CILA Canadian Immigration Lawyers Association
L'Association Canadienne des Avocats en Immigration ACAI

PROTECTING THE PUBLIC FROM IMMIGRATION FRAUD:

LESSONS FROM FEDERAL COURT JURISPRUDENCE AND THE PROVINCE OF SASKATCHEWAN

CANADIAN IMMIGRATION LAWYERS ASSOCIATION

Summary

This report examines how immigration fraud is treated in Canadian immigration law, drawing on recent Federal Court jurisprudence and a provincial case study of Saskatchewan. It argues that while federal judicial review and provincial enforcement both sanction misconduct, a structural gap remains in which victims of fraud continue to bear severe immigration consequences, underscoring the need for better coordination between federal decision-making and provincial regulatory responses.

Please email any questions or comments about this report to: research@cila.co

Acknowledgments

CILA is grateful to its Ethics Committee for authoring this report. The committee's mandate is to help protect the public from fraud, unethical behaviour, and unscrupulous actors.

The report was prepared by:

- Matthew Traister
- Eoin Logan
- Meera Pahwa
- Ashish Yadav
- Alexandre Giroux
- Nicolas Simard-Lafontaine
- Marina Sedai
- Zaid Jawed
- Thanh Phan
- Kareem El-Assal

About the Canadian Immigration Lawyers Association

CILA was conceived in 2020 by a group of leading immigration lawyers to provide a national organization focused exclusively on immigration law. CILA's Founding Members recognized the need to create an organization capable of effectively representing the immigration bar, fostering an independent community of immigration lawyers, law students and academics, providing professional resources, mentorship and affordability for our members, while engaging with stakeholders to promote the rule of law, access to justice and improvements to the Canadian immigration system.

Advocacy is deeply ingrained in CILA. Our advocacy work centers on promoting fairness and inclusiveness in immigration law through active engagement in public discourse. Our advocacy is based on the expertise of over 540 immigration and refugee lawyers across Canada who have daily experience of assisting people from around the world who look to us for advice and support. As such, we strive to be the clear voice of our clients in advocating for reform. Our work includes collaboration with government officials, members of parliament, cabinet members, and front-line officers who administer Canada's immigration system.

Executive Summary

March is recognized in Canada as Fraud Prevention Month, a national initiative dedicated to raising awareness about fraud and protecting individuals from deceptive practices. Through this report, CILA hopes to shed light on immigration fraud and contribute to policy discussions aimed at strengthening protections for the public and preserving the integrity of Canada's immigration system. This report examines immigration fraud through the lenses of Federal Court jurisprudence and provincial regulatory enforcement, canvasing how immigration fraud is adjudicated at the federal level and how it is regulated and enforced at the provincial level.

The first part analyzes Federal Court decisions from 2025–26 involving allegations of fraud, misrepresentation, "ghost" consultants, and incompetent representation. Drawing on publicly available jurisprudence, the discussion highlights several key trends. First, findings of misrepresentation under section 40 of the *Immigration and Refugee Protection Act* remain difficult to overcome, even where representative misconduct is involved, reflecting the Court's consistent emphasis on applicant responsibility for the accuracy of their applications. Second, while allegations of incompetent representation are relatively common, they continue to face a high dismissal rate due to the demanding legal threshold required to establish a miscarriage of justice. Overall, the limited data regarding ghost consultants in published decisions from the Court suggests that matters involving such consultants are more likely than not to be dismissed, keeping in mind that each matter before the Court turns on its own facts.

The second part shifts the focus from adjudication to enforcement by examining Saskatchewan's consolidated provincial framework under the *Immigration Services Act*. Saskatchewan's model is shown to be unusually proactive, with meaningful sanctions imposed against unauthorized consultants, recruiters, and employers. Compared to federal professional regulation alone, provincial enforcement under the *Immigration Services Act* of Saskatchewan appears to offer a more immediate and tangible deterrent to fraudulent and exploitative conduct. At the same time, the second part of the Report identifies legal and practical constraints, including jurisdictional overlap, resource demands, and the inability of provincial remedies to mitigate federal immigration consequences for victims.

