is low. There is very little real competitive differentiation beyond reputation and brand awareness.

Revenue growth has slowed slightly due, in part, to the introduction of technology and emergence of online legal databases and research and preparation tools that have helped shift client preferences. “Technology has made the legal process more transparent, identifiable and less complex. This phenomenon, known as the disaggregation and commoditization of legal work, has constrained more robust industry growth.” Additionally, “technology has created a better-educated class of consumers, who are increasingly choosing legal representation based on considerations of value as opposed to prestige,” (Koronios, 2020).

Overwhelmingly, consultants and lawyers provide either 1-on-1 consultation or full-service representation. Individuals seeking additional support or guidance beyond an initial consultation but not requiring or wanting full-service representation have few options. Immigration forums, Facebook and Whatsapp groups abound with individuals seeking a DIY approach.

New, innovative solutions for individuals in need of some level of immigration legal advice presents an opportunity to be explored to serve the approximate 1 million and growing new temporary and permanent residents annually.

The advent of online legal services has introduced the commoditization of legal work.

In the United States, the online legal industry yielded average annual revenue of 8.5bn with growth of 7.6% annually and profit margins of 13.1% from 2015-2020. Like law firms in Canada, the online legal industry does not have any major players and concentration is low (Ristoff, 2020).

As demand for affordable alternatives to traditional lawyers continues to increase, along with advancing technology that improve ease-of-use and accessibility of online services continue to grow, so too will the demand for online legal services (Ristoff, 2020).


Trends in Canada's immigration policies suggest healthy growth in the future to combat an aging population and attract skills and expertise to keep Canada competitive on a global stage. History has demonstrated that both major political parties recognize the advantages of and necessity for immigration to Canada (the conservative government maintained immigration levels after the last financial crisis and the current government is pointing to immigration as a means to recovery from the COVID-19 pandemic).

Immigration consulting is a cyclical and countercyclical industry; government encourages immigration to spur innovation and job creation during economic downturns and there is demand for high immigration levels in economic upswings when there is a need to fill labour and skills shortages. Opportunities and demand for the industry's services are stable and the innovating in the industry is desirable.

The immigration consulting industry has low market share concentration; reputation and brand tend to be the key differentiators between competitors. Otherwise, services between competitors are largely undifferentiated resulting in intense competition, often on price.

Exploring ways automation and technology have been used in the tax industry and other areas of the legal industry to develop innovative new business models, products and services has the potential to breath new life into the immigration legal industry, addressing clients evolving preferences, serve more people and combat fraud.

# CONCLUSION



The majority of people and businesses do not buy legal services even when they need it.

There is an ocean full of customers who are turned off by the traditional model.

Focus on the customers who are not buying legal services. Why don't they buy it? What is their frustration? What should change in legal services for them to buy?

Turn those customer pain points to your opportunities. Their unserved needs open limitless prospects for your own law business.

-Hannele Korhonen, Lawyers Design School



# ABOUT THE AUTHOR

I am an innovator, change maker and disruptive entrepreneur. I'm also a Canadian immigration expert, empowering individuals and organizations to seize opportunities that will enable them to pursue their fullest potential.

---

Over the past decade, I have been dedicated to changing lives and building Canada's social, cultural and economic fabric by navigating immigration legal systems. My experience operating a bespoke consulting firm and completing a Master's in Management, Innovation and Entrepreneurship has fueled my desire and ability to meaningfully contribute to building solutions addressing some of the world's most pressing problems.

I am committed to nurturing my entrepreneurial and innovative spirit through purposeful work to create positive impact in the world.

Outside of work, you'll find me in nature, on my mountain bike/skis, traveling or herding cats (aka wrangling twin toddlers).



#### The nitty gritty:

- Regulated Canadian Immigration Consultant with over 10 years of industry experience
- Lead visionary officer and owner of Whistler Immigration Ltd.
- Master's of Management, Innovation and Entrepreneurship from the Smith School of Business at Queen's University (2021)
- Certificate in Immigration Laws, Policies and Procedures from The University of British Columbia (2015)
- Bachelor's of Arts (Honours) in Political Science, with a minor in French, from Queen's University (2010)
- Canadian Association of Professional Immigration Consultants (CAPIC) member
  - B.C. Chapter Committee Member
  - Lobbying Committee Member
  - National Citizenship and Immigration Conference (NCIC) Speaker 2021
  - CAPIC-ACCPI Award for Academic Excellence
- College of Canadian Immigration Consultants (CICC) Student Mentor

Canadian Association of Professional Immigration Consultants . (2021, January 12). Education Partner Program. Retrieved from Canadian Association of Professional Immigration Consultants : <https://www.capic.ca/EN/EducationPartnerProgram>

Canadian Association of Professional Immigration Consultants . (2021, January 12). History of Our Profession. Retrieved from Canadian Association of Professional Immigration Consultants: <https://www.capic.ca/EN/OurHistory> Consultants, C. A. (2019, May 10).

CAPIC's Education Partner Symposium Comes to Toronto. Retrieved January 12, 2021, from Cision: <https://www.newswire.ca/news-releases/capic-s-education-partner-symposium-comes-to-toronto-846128863.html>

Dormer, D. (2021, January 11). Calgary man fined \$4K, ordered to pay \$6K in restitution for providing immigration services without licence. Retrieved November 12, 2021, from CTV News: <https://calgary.ctvnews.ca/mobile/calgary-man-fined-4k-ordered-to-pay-6k-in-restitution-for-providing-immigration-services-without-licence-1.5262814>

Edmond, C. (2017, November 22). Which countries do migrants want to move to? Retrieved January 11, 2021, from World Economic Forum: <https://www.weforum.org/agenda/2017/11/these-are-the-countries-migrants-want-to-move-to/>



EduCanada. (2019, March 05). Education agents. Retrieved January 12, 2021, from EduCanada:  
<https://www.educanada.ca/study-plan-etudes/before-avant/education-agents.aspx?lang=eng>

Government of British Columbia. (2021, January 12). Hiring temporary foreign workers. Retrieved from Government of British Columbia:  
<https://www2.gov.bc.ca/gov/content/employment-business/employment-standards-advice/employment-standards/hiring/hire-temporary-foreign-workers>

Government of Saskatchewan. (2021, January 12). Recruit and Hire Foreign Workers in Saskatchewan. Retrieved from Government of Saskatchewan:  
<https://www.saskatchewan.ca/residents/moving-to-saskatchewan/hire-a-foreign-worker/recruit-and-hire-workers-with-sinp>

Immigration Consultants of Canada Regulatory Council. (2021, January 12). COUNCIL TO COLLEGE INFO. Retrieved from Immigration Consultants of Canada Regulatory Council: <https://icrc-crcic.ca/council-to-college-info/#>

Immigration, Refugees and Citizenship Canada. (2003, October 31). GOVERNMENT ANNOUNCES CREATION OF A SELF-REGULATING BODY FOR IMMIGRATION CONSULTANTS. Retrieved January 12, 2021, from Government of Canada:  
<https://www.canada.ca/en/news/archive/2003/10/government-announces-creation-self-regulating-body-immigration-consultants.html>

Immigration, Refugees and Citizenship Canada. (2018). Express Entry Year-end Report 2017. Retrieved January 12, 2021, from Government of Canada: <https://www.canada.ca/en/immigration-refugees-citizenship/corporate/publications-manuals/express-entry-year-end-report-2017.html>

Immigration, Refugees and Citizenship Canada. (2020, October 30). 2020 Annual Report to Parliament on Immigration. Retrieved January 11, 2021, from <https://www.canada.ca/en/immigration-refugees-citizenship/corporate/publications-manuals/annual-report-parliament-immigration-2020.html>

Immigration, Refugees and Citizenship Canada. (2020). 2020 consultations on immigration levels and the Municipal Nominee Program – final report. Retrieved January 11, 2021, from Government of Canada: <https://www.canada.ca/en/immigration-refugees-citizenship/corporate/transparency/consultations/2020-consultations-immigration-levels-and-municipal-nominee-program.html>

Immigration, Refugees and Citizenship Canada. (2020, October 30). Government of Canada announces plan to support economic recovery through immigration. Retrieved January 11, 2021, from Government of Canada: <https://www.canada.ca/en/immigration-refugees-citizenship/news/2020/10/government-of-canada-announces-plan-to-support-economic-recovery-through-immigration.html>

Immigration, Refugees and Citizenship Canada. (2020, October 30).

Notice – Supplementary Information for the 2021-2023 Immigration Levels Plan. Retrieved January 11, 2021, from Government of Canada:

<https://www.canada.ca/en/immigration-refugees-citizenship/news/notices/supplementary-immigration-levels-2021-2023.html>

Jain, R. (2019, April 17). Immigration consultants should not be propped up by Ottawa. Retrieved January 12, 2021, from The Globe and Mail:

<https://www.theglobeandmail.com/opinion/article-ottawa-should-stop-propping-up-immigration-consultants/>

Kurland, R. (2021, January 12). Canadian Immigration Lawyer. (B. Finlay, Interviewer)

Kurland, R. (2021, January 10).

The International Information Network for Canadian Immigration Practitioners. LEXBASE. Vancouver, B.C., Canada: LEXBASE.

Lapierre, M. (2020, August 15). A Montreal company offers hope to prospective immigrants, but doesn't exist. Retrieved January 12, 2021, from Montreal Gazette:

<https://montrealgazette.com/cdn.ampproject.org/c/s/montrealgazette.com/news/local-news/a-montreal-company-offers-hope-to-prospective-immigrants-but-doesnt-exist/wcm/aeaf69e5-a47c-4a98-af03-b820f3f647fd/amp/>

# RESOURCES

Migration Policy Institute. (2019). Top 25 Destinations of International Migrants. Retrieved January 11, 2021, from Migration Policy Institute:

<https://www.migrationpolicy.org/programs/data-hub/charts/top-25-destinations-international-migrants>

Mooney, P. (2018, December 18). Goodbye, 2020... we are glad to see you go. virtual, Canada: IMEDA Immigration Education Alliance.