



August 17, 2023

Via email: Minister@cic.gc.ca

The Honourable Marc Miller, P.C., M.P.
Minister of Immigration, Refugees and Citizenship
365 Laurier Avenue West
Ottawa ON K1A 1L1

Dear Minister Miller:

Re: Fraudulent Immigration Consultant Practices Targeting International Students

I write on behalf of the Immigration Law Section of the Canadian Bar Association (CBA Section) to propose permanent solutions to fraudulent immigration consultant practices targeting international students.

The Canadian Bar Association is a national association of 37,000 members, including lawyers, notaries, academics and students across Canada, with a mandate to seek improvements in the law and the administration of justice. The CBA Section is comprised of over 1,200 lawyers, practicing in all aspects of Canadian immigration law and rendering professional advice and representation in the Canadian immigration system to clients in Canada and abroad.

BACKGROUND

The problem of fraudulent immigration consultant practices came to the public eye earlier this year when over 700 Indian students faced deportation after relying on forged letters of acceptance to educational institutions.¹

These Indian international students arrived in Canada between 2017 and 2019 with the prospect of becoming permanent residents on completion of their studies.² Many retained the services of what are commonly known as unlicensed ghost consultants.³ These consultants took advantage of the

¹ CBC, Dozens of students who could be kicked out of Canada say they were duped by immigration agents in India, March 17, 2023, [online](#).

² Given that fake acceptance letters were found at the beginning of the PR application process, it is unclear how the current circumstances will affect those who have already become Permanent Residents, unaware that their letters were fake.

³ Toronto Star, International student scandal: Outrage amid reports that hundreds of Indian students in Canada could face deportation over bogus admission letters, March 18, 2023, Nicholas Keung, [online](#).

trust and desperation of students, charging them exorbitant fees for “advice” and the preparation of their application. Students were horrified to find out that the educational admission letters supplied by their consultants were fraudulent. They had no recourse and were threatened by the prospect of exclusion orders and possible deportation.⁴

The CBA Section is pleased that Immigration, Refugees and Citizenship Canada publicly recognized the pervasiveness of unscrupulous immigration consultants and froze the deportation orders for dozens of students who entered the country using falsified letters of acceptance.⁵ We appreciate IRCC and Canada Border Services Agency’s commitment to review each case individually to ensure students who came to Canada not knowing the acceptance letters were falsified are not penalized.

RECOMMENDATIONS

Our recommendations aim to permanently prevent fraudulent immigration consultant practices:

Recommendation 1: Designated Learning Institution Portal

The CBA Section recommends using IRCC’s Designated Learning Institution (DLI) Portal to issue all acceptance letters to prospective students, directly from the institutions themselves.

The DLI Portal is used by post-secondary educational institutions to report on the enrolment status of international students. All post-secondary DLIs (except in Quebec) are required to use the DLI portal to complete their reports. The portal is well established and has been used to submit reports twice a year since 2016.⁶ Mandating that institutions issue *all* acceptance letters through the portal would allow incoming students to verify the authenticity of their letters before coming to Canada.

Part A: Application Matching

The CBA Section recommends implementing a framework like the one developed for the Employer Portal. The Employer Portal was created for employers who hire temporary workers through the International Mobility Program (IMP). The portal allows employers to submit offers of employment for temporary workers and receive a 7-digit code. The employer is then instructed to give this code to the temporary foreign worker, who submits it along with their work permit application.

If a similar framework were created in the DLI portal, educational institutions offering admission to an international student would share a code with the student that would be required when the student then applies for a study permit. Admission offers (and respective codes) would show up in a queue. Like the employer queue, DLIs could:

- View which offers of admission have not yet been submitted;
- Complete unfinished offers;
- Delete unfinished offers;
- Withdraw offers that have already been submitted;
- Update offers that have not been matched in the system to the associated study permit application;

⁴ CBC, Deportation order that would force Indian international student to leave Canada delayed, June 13th, 2023, [online](#).

⁵ Reuters, Canada freezes deportation of Indian students who used fraudulent university letters, June 14th, 2023, [online](#).

⁶ Access the Designated Learning Institution Portal, [online](#).

- Duplicate offers; and
- Use the search tool to find offers of admission that have already been submitted.

Once submitted to students, offers would be listed as “pending” in the queue. Corresponding study permit applications would require a “match” to be processed, ensuring the authenticity of offers of admission.

Part B: Student Portal

The proposed framework would protect international students from coming to Canada using falsified letters of admission. Additional precautions would be needed to allow international students to independently verify the validity of their acceptance letters before applying to study in Canada because the proposed process would take place after submitting a study permit application. At this late stage, international students are likely to have already paid exorbitant fees to the immigration consultants, empowering those with fraudulent intentions to pursue their activity and causing significant financial losses for unsuccessful applicants. Further, multiplying unviable study permit applications could negatively impact the Canadian screening system and backlog.

The CBA Section recommends using institutions’ student portals. Most institutions already have portals for students to enroll in classes, pay tuition and access important documents.⁷ Letters of admission include a student number, which grants access to the institution’s portal. Prompting students to use the institution’s portal enables them to independently verify the authenticity of the acceptance letter. We also recommend that hosting a student portal be a requirement for registering as a DLI.

Recommendation 2: Reporting Requirements for Recruiters

Immigration consultants often act as recruiters and agents for institutions, and profit from each student they enroll. Increasing transparency and communications on the expected conduct and business practices of consultants would enable international students to identify early signs of unscrupulous or fraudulent practices.

The registration system and requirements for foreign worker recruiters in Manitoba is instructive. In Manitoba, individuals receiving funds for helping a company or institution recruit foreign workers must be licensed. If they recruit without a license, both the institution and the unlicensed recruiter can be imposed significant fines. In addition to the licensing requirement, they are required to keep complete and accurate financial records and the following:⁸

- List of each person the licensee assisted to find workers;
- List of each worker the licensee assisted with employment;
- Copy of the Labour Market Impact Assessment; and
- Copy of any contracts or agreements related to each foreign worker.

Recruiters in good standing retain their license and appear on a public list.⁹

We recommend that the College establish reporting requirements for all individuals paid to help an institution recruit international students. The conflict of interest provisions on student recruitment

⁷ See Annex A to view York University’s student portal, called “Passport York.”

⁸ Manitoba Info Fact Sheet, [online](#).

⁹ Manitoba’s public list of Foreign Worker Recruiters, [online](#).

services in the *Code of Professional Conduct for the College of Immigration and Citizenship Consultants Licensees* do not require reporting of licensees to avoid such conflict of interest situations.¹⁰ Increased transparency on revenue and the number of students recruited per year and per DLI are examples of data needed to detect fraudulent behaviour. Recruiters should keep detailed records of the following:

- List of each DLI the licensee assisted to recruit students;
- List of each student the licensee assisted with finding a DLI;
- Breakdown of their fees and how and when the licensee is paid; and
- Copy of any contracts or agreements related to each international student and DLI.

Recommendation 3: Requirements to act as registered consultants

A registered consultant no longer needs to be permanent residents or citizens of Canada. Registered consultants involved in student fraud and without status in Canada are difficult to prosecute given their location and the limited dedicated resources of the College of Immigration and Citizenship Consultants. The CBA Section recommends including proof of a valid Canadian status (permanent residency or citizenship) in the criteria to become a registered consultant.

Recommendation 4: Removing programs that don't lead to Post-Graduation Work Permits

Keeping programs that don't lead to Post-Graduation Work Permits (PGWPs) maintains the risk that consultants will steer international students towards programs that don't meet their expectations. To alleviate this risk, we recommend eliminating student visas for programs that don't lead to a PGWP.

Recommendation 5: Marketing Campaign

Many IRCC informational campaigns share tips to prevent immigration fraud.¹¹ We recommend that IRCC create materials that DLIs can publish with their promotional material. This would equip students with the information they need to protect themselves from fraudulent practices.

IRCC already has posters available to DLIs promoting learning opportunities in Canada.¹² A new series of posters could encourage applicants to hire authorized representatives such as immigration lawyers and offer tips on how to verify the authenticity of admission letters.¹³ For example, the High Commission of Canada in New Delhi targeted ghost consultants by heavily promoting registered consultants.

Traditional online marketing strategies, print-out signage and slogans would also be useful to educate prospective international students. In areas disproportionately victimized by fraudulent consultants, we also recommend offering workshops.

CONCLUSION

The CBA Section appreciates the opportunity to propose recommendations to address fraudulent immigration consultant practices to enhance program integrity. We would be pleased to further

¹⁰ Code of Professional Conduct for College of Immigration and Citizenship Consultants Licensees (SOR/2022-128), section 18, [online](#).

¹¹ Protect yourself from immigration fraud, [online](#).

¹² IRCC, Study, work and stay in Canada – promotional material for schools, [online](#).

¹³ For example, see the CBA Immigration Law Section's 2021 pamphlet in Annex B.

discuss our recommendations, including ways to offer remedies to victims of fraudulent immigration consultant activities. We remain available to answer questions or propose additional solutions.

Yours truly,

(original letter signed by Véronique Morissette for Lisa Middlemiss)

Lisa Middlemiss
Chair, CBA Immigration Law Section

cc. The Honourable Dominic LeBlanc, P.C., M.P (email: dominic.leblanc@parl.gc.ca)
Mike Burton, Chief of Staff (email: mike.burton@cic.gc.ca; mike.burton@canada.ca)
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Annex A





Registrar's Office

[Academic Calendars](#)
[Academic Program](#)
[Enrol in Courses](#)
[Exams and Tests](#)
[Grades and Transcripts](#)
[Graduation](#)
[Manage My Academic Record](#)
[Petitions](#)
[Privacy and Access to Records](#)
[CONTACT](#)

Passport York

Passport York is York's primary method of online authentication. You must sign up for your Passport York username and password so that you can log into York's online services for students, because Passport York determines the services you can access.

If you are a new student and have not yet signed up for Passport York, the first time you go to an application that requires the Passport York login, click the **New Student Sign Up** link under the **New to Passport York?** heading. On the next screen enter your student number and date of birth and click the **Sign Up** button. Follow the instructions: you will be asked to give yourself a Passport York username and password. It is important to remember what you choose.

Once you have both your Passport York username and password, you can activate various online services for students through [Manage My Services](#).

If you have forgotten your Passport York username and password, click on any application that requires Passport York and then click the **Students** link under the **Forgot your password or username?** heading.

QUICK LINKS

[Current Students](#)
[Registrar's Office](#)
[Important Dates](#)
[Registrarial Services](#)
[Manage My Academic Record](#)
[Student Financial Services](#)
[My Online Services](#)
[Student Forms](#)



Passport York Login

Passport YORK

Passport York authenticates you as a member of the York community and gives you access to a wide range of computing resources and services.

Username:

Password:

Login

Click this box before logging in to change your Passport York password.

New to Passport York?