This report highlights that neither federal judicial review nor provincial regulation is sufficient on its own to address immigration fraud comprehensively. However, when viewed together, they reveal the potential for a coordinated, multi-level enforcement approach. Saskatchewan's experience demonstrates that provincial governments can play a decisive role in protecting newcomers and reinforcing system integrity, while Federal Court jurisprudence underscores the need for clearer pathways to mitigate immigration consequences where fraud is established. The report concludes that greater alignment between provincial enforcement mechanisms and federal immigration decision-making is essential to delivering meaningful justice for individuals harmed by fraud and misrepresentation.

Recommendations

- Strengthen enforcement against unauthorized representatives and ghost consultants.

- Improve transparency and reporting on immigration fraud cases.
- Enhance collaboration between federal and provincial regulators.
- Encourage provinces to adopt stronger enforcement frameworks.
- Increase public education and awareness regarding immigration fraud.

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Part I: A Snapshot of Federal Court Jurisprudence Regarding Fraud, Misrepresentation, and Incompetence

Federal Court Litigation in 2025-26

The Federal Court (the "Court") serves as the court of first instance that reviews decisions made by immigration tribunals and officers. In the past decade, it has seen a sharp increase in the number of immigration and refugee decisions that is reviews each year, whether at the "leave" stage or at the "merits" stage. There were 5,827 new immigration proceedings commenced in 2015; as of September 30, 2025, there were 28,465 new immigration proceedings commenced.[1]

The former stage—the leave stage—refers to section 72 of the *Immigration and Refugee Protection Act* ("*IRPA*") requiring that Justices of the Court decide whether individuals' applications for leave and judicial review warrant a hearing, or whether there exists no fairly arguable case and no fairly arguable grounds such that the application can be dismissed without a hearing. Such determinations cannot be appealed, [2] and the Court does not publish its reasoning for dismissing leave. If leave is granted, the Court will set down a date for a hearing and the litigation will proceed. Additionally, Courts will hear "stays of removal": motions where individuals seek to enjoin the government from removing them from Canada.[3]

Generally speaking, judicial review under the *IRPA* considers whether federal immigration decisions are made reasonably and/or fairly. The Court thus acts as a supervisory body, rather than a court tasked with making findings of fact and applying the law to such facts. In the Supreme Court of Canada's words, "[t]he purpose of judicial review is to ensure the legality of state decision making."[4]

This report discusses the Court's review of legality when individuals are not necessarily challenging Canadian immigration authorities' decision-making. Rather, it examines decisions of the Court where individuals have been the victim of fraud, incompetence, or professional negligence in the past year.

A few notes on methodology: First, as mentioned, the Court does not release dismissed leave decisions. Thus, of the tens of thousands of immigration cases this year, the public cannot access cases where fraud, incompetence, or negligence were alleged—or perhaps evident on the record but not argued by counsel for applicants—but leave was refused, absent reviewing every case published on the Court's website, reviewing the record, and determining whether leave had been dismissed. Second, there is not a publicly accessible account of the number of cases where fraud, incompetence, or negligence was established in a Court proceeding but was then settled between the applicant and the Department of Justice. The details of such information would also likely be

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[1] Per data published by the Court: https://www.fct-cf.ca/en/pages/about-the-court/reports-and-statistics/statistics-december-31-2025.
[2] *IRPA*, s 72(e).
[3] See generally *Toth v Canada (Minister of Employment and Immigration)*, 1988 CanLII 1420 (FCA).
[4] *Highwood Congregation of Jehovah's Witnesses (Judicial Committee) v Wall*, 2018 SCC 26 at para 13.

covered under settlement privilege. Third, caselaw research was conducted using CanLII, a tool accessible to the entire public. Combinations of keywords and Boolean search functions were used at differing level of generalities and in different configurations to attempt to cover as much of an area as possible and ensure that all decisions for the past year were accounted for. These searches were then complemented with the use of CanLII's new search functions. Nonetheless, the authors accept that there is the potential that cases could have been missed owing to decisions not being captured by these search modalities. Please refer to the research methodology section for an overview of the techniques used to prepare this report.

"Ghost" Consultants at the Federal Court

The *Federal Courts Rules*, SOR/98-106 ("*FC Rules*") provide who is authorized to appear at the Federal Court. Section 119(1) of the *FC Rules* provides that an individual may act in person or be represented by a solicitor in proceedings, subject to an exception for parties under a legal disability or a party who seeks to act in a representative capacity. In other words, only licensed lawyers or self-represented parties can appear at the Court, save for "special circumstances."[5]

Registered Canadian immigration consultants ("RCIC") cannot represent individuals at the Court, nor can they provide legal advice for Federal Court matters. The College of Immigration and Citizenship Consultants ("CICC") permits different types of licensees who can represent clients in immigration matters before Immigration, Refugees and Citizenship Canada and the Immigration and Refugee Board. The scope of services these licenses can provide and the degree of autonomy they have varies based on their classification. But none of these classes are authorized before the Federal Court and none of them are authorized to advise on Federal Court matters.

Unauthorized representation nonetheless appears in the Court, though published decisions in the past five years do not make significant mention of ghost consultants. In the past two years, two published Court decision mention "ghost" consultants who prepare individuals' immigration matters without being authorized representatives. Both matters—one a stay of removal and one a judicial review—were dismissed. In the judicial review hearing, the Court accepted the conclusion that the individual's argument that a finding of misrepresentation under the *IRPA* could not be avoided through use of a ghost consultant in preparing an application.[6] And in the past five-six years, a total of seven decisions from the Court mention or refer to ghost consultants: 71% of those matters were dismissed. Only one decision was quashed with reference to the use of ghost consultants to prepare an immigration application.[7]

Overall, the limited data regarding ghost consultants in published decisions from the Court suggests that matters involving such consultants are more likely than not to be dismissed, keeping in mind that each matter before the Court turns on its own facts.

[5] See Federal Court guidance on this subject:L https://www.fct-cf.ca/en/pages/representing-yourself/finding-legal-help/who-can-represent-you-in-federal-court#cont.
[6] *Chaichi Maleki v Canada (Citizenship and Immigration)*, 2025 FC 850 at para 32.
[7] *Lyu v Canada (Citizenship and Immigration)*, 2020 FC 134.

Misrepresentation and "Innocent Mistakes"

Section 40 of the *IPRA* provides that individuals who directly or indirectly misrepresent or withhold material facts relating to a relevant matter that induces or could induce an error in the administration of the *IRPA* are inadmissible to Canada for a period of five years. Such misrepresentation or withholding does not have a requirement of intentionality, deliberateness, or negligence.[8] The sole, narrow exception to this provision is when an individual "honestly and reasonably believed that they were not misrepresenting a material fact and knowledge of the misrepresentation was beyond the applicant's control."[9] The Court has generally held that it is the applicant's onus to ensure the truthfulness, completeness, and accuracy of their application.[10] In the past year, there have been 10 published decisions from the Court where there has been misrepresentation or allegations of fraudulently misrepresentation on the part of an individual's representative, whereby the individual was found to be caught by section 40 of the *IRPA*. This includes both lawyers and immigration consultants. Of these matters, 60% of the decisions were dismissed. The cases that were granted were on the following grounds: failure to sufficiently notify an applicant of misrepresentation concerns;[11] incompetent representation involving documents fabricated by the representative;[12] and failure to withdraw a fraudulent refugee claim.[13]

In these 10 decisions, nine provide whether the alleged fraudulent behaviour was by a lawyer, consultant, or unauthorized representative: 33% of these matters involved allegations of fraud against a lawyer; 55% involved allegations of fraud against a consultant; and 12% against an authorized representative.

Though a smaller sample size, and again keeping in mind that each case is adjudicated based on its own circumstances, matters involving representatives who bear responsibility, are alleged to bear responsibility, or engage in fraud resulting in a finding under section 40 of the *IRPA* are less likely to be dismissed than matters involving ghost consultants (approximately 60% dismissed vs. 71%, respectively).

