

CAPIC's Submission Regarding the Asylum System Reform

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TM
Canadian Association of
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Table of Contents

Introduction.....	3
Analysis and Recommendations.....	3
Analysis	3
Recommendations	8
Conclusion	8
About CAPIC	8
Contact Us.....	9

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CAPIC has reviewed Canada Gazette, Part I, Volume 160, Number 25: Regulations Amending the Immigration and Refugee Protection Regulations ([Asylum System Reform](#)) and related materials. CAPIC also gathered input on the proposed IRPR amendments from its members who are authorized representatives under paragraph 91(2)(c) of the *Immigration and Refugee Protection Act*, S.C. 2001, c. 27 (IRPA). CAPIC respectfully submits the following input on the Asylum System Reform.

Introduction

The Asylum System Reform implements amendments to the *Immigration and Refugee Protection Regulations*, SOR/2002-227 (IRPR), concerning Canada's in-Canada asylum system under IRPA, as introduced by the *Strengthening Canada's Immigration System and Borders Act*, S.C. 2026, c. 4 and repeals outdated IRPR provisions.

CAPIC recognizes the need for operational measures to implement the in-Canada asylum reforms introduced by the *Strengthening Canada's Immigration System and Borders Act*. However, CAPIC has concerns about the potential impact of these measures:

1. The effect of the remunerated designated representative framework on system integrity;
2. The impact of the Minister's flexible due diligence time limit and pre-referral access to work permits on sustainability and system integrity.

The next section examines the concerns and proposes corresponding recommendations.

Analysis and Recommendations

Analysis

1. The remunerated designated representative framework and system integrity

The proposed sections 13.4 to 13.9 frame the remunerated designated representative mechanism, which resembles the framework used in Immigration and Refugee Board (IRB) proceedings under subsection [167\(2\)](#) of IRPA.

(1) Examining the need for a contracted designated representative regime in specified proceedings

The *Strengthening Canada's Immigration Systems and Borders Act* authorizes regulations to prescribe "the remuneration of a representative."¹ The mechanism appears for procedural fairness and administrative efficiency.²

CAPIC notes three relevant facts.

First, the specified proceedings have operated for more than two decades without a designated representative framework.

Second, for more than a decade, designated representatives appointed in IRB proceedings under subsection 167(2) of IRPA were not paid from the public purse. Although it is unclear when the IRB began contracting and compensating designated representatives, this appears to be a recent practice.³

Third, procedural fairness and administrative efficiency have been applied in non-IRB proceedings without designated representatives and in IRB proceedings before the IRB began contracting designated representatives.

The need to remunerate designated representatives is therefore unclear. Further examination of the rationale for remuneration would help ensure the framework is designed effectively.

(2) Two issues worth further examination for the integrity of the system

While CAPIC does not question the good intentions of the paid designated representative mechanism, we recommend further examination of two potential issues:

- Whether the regime may conflict with subsection 91(1) of IRPA; and
- Whether the eligibility requirements are sufficient for designated representatives to discharge their prescribed responsibilities.

(a) Potential risk of enabling unauthorized practice

Subsection 91(1) of IRPA prohibits anyone other than authorized representatives

¹ Parliament of Canada, [Bill C-12, Strengthening Canada's Immigration System and Borders Act](#), 45th Parl, 1st Sess, royal assent version, Part 6, cl 31, proposed Immigration and Refugee Protection Act, s 6.1(3)(c), accessed July 13, 2026.

² House of Commons, Standing Committee on Citizenship and Immigration (CIMM), [Evidence](#), 45th Parl, 1st Sess, No. 10 (October 30, 2025), testimony of Jason Hollmann. See also online (video): [ParlVu](#) at 01:13:59, accessed July 13, 2026.

³ Immigration and Refugee Board of Canada, ["Release of the designated representative guide, competency profile and code of conduct,"](#) modified October 6, 2021.

under subsection 91(2) of IRPA from providing immigration advