



RESPONSE TO PETITION

Prepare in English and French marking 'Original Text' or 'Translation'

PETITION NO.: **421-04798**

BY: **Ms. SAHOTA (BRAMPTON NORTH)**

DATE: **JUNE 19, 2019**

PRINT NAME OF SIGNATORY: **HON. AHMED D. HUSSEN**

Response by the Minister of Immigration, Refugees and Citizenship

SIGNATURE

Minister or Parliamentary Secretary

SUBJECT

INDIA

ORIGINAL TEXT

REPLY

The Government of Canada is committed to the protection of vulnerable individuals within the immigration system.

The Government takes marriage fraud within the immigration system seriously and has measures in place to safeguard against it. Whether marriage fraud is detected as part of an application or surfaces following arrival in Canada, policies and processes are in place to appropriately address the issue.

Immigration officers are trained in the assessment of admissibility on applications for immigration status in Canada, either permanent or temporary. Before granting permanent residence that relies upon a spouse or common-law partner relationship, immigration officers assess all applications and must be satisfied that a relationship is legitimate. People who commit marriage fraud to obtain immigration status in Canada may be found to be inadmissible to Canada on the basis of misrepresentation, which can carry consequences such as an inability to obtain a visa or other document to enter Canada for a period of five years or loss of immigration status in Canada if that status was gained through misrepresentation. In addition, a person, such as an unscrupulous immigration consultant who knowingly counsels someone to misrepresent or withhold material facts could be found guilty of an offence that could lead to a fine of up to \$100,000 or a term of imprisonment for up to 5 years.

Individuals seeking to immigrate to Canada or become citizens often rely on the advice and expertise of immigration consultants to help them navigate immigration processes. However, these individuals can be the victims of fraudulent or unethical consultants. The Government announced, in Budget 2019, funding to help protect new immigrants and applicants wishing to obtain services from legitimate service providers (<https://www.canada.ca/en/immigration-refugees-citizenship/services/immigration-citizenship-representative.html>). This funding will improve oversight of immigration and citizenship consultants (including through new legislation), strengthen compliance and enforcement measures, and

support public awareness activities. In addition, the *College of Immigration and Citizenship Consultants Act* was introduced as part of the 2019 *Budget Implementation Act*, which received Royal Assent in June 2019. The legislation proposes the establishment of the College of Immigration and Citizenship Consultants, which will serve as a statutory self-regulatory body for consultants across the country (<https://www.canada.ca/en/immigration-refugees-citizenship/news/2019/05/canada-takes-action-on-fraudulent-immigration-consultants.html>). Ultimately, the new legislation and Budget 2019 measures will help to ensure that applicants have access to quality immigration and citizenship advice, that they are better protected from unethical consultants, and help maintain the integrity of Canada's immigration system.

In relation to the renewal of work permits and the issuance of visitor visas, all applications to obtain or renew immigration status in Canada are assessed for eligibility and admissibility under the *Immigration and Refugee Protection Act*, including any criminal history. This applies to applications made for permanent residence, as well as for temporary status in Canada, such as work or study permits, or for travel to Canada as a visitor. In all immigration applications, foreign nationals are asked if they have ever committed, been arrested for, been charged with, or convicted of, any criminal offence (including offences in or outside of Canada). Failure to answer this question truthfully may render an applicant inadmissible due to misrepresentation (for a period of five years) and lead to the refusal of the application.

If a foreign national who is already in Canada is found to be inadmissible, they may be subject to immigration enforcement that could lead to their removal. This enforcement would be conducted by officers at the Canada Border Services Agency, and prioritized in accordance with the objectives of both upholding the integrity of the immigration system and protecting the health and safety of Canadians.

The *Citizenship Act* includes a number of prohibitions that would not allow for the granting of citizenship, including prohibitions for those charged with, on trial for, subject to an appeal for, or convicted of, an indictable offence both in and outside of Canada. Additionally, an individual's Canadian citizenship may be revoked if it was obtained by false representation, fraud, or by knowingly concealing material circumstances, which could include situations where the false representation or fraud (such as a fraudulent marriage) occurred in the immigration process.