Conversely, matters involving arguments of an "innocent mistake" in light of representative misconduct or error that resulted in a misrepresentation finding for the applicant had a lower grant rate, with 80% of such cases being dismissed by the Court in the past year. However, this percentage ought to be taken carefully: Only five reported decisions had such circumstances in the past year.

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[8] *Rouamba v Canada (Citizenship and Immigration)*, 2025 FC 1680 at para 44.
[9] *Goburdhun v Canada (Citizenship and Immigration)*, 2013 FC 971 at para 28.
[10] *Ibid*.
[11] *Ju v Canada (Citizenship and Immigration)*, 2026 FC 236; *Nanikova v. Canada (Citizenship and Immigration),* 2025 FC 1094.
[12] *Ali v Canada (Citizenship and Immigration)*, 2025 FC 1879
[13] *Leung v Canada (Public Safety and Emergency Preparedness)*, 2025 CanLII 69305 (FC).

Fraudulent Representation or Incompetent Representation

Other areas of jurisprudence that this Report examines involve Court matters where an individual alleges or establishes fraud on behalf of their representative or alleges or establishes incompetence on behalf of their representative. The former category of misconduct is a finding of fact that does not have any legal value *per se*; the latter, a legal basis to quash decisions made by immigration authorities based on a breach of procedural fairness. It is telling that from the data in the past year, "fraud" as a standalone issue appears far less in Federal Court decisions than "incompetence". The former can prove valuable to the latter, but as the data shows, decisions involving allegations or establishments of fraud on behalf of immigration representatives have a higher grant rate than those involving incompetence. Put otherwise and evaluating the data alone, those who allege or establish they have been the subject of "fraud" are more likely to succeed in an application for judicial review than those who allege or establish they have been the subject of incompetent representation.

First, consider those matters in the past year involving fraud on behalf of immigration representatives. As this report provides, fraud is a significant problem in Canadian immigration and refugee law. Data bears out, however, that the Court is more lenient in matters before it that involve applicants who have been the subject of fraud or alleged fraud on behalf of their representative. A bare search shows that of decisions from the Court that involve or allege fraudulent activity from a representative in immigration proceedings in the past year – no matter the bearing of the fraud on the legal issues – favour the applicant 75% of the time, whether it be stays of removal or applications for judicial review.[14] Thus only 25% of such cases were dismissed. This is the lowest dismissal rate out of all categories canvassed in this section of the Report.

Matters involving incompetent counsel are dismissed much more routinely. Incompetent counsel is a legal test that, when established, "may amount to a breach of natural justice, warranting redetermination by the decision-maker."[15] As discussed above, this is one of two grounds that generally forms the basis for an application for judicial review. This test bears three components: (1) the allegedly incompetent counsel must receive notice of the allegations and have a reasonable opportunity to respond as set out in the Court's *Protocol on Allegations against Authorized Representatives in Citizenship, Immigration and Refugee Cases before the Federal Court*; (2) the conduct was negligent or incompetent; and (3) the incompetence resulted in a miscarriage of justice.[16]

In the past year, the Court has published approximately 44 matters involving allegations of incompetent or negligent representation.[17] Approximately 62% of these matters were dismissed. This data is remarkable in light of the Court's jurisprudence holding that findings of incompetence are reserved for "extraordinary or exceptional circumstances,"[18] though this figure is based on both on judicial reviews and motions for stays of removal. The latter proceeding does not require that incompetence be established, while the former does.

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[14] Based on twelve such decisions in the past year.
[15] *Uwa v Canada (Citizenship and Immigration)*, 2024 FC 1721 at para 9.
[16] *El-Khatib v Canada (Citizenship and Immigration)*, 2025 FC 49 at para 10.
[17] This includes only matters where incompetent representation was alleged and adjudicated by the Court; mere mention by the Court without adjudication was not included.
[18] *Sachdeva v Canada (Citizenship and Immigration)*, 2024 FC 1522 at para 49.

Part II: Provincial Case Study: Saskatchewan's Immigration Enforcement Framework

In contrast to other provinces where immigration-related regulation is often fragmented across multiple statutes and regulatory bodies, the Province of Saskatchewan consolidates oversight, licensing, and enforcement within the *Immigration Services Act* ("***ISA***"), which is a single legislative framework. This consolidated approach is intended to support more streamlined, coordinated, and effective enforcement.

