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Canadian Citizenship Fraud: How to be Prepared

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Many of the cases related to citizenship obtained fraudulently happen with the assistance of immigration consultants. Investigators have discovered cases where consultants, located both in Canada and abroad, allegedly orchestrated large-scale schemes that encouraged permanent residents to represent that they were living and working in Canada. In reality, the applicants were abroad and did not meet the Canadian residency requirement to apply for citizenship.

Immigration, Refugees and Citizenship Canada (IRCC) announced in April 2019, a new legislation that will make the College of Immigration and Citizenship Consultants (CICC) the official regulatory and oversight body for immigration consultants across Canada. Canada's former Minister of Immigration, Refugees and Citizenship, Ahmed Hussen, said the proposed legislation will give the College "both the powers and tools they need for vigorous oversight, enforcement, investigations and punishment to root out fraudulent immigration and citizenship consultants and hold them accountable for their actions."

Among other things, the CICC is intended to:

- Create a licensing regime for immigration and citizenship consultants and require licensees to comply with a code of professional conduct established by the Minister of Immigration;
- Authorize the College's Complaints Committee to conduct investigations into a licensee's conduct and activities;
- Authorize the College's Discipline Committee to take or require action if it determines that a licensee has committed professional misconduct or was incompetent;
- Prohibit persons who aren't licensed from using certain titles and representing themselves as licensees.

The scale of the crackdown on fraudulently-obtained citizenship since 2012 is unprecedented. The government's Budget 2019 proposed \$51.9



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million over a period of five years, to regulating immigration and citizenship consultants, which began over 2019-2020.

The government's current focus on fraud should be noted by all those seeking to apply, even where there is no issue of illegitimacy. The Department of Immigration, Refugees and Citizenship Canada will likely be carefully scrutinizing every citizenship application, and this means that all applicants can expect longer delays and heavier documentation requirements to result from these new developments. The bar is now very high.

Is your Canadian citizenship subject to revocation?

If you have been notified that the citizenship of yourself and/or your family members is set to be revoked, you have options. You have a right to have your case referred to Federal Court, which may be worthwhile if you believe the government made some error in alleging that your citizenship was obtained illegitimately. You may also have an opportunity to bring a humanitarian argument that an exception ought to be made in your circumstances, even where misrepresentation is admitted.

Are you seeking to apply for Canadian citizenship?

If you are seeking to apply for Canadian citizenship, it is important to be cognizant of these new developments. Your application must be thorough, complete, and must offer answers to any potential questions or concerns. This is particularly true if you have not met the requirements for physical presence in Canada. Time, cost and frustration can all be reduced by structuring a very thorough application. So too can the risk of failure.

Experienced immigration counsel can advise you and your family members on your likelihood of success, and can help you ensure that your application is as thorough and as persuasive as possible.

Our Immigration Law Group specializes in this area of law. We can assist you in exploring your legal options where revocation is at issue, and can also help ensure that an application for Canadian citizenship has the strongest possible chance of success.

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