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**Re: Representative Access to Online Portals**

Dear Director Baril,

I am writing to you today regarding issues with authorized representative access to online application portals. I would also like to expand on some of the issues raised in my letter dated April 28 “Re: Representative Access to Online Portal for New PR Pathway”.

CAPIC supports IRCC’s ongoing digitization efforts. The COVID-19 pandemic has illustrated the necessity of robust, online application tools and the department’s efforts in this area have afforded many representatives and applicants the opportunity to complete applications safely and remotely during the pandemic.

CAPIC appreciates that by modernizing the application process, IRCC is better able to process applications, which benefits all parties, including immigration consultants and the applicants themselves. CAPIC believes that this process has the potential to streamline caseloads for representatives and facilitates a greater accessibility for applicants. In particular, digitized application processes should reduce both the number of cases requiring follow up communication and the lengthy delays which result from such communication.

When CAPIC reached out on this issue in April, our concerns specifically pertained to the lack of representative access to the online portal for the temporary TR to PR pathway. We were informed that a solution to authorized representative access to the portals was underway and the development of a linking mechanism between the authorized representative online portal and the applicant versions would mitigate these issues.

IRCC’s August 10 announcement of a new Permanent Residence Online Application Portal (PR Online Application Portal) for authorized representatives was appreciated by our membership. CAPIC supports this initiative and was pleased to see this new portal will allow applicants to hire immigration consultants to complete and submit their applications. CAPIC believes this portal will work in ways that can assist both clients

and representatives in preparing their applications and will help IRCC reduce the number of appeals it has to adjudicate.

However, as the portal has not yet been released and its scope is currently limited, CAPIC wishes to share its observations on several issues regarding the digitization process, online portal access, and applicants' access to justice in hopes of improving this process for applicants.

Since CAPIC's letter of April 28, the digitization process has expanded to include the intake processes for many other streams. Online applicants to the following streams now have limited access to the assistance of authorized representatives:

- New temporary PR pathways
- Provincial nominee program (non-Express Entry)
- Rural and northern immigration pilot
- Agri-food pilot
- Atlantic immigration program
- Start-up visa
- Self-employed people (federal and Quebec)
- Quebec-selected skilled workers, entrepreneurs and investors
- Sponsoring a spouse or partner from outside Canada
- Adopting a child through the immigration process
- Protected persons and convention refugees in Canada
- Humanitarian and compassionate grounds
- Temporary resident permit holders applying for permanent residence

Launching these portals at this stage without ensuring reliable and secure representative access disadvantages many applicants, all of whom have a right to representation.

**CAPIC has identified six key areas of concern about the current implementation of the digitization process:**

**1) Undermines the rights of applicants.** Applicants have the right to representation as defined in existing legislation, such as the *Immigration and Refugee Protection Act*. Applicants have the right to be advised and supported, including the preparation and submission of applications. As currently implemented, this system not only prevents applicants from accessing the full services of the authorized representatives they have

hired but encourages applicants to apply without counsel by diminishing the role of authorized representatives. Many applicants hire authorized representatives because they were unsuccessful in their own attempts to apply. By limiting applicants' access to representatives, worthy applicants will be refused because of avoidable mistakes that could have been prevented by adequate representation.

It is an applicant's right to hire an authorized representative to advise and assist throughout the entire immigration or citizenship process. Our members feel that the most crucial moments for authorized representatives to be involved in the application process is at the start of the process. By being involved at this stage, consultants can help advise and create an application with a much stronger foundation that is more likely to be successful.

**2) Encourages unauthorized representatives to continue illegal practices.** By creating additional barriers for applicants to access the full range of legal services offered by authorized representatives, including application preparation and submission, IRCC has created fertile conditions for applicants to turn to unauthorized representatives. Unauthorized representatives are not bound by the rigorous codes of conduct and professional standards authorized representatives, such as immigration consultants, adhere to nor are they likely to abide by IRCC's guidance regarding applicant safeguards.

The digitization process is an opportunity to create additional barriers to illegal actors. To protect the interests of the applicant, IRCC's existing "Use of Representative" form (IMM 5476) should be used to allow representative access to client profiles. This safeguards applicant accounts while satisfying the need for program integrity. Additionally, requiring authorized representatives' accreditations from regulators such as ICCRC or CBA will reduce the system's vulnerability to unauthorized representatives. This would strengthen the public perception of Canada's immigration system, the reputations of authorized representatives, and improve consumer confidence when using these portals.

**3) Online portals create significant technological barriers.** Access to both the necessary technology and required internet access differs greatly among applicants. Many do not have access to the devices, such as computers, smart phones, and scanners, required to complete immigration applications nor reliable internet access to upload and submit documents in a reliable and timely fashion. This is especially acute when the online portals experience technical issues (such as glitches, freezes or

crashes) during the application process. Applicants who work in remote or rural areas often have limited or no access to high-speed internet services. International applicants can often face strict regulations regarding internet access, and many will not be able to create portal profiles without hiring authorized representatives because of the conditions in their home countries.

Many applicants lack the mandatory computer literacy to successfully navigate online applications, including the screensharing options IRCC has proposed as a potential solution to the lack of representative access. Bugs, glitches, or other technical disruptions hampering the online portals also disproportionately impact individuals preparing their own applications. Some streams are not eligible for online applications at this time yet files for those programs are available through the portals, leading to considerable confusion. Without guidance from immigration consultants, some took time off work to complete exams for programs for which they were not eligible. Some are essential workers who have long, and stressful hours and others work multiple jobs. They simply do not have the time to learn the online process and complete applications in a timely manner.

**4) IRCC has inadvertently created additional language barriers for applicants.** Many applicants meet the minimum language requirements to ensure their applications would be successful. However, meeting those language requirements is not the same as possessing the required language skills to navigate government applications and many cannot do so without the services of authorized representatives.

**5) Creates conditions for misrepresentation to flourish.** The legal processes related to immigration and refugee programs can have long-term implications for individuals and findings of misrepresentation can impact an applicant's other immigration applications, admissibility, and the future admissibility of their family members because they were not able to access the full services of authorized representatives and used an online system which encouraged them to submit applications on their own.

**6) Increased difficulty communicating with IRCC.** With offices closed during the pandemic, communication with IRCC officers has primarily occurred through the Webform. Unfortunately, the platform has experienced considerable technical issues and at the time of writing was unavailable to some users. This creates significant delays when trying to communicate with IRCC on portal issues, client files and other pertinent matters.

CAPIC believes that there are solutions to resolve these outstanding issues and ensure the best possible outcomes for applicants. These suggestions can provide both temporary solutions to safeguard applicants during this digitization process while also serving as examples to improve authorized representative access when the portals can accommodate such measures.

By using existing government-approved solutions that maintain the integrity of the applicant's application, IRCC can allow applicants to access their right to representation when completing immigration applications. The Canada Revenue Agency employs a process which allows individuals to authorize a representative. Both the individual and representative have their own login information, but both parties are able to view the same portal information. In addition, several provincial systems (such as the OINP portal) offer practical solutions to representatives' access while ensuring applicants maintain control of their profiles.

It is crucial that policy changes do not negatively impact individuals who want to access representation. Immigration consultants should be allowed to represent clients to the fullest capacity as outlined by existing regulations. CAPIC understands the development of complex portals is time consuming and difficult and is happy to continue to assist IRCC in testing and consultation procedures. We would be happy to discuss these matters with you further at your earliest convenience.

Sincerely,

Dory Jade, C. Dir.  
Chief Executive Officer  
CAPIC-ACCPI