ISA together with its accompanying regulations, came into effect on July 1, 2024, replacing the *Foreign Worker Recruitment and Immigration Services Act*. The ISA establishes a comprehensive regulatory framework governing the conduct of immigration consultants, recruiters, businesses, and employers engaged in immigration, recruitment, consulting, or settlement services. Through enforceable standards and oversight mechanisms, the legislation imposes accountability across the immigration system with the aim of preventing exploitation and fraudulent behaviour.[19]

Licensing Regime

A central enforcement mechanism under the ISA is the provincial licensing regime. The legislation expressly prohibits non-registered consultants or non-licensed individuals from practising. Immigration consultants must be Regulated Canadian Immigration Consultants ("**RCICs**") registered with the College of Immigration and Citizenship Consultants ("**CICC**"). The licensing requirements apply only to individuals who fall within the scope of the Act's regulatory authority. Accordingly, the ISA applies only to practitioners who meet the statutory definition of an "immigration consultant." Lawyers are excluded from this licensing framework and remain subject to regulation by the Law Society of Saskatchewan.[20]

Individuals required to be licensed must obtain a licence issued by the Government of Saskatchewan and post financial security in the form of a bond. Where a breach of *the ISA* or its regulations is identified, the province may suspend or revoke the licence, effectively prohibiting the continued provision of immigration services in Saskatchewan. The legislation permits applications for an immigration consultant licence, a foreign worker recruiter licence, or both, provided the applicable statutory requirements for licensure are met.

In addition, the ISA also requires owners and operators of businesses providing immigration, recruitment, consulting, or settlement services to ensure that all individuals delivering those services are properly licensed and to remain accountable for the conduct of their employees, partners, affiliates, and agents acting on their behalf.

The legislation places strong emphasis on prohibited conduct, clearly identifying behaviours that regulated actors are forbidden from engaging in. These provisions form a core component of the ISA's enforcement framework and reflect the legislature's intent to deter fraudulent and

[19] Please find the ISA's definition of key terms such as immigration consultant, immigration services, and licensees at Section1-2.

[20] The Law Society of Saskatchewan is the sole provincial authority empowered to regulate the legal profession.

exploitative practices within the immigration system. Breaches of these provisions constitute offences under the ISA and may result in significant sanctions.[21]

Enforcement Authority

Enforcement of the ISA is carried out by Program Compliance Officers within the Program Compliance Branch ("**PCB**") of the Ministry of Immigration and Career Training. the ISA provides the legislative foundation for the establishment and operation of PCB and grants it clear statutory authority to protect immigrants and foreign workers from fraud, exploitation, and unethical practices within Saskatchewan's immigration and recruitment system.

PCB functions as the primary enforcement and oversight body responsible for maintaining program integrity under the ISA. Its mandate reflects the Act's objective of ensuring fairness, transparency, and lawful conduct throughout the immigration and foreign worker recruitment process. Unlike regulatory models in other provinces where immigration-related oversight is often fragmented across multiple statutes and agencies, Saskatchewan has consolidated enforcement authority within PCB, enabling a coordinated and centralized approach to compliance and investigations.

PCB is empowered to investigate complaints involving employers, immigration consultants, recruiters, or any individual involved in the immigration process, particularly where there are allegations of fraud, misrepresentation, coercion, or exploitation.

Enforcement Tools and Sanctions

Penalties and fines under *the ISA* form a central component of Saskatchewan's enforcement framework and serve as key mechanisms for protecting immigrants and foreign workers from exploitation and mistreatment during the recruitment and immigration process. The legislation provides a graduated range of enforcement tools, allowing regulators to respond proportionately to varying degrees of misconduct.

Violations of the ISA may result in a range of enforcement consequences, including licence suspension or revocation, fines of up to $750,000 for individuals and $1,250,000 for corporations, and administrative monetary penalties of up to $200,000 for individuals and $400,000 for corporations.[22] Together, these measures provide the province with meaningful authority to deter misconduct, address non-compliance, and respond effectively to immigration-related fraud affecting newcomer communities.

