August 13, 2025

RE: Arbitrary Temporary Resident Application Refusals

Dear Minister Diab and Dr. Kochhar,

CILA wishes to bring to your attention the alarming increase in arbitrary refusals being made by IRCC officers with respect to temporary resident visas, visitor records, work permits, and study permits ("temporary resident applications").

We understand that the Government of Canada is pursuing a mandate to bring immigration rates to sustainable levels, which includes restricting temporary residents to 5% of the population by 2027. This comes at a time when IRCC officers are dealing with record levels of applications and have limited time to adjudicate them.

The government also has a stated mandate of "Attracting the best talent in the world to help build our economy." CILA is concerned that IRCC is undermining the objective of attracting the best talent to Canada through the growing prevalence of temporary resident application refusals that do not adequately assess each individual applicant on the merits. These are cases where comprehensive documentation has been provided—clearly addressing eligibility, financial support, purpose of travel, and ties to the home country—yet IRCC officers are increasingly issuing refusals citing generalized or boilerplate reasoning that shows little to no engagement with the actual evidence submitted.

Clients are resorting to resubmitting their applications several times, increasing the volume of applications. This is inefficient and contrary to IRCC's efforts to become more efficient and reduce backlogs.

Clients are also increasingly resorting to judicial review since IRCC is not offering a meaningful alternative to litigation. However, this remedy is burdensome, inefficient, and places unnecessary stress on the Canadian taxpayer, client, and legal system. Moreover, judicial review is costly, which raises access to justice concerns for clients who simply cannot afford this route.

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With the number of new Federal Court immigration proceedings having grown by 83% since 2020, every effort to reduce the need to litigate should be considered. In addition, these refusals are becoming embedded in applicants' immigration histories, effectively tainting their future chances of success and creating long-term prejudice that is difficult, if not impossible, to undo. The lack of procedural fairness and consistency is eroding public and professional confidence in Canada's immigration system.

We appreciate IRCC's announcement on July 29 that Officer Decision Notes will be included in temporary resident refusal letters and recognize that transparency strengthens confidence in the immigration system. The disclosure of the notes with the decision will also reduce the need to request them through an access to information and privacy ("ATIP") request which typically takes at least 30 days to receive. That being said, the first cohort of notes to be released have lacked substantive information and continue to contain boilerplate grounds for refusals. This strongly indicates that the core issue of IRCC officers failing to meaningfully assess applications continues to remain unaddressed.

CILA wishes to propose several solutions to help remedy the issue of arbitrary refusals. One such solution is the creation of a Data Integrity Unit within IRCC to triage and address administrative errors in decisions. A similar unit at CBSA, based at Pearson Airport, offers a proven solution for quickly resolving such errors. Establishing a comparable mechanism at IRCC would enhance access to justice by providing applicants with a timely and efficient path to resolution, while also helping to reduce the number of judicial review applications being filed.

Admittedly, many of these administrative error decisions may be resolved favourably on consent between the applicant's lawyer and Department of Justice ("DOJ") lawyers, but CILA would argue that a better use of the DOJ lawyer's time would be early resolution of cases involving substantive errors in law. In this regard, CILA recommends an early dispute resolution system be developed.

CILA would be pleased to host a roundtable discussion with IRCC and DOJ lawyers, members of the Federal Court, private bar, and individual clients to discuss a meaningful and effective alternative dispute resolution system.

CILA points to the fact that IRCC's Case Management Team was eliminated a few years ago. Previously, counsel was able to email the Case Management Team in Ottawa to seek administrative review of a decision, normally after having made inquiries via Web Form or email to the office deciding the

application, and to the program manager. There was a protocol counsel followed before taking the final step to seek judicial review. CILA encourages IRCC to consider reinstating the Case Management Team.

Further, given the number of increased applications for judicial review, CILA recommends increased training and ongoing continuing education for IRCC officers to enhance decision making and mitigate arbitrary refusals. The introduction of automated and analytic tools to assist decision makers is in our opinion directly linked to the increase in decisions that are neither meaningful or well-reasoned.

The Federal Court routinely comments that officers have not engaged in a meaningful way with the evidence submitted and that decisions are not logical in light of the facts. CILA advocates for greater accountability and oversight with respect to the use of automated and analytic tools in immigration applications. Improving decision making will be beneficial to IRCC itself since it will help to reduce the administrative burden of subsequent follow-ups and applications submitted to your department.

Finally, CILA recommends that the federal government establish an Immigrant Bill of Rights as well as an Ombud Office for IRCC. Introducing both of these measures will help to improve the client experience, hold IRCC to greater accountability, and reduce the administrative burden on clients, IRCC, the DOJ, as well as members of Parliament. Many members of Parliament devote significant resources – including the time of staff members – to trying to resolve immigration issues on behalf of their constituents. The issues are often not necessarily complicated, but rather result from a lack of service or responsiveness on the part of IRCC, which is not an efficient use of taxpayer resources.

We believe Bill C-212, introduced by Ms. Jenny Kwan in the last session of Parliament serves as a good model. A number of federal departments and agencies have an office of the ombudsperson and/or a bill of rights. The Canada Revenue Agency's Taxpayer Bill of Rights, as an example, outlines expectations of service provided to those who interact with the CRA, and the CRA also has a Taxpayers Ombudsperson. The total cost to operate an IRCC Ombud Office would still be far less per year than the costs currently borne by Canadian taxpayers on the aforementioned issues.

Minister Diab and Dr. Kochhar, CILA thanks you for your attention to this important matter. We welcome the opportunity to schedule meetings at your earliest convenience to explore how we can strengthen procedural fairness in the immigration system.

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Sincerely,

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