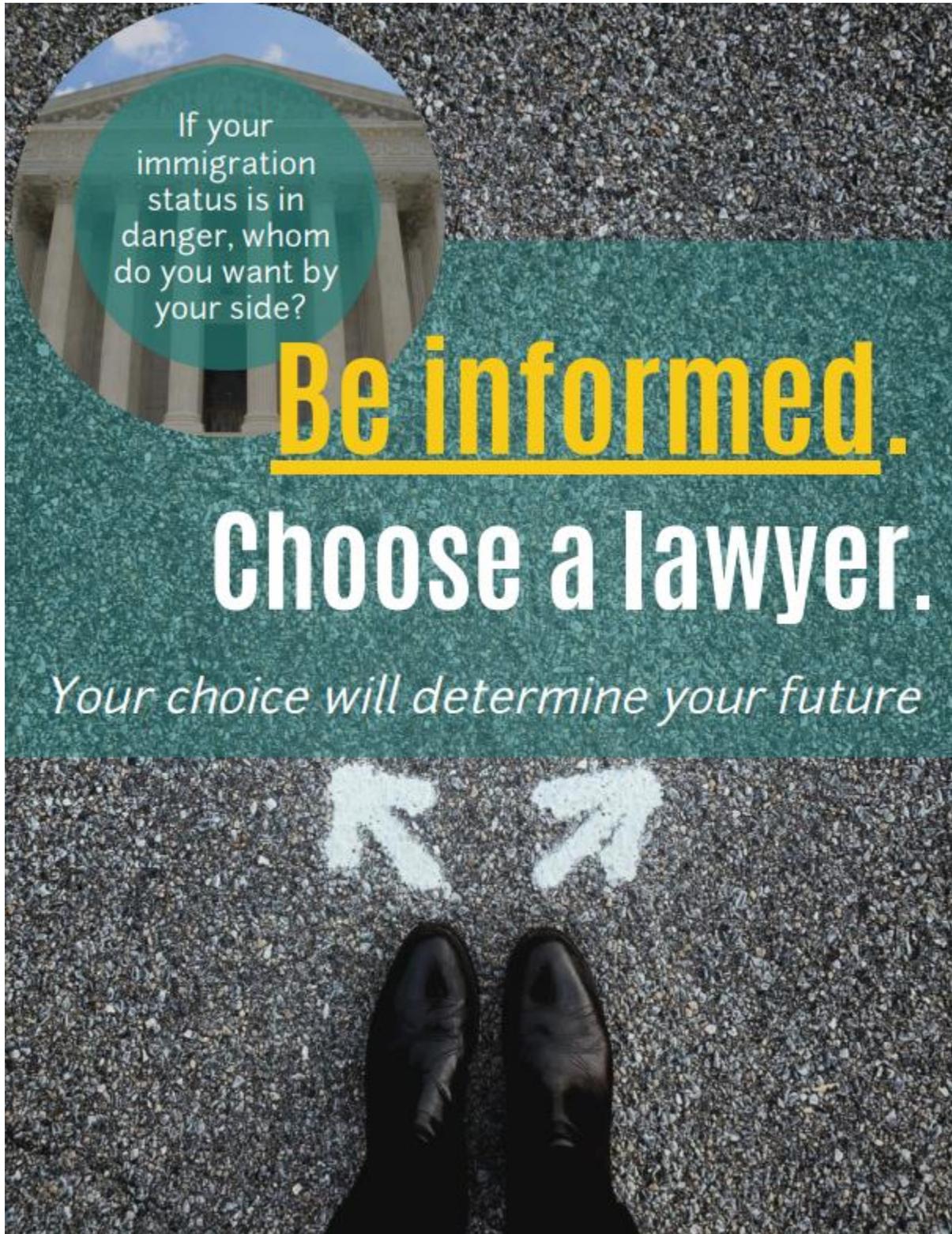
- [New Student Sign Up](#)
- [Employee Sign Up](#)
- [Faculty and Staff](#)
- [Alumni](#)

Forgot your Password or Username?

- [Students](#)
- [Faculty and Staff](#)
- [Alumni](#)

There will be a scheduled maintenance outage every Wednesday morning between 5:00 a.m. and 7:00 a.m.

Annex B



If your immigration status is in danger, whom do you want by your side?

Be informed.

Choose a lawyer.

Your choice will determine your future

DEBUNKING MYTHS

1

"I don't need help to fill out forms. I can do it myself!"

Immigration applications live and die through forms. Immigration law is complicated and the forms, unfortunately, make it seem so simple. It is not, and the consequences are serious.

Immigration law is complex and can affect your family, your job, your business and possibly your liberty. Other areas of law often come into play (family law, criminal law corporate law, international law) and a lawyer has broad legal training to help you.

Lawyers don't just fill out forms. Armed with years of legal training, lawyers prepare applications that reflect latest developments in the law, preventing problems from happening in the first place.

DEBUNKING MYTHS

2

"Immigration lawyers are expensive and charge more than consultants."

Most immigration lawyers charge flat fees. Lawyers advise correctly, competently, and ethically. Getting proper legal advice saves money. By having a lawyer from the very start, you avoid having to spend more to fix mistakes.

Many immigration lawyers write off hours of work for low-income clients. They provide free services to the community, and represent Legal Aid-supported clients.

DEBUNKING MYTHS

3

"The immigration website says I don't need an immigration lawyer, and an immigration officer told me I should save my money and just follow the guide online."

Immigration Officers generally will not tell you if there is a problem in your application.

They do not provide legal advice, and cannot help you to fix mistakes.

Immigration Lawyers get to know you to serve and protect you.

Why should I hire an immigration lawyer?



Temporary Resident cases: 28.7% of the self-represented applications were rejected vs 8.2% when a lawyer assisted. Permanent Resident cases: 17% of self-represented cases were refused vs 6% when a lawyer assisted.

- Statistics Canada (2019)



"Canadian lawyers' rigorous education, legal analysis skills, and high ethical standards enforced by an effective regulator, have long been understood to result in better outcomes."

- Marina Sedai, Past Chair, Canadian Bar Association
Immigration Law Section