ISA establishes clear authority to amend, suspend, or cancel licences or registrations where non-compliance is identified. Sections 3-9 and 4-8 of the ISA set out the criteria under which licences held by immigration consultants and registrations held by employers may be amended, suspended, or cancelled. In addition, section 7-6 of the Act authorizes significant maximum fines for individuals and corporations found to have contravened the legislation.[23]

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[21] Saskatchewan's *Immigration Services Act* at Section 5-1.

[22] s. 7-6(2) of Saskatchewan's Immigration Services Act at Section 5-1.

[23] https://www.saskatchewan.ca/residents/moving-to-saskatchewan/live-in-saskatchewan/by-immigrating/protections-for-immigrants-and-foreign-workers/violations-and-investigation-outcomes

The regulatory framework is further reinforced through administrative monetary penalties, as set out in section 5-13 of the Immigration Services Regulations, which authorize financial sanctions against individuals or corporations that fail to comply with the Act or its regulations. Together, these provisions provide Saskatchewan with a flexible and effective enforcement toolkit that supports deterrence, accountability, and remediation.[24]

These investigative powers are central to Program Compliance Officers' role in protecting vulnerable individuals and preventing systemic abuse within the immigration system.

Enforcement Activity and Outcomes

These enforcement authorities are not merely theoretical but have been applied in practice through investigations and sanctions against non-compliant actors. Government communications and open-source reporting confirm that PCB has laid charges against unlicensed immigration consultants operating without authorization and has taken enforcement action against employers accused of charging prohibited recruitment fees, misrepresenting employment conditions, and issuing threats related to immigration status.

These enforcement efforts build upon precedents established under Saskatchewan's previous legislation and demonstrate the Branch's institutional capacity to investigate complex immigration-related misconduct and pursue corrective or punitive measures where required.

Enforcement data further suggests that these tools are being used regularly in practice. In 2025, Saskatchewan issued 52 sanctions under *the ISA*.[25] By comparison, the College of Immigration and Citizenship Consultants reported eight licence revocations and seven suspensions nationwide in its 2025 Annual Report. Although these figures arise from different regulatory mandates and enforcement frameworks, the contrast underscores the comparatively active use of provincial enforcement tools in Saskatchewan to identify and address non-compliant or fraudulent conduct.

At present, consolidated public data on the full scope of PCB investigations and compliance outcomes remains limited. However, efforts are underway to obtain more comprehensive information, including service reports, investigation outcomes, and compliance statistics, which will permit a fuller evaluation of PCB's operational impact under the ISA. Despite current data constraints, publicly reported enforcement actions provide clear evidence that the PCB is functioning as intended under the ISA and protecting victims of fraud, deterring unlawful practices, and strengthening the integrity of Saskatchewan's immigration and recruitment system. Together, these outcomes demonstrate the operational effectiveness of Saskatchewan's centralized provincial enforcement model under the ISA.

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[24] https://www.saskatchewan.ca/residents/moving-to-saskatchewan/live-in-saskatchewan/by-immigrating/protections-for-immigrants-and-foreign-workers/violations-and-investigation-outcomes

[25] https://www.saskatchewan.ca/residents/moving-to-saskatchewan/live-in-saskatchewan/by-immigrating/protections-for-immigrants-and-foreign-workers/violations-and-investigation-outcomes

Regulatory Effectiveness Assessment

As with any regulatory regime, the framework established by *the ISA* has both strengths and limitations, which are examined below.

Effectiveness and Enforcement Gains

ISA has many advantages that can help prevent fraud and exploitation. By empowering the province to enforce rules that have traditionally been addressed primarily at the federal level, the ISA fills a long-standing enforcement gap in the immigration system. The legislation enables the province to take direct action against unauthorized practitioners, including individuals operating outside any regulatory authority, thereby limiting opportunities for fraud. Its enforcement mechanisms allow the province to impose meaningful penalties, including fines, which both support deterrence and contribute to enforcement capacity. Visible and active enforcement also helps maintain public confidence in the immigration system and demonstrates that provincial governments can play a tangible role in combating immigration-related fraud.

Unlike complaint-driven models that rely on vulnerable individuals to initiate action, the ISA supports proactive enforcement through inspections, audits, and investigations, reducing barriers to detection. From a policy perspective, the legislation has remained in force in Saskatchewan without legal challenge and could be adapted by other provinces, as British Columbia has done, without the need to draft entirely new statutory frameworks. Collectively, these features provide both practical and political benefits by demonstrating decisive action to protect migrants and uphold system integrity.

Risks, Constraints, and Implementation Considerations

Despite its strengths, the Saskatchewan model also presents certain limitations. As immigration is an area of shared jurisdiction, federal legislation will take primacy in the event of a conflict, creating the potential for jurisdictional overlap or uncertainty where provincial and federal regimes intersect. There is also the possibility that the CICC could seek to challenge provincial regulation of immigration consultants, given its federal oversight role, although no such challenge has been brought to date.

In addition, effective implementation of the ISA requires sustained financial investment and dedicated staffing, including trained enforcement personnel. These resource demands may pose practical or budgetary constraints for some provinces considering similar regulatory approaches. Together, these factors underscore the importance of careful legislative design, intergovernmental coordination, and long-term resource commitment when adopting provincial enforcement models. Moreover, while the ISA provides robust mechanisms for financial compensation and employment-related remedies, it does not address the immigration consequences experienced by individuals whose applications or legal status have been adversely affected by fraud or exploitative conduct. As a result, affected individuals may continue to bear federal immigration consequences—such as application refusal, loss of status, or removal from Canada—even where provincial enforcement action is successfully taken against the perpetrator. This highlights a structural gap between provincial regulatory remedies and federal immigration outcomes.

Lessons for Other Provinces

The Saskatchewan model demonstrates the value of decisive provincial action to address a long-standing enforcement gap in the immigration system. By creating a clear regulatory and enforcement framework, the ISA strengthens oversight of immigration service providers, helps maintain public confidence in the integrity of the immigration system, and operates as a meaningful deterrent to fraudulent and exploitative conduct. The legislation has already been applied in practice. The Canadian Broadcasting Corporation indicates that Saskatchewan laid its first charge against an unauthorized immigration practitioner under *the ISA* in January 2026.[26]

A frequently cited concern with the Saskatchewan approach is the potential for dual regulation of immigration consultants, who are subject to federal oversight through the CICC as well as provincial regulation under the ISA. To date, the CICC has not challenged either the ISA or its predecessor legislation. Moreover, while the College does not ordinarily comment on government policy, it has publicly addressed Saskatchewan's regulatory framework by indicating that provincial requirements for consultants to demonstrate good standing with the College are a positive measure to protect prospective immigrants and that its licensees are required to comply with all applicable federal and provincial laws, as set out below:

> "The College does not ordinarily comment on government policy. However, regarding provincial regulation of immigration consultants, we see Saskatchewan's requirement for consultants to prove they are licensees of the College of Immigration and Citizenship Consultants in good standing as a positive step to protect prospective immigrants. That would apply in any province where provincial regulation of immigration consultants was being proposed.
> I would also point out that licensees of the College are required to comply with all applicable federal and provincial laws, and that the College works closely with the federal and provincial governments to protect the integrity of Canada's immigration system".

In this context, dual federal–provincial regulation does not appear to pose a practical barrier to Saskatchewan's approach, nor should it deter other provinces or territories from considering similar enforcement models.

Overall, Saskatchewan's experience demonstrates that a provincially driven enforcement regime can operate alongside federal regulation to fill critical gaps in oversight and deliver a meaningful response to immigration-related fraud. As such, the ISA offers a compelling and scalable model for other jurisdictions seeking to strengthen enforcement and protect newcomers within their immigration systems. With deliberate coordination between provincial regulators and federal decision-makers, this approach has the potential not only to deter misconduct, but to materially improve outcomes for individuals harmed by fraudulent conduct.

[26] https://www.cbc.ca/news/canada/saskatchewan/immigration-consulting-charge-9.7046482

Part III: Conclusion and Recommendations

This report has examined immigration fraud, misrepresentation, and incompetent representation through both federal and provincial perspectives, revealing a persistent disconnect between how misconduct is sanctioned and how its consequences are experienced by affected individuals. Federal Court jurisprudence demonstrates a growing awareness of fraud within the immigration system yet also illustrates the structural limits of judicial review as a remedial tool. Applicants who are victims of fraud often continue to bear severe immigration consequences, particularly in cases involving misrepresentation, even where wrongdoing by representatives is acknowledged. The Court' s role as a judicial review body is constrained from fact-finding and fully address the harms caused by immigration fraud.

In contrast, Saskatchewan's *Immigration Services Act* illustrates how provinces can move beyond reactive, complaint-driven models to implement proactive, centralized enforcement regimes. The *ISA* fills a long-standing enforcement gap by targeting unauthorized practitioners, imposing meaningful sanctions, and deterring exploitative conduct before it produces irreversible immigration consequences. Enforcement activity under the Act demonstrates that provincial governments can act decisively and effectively in an area traditionally dominated by federal oversight, without undermining the broader constitutional framework governing immigration.

At the same time, Saskatchewan's model also exposes the limits of provincial intervention.

While the *ISA* provides robust tools to regulate conduct and compensate victims financially, it cannot directly remedy the immigration outcomes imposed at the federal level, such as refusals, inadmissibility findings, or removal. This structural gap leaves many victims of fraud in a paradoxical position: the perpetrator may be sanctioned, yet the individual remains subject to the full force of federal immigration law.

CILA's Policy Recommendations:

- **Strengthen enforcement against unauthorized representatives and ghost consultants:** Greater enforcement coordination between federal regulators and law enforcement is necessary to deter individuals who provide immigration services without authorization.

- **Improve transparency and reporting on immigration fraud cases:** Public reporting on enforcement actions, disciplinary proceedings, and fraud-related outcomes would help identify systemic patterns and improve accountability within the immigration system.

- **Enhance collaboration between federal and provincial regulators:** Federal and provincial governments should coordinate regulatory oversight and information sharing to ensure consistent enforcement against fraudulent practitioners across jurisdictions.

- **Encourage provinces to adopt stronger enforcement frameworks:** Provinces should consider legislative models similar to Saskatchewan's *Immigration Services Act*, which

provides proactive inspection powers, licensing requirements, and meaningful penalties for fraudulent immigration practices.

- **Increase public education and awareness regarding immigration fraud:** Governments and professional organizations should expand outreach efforts to ensure prospective immigrants understand how to verify authorized representatives and recognize common fraud schemes.

Appendix: Statistics

Number of RCICs[27]

RCICs in good standing at June 30, 2025.	11,994
RCICs were licensed within the past year.	470
RCICs reside in Canada. This is 98% of total RCICs.	11,733
RCICs reside internationally. This is 2% of total RCICs.	261
Licensee Suspensions	7
Licensee Revocations	8

Estimated Number of Canadian Immigration Lawyers

2,000

Federal Court Statistics

- 71% of published matters involving ghost consultants in the past five years were dismissed (100% since 2025);
- 60% of published matters involving misrepresentation or fraudulent misrepresentation on the part of an individual's representative, whereby the individual was found to be caught by section 40 of the *IRPA*, were dismissed;
- 80% of matters involving arguments of an "innocent mistake" in light of representative misconduct or error that resulted in a misrepresentation finding for the applicant;
- 25% of matters involving only "fraud", no matter the connection to the legal issues, were dismissed;
- 62% of matters involving allegations or findings of incompetent or negligent counsel were dismissed.
- CAS's budget has increased between 46 and 68% in the past five years.
- There has been a 388% increase in immigration matters from 2015 to December 2025 and a 15% increase in total judges in that period.

Saskatchewan Enforcement of the *Immigration Services Act*

In 2025, Saskatchewan issued 52 sanctions under *the ISA*.

[27] https://college-ic.ca/ICCRC/Assets/Documents/AnnualReport/2025_Annual_Report/2025%20College%20Annual%20Report-1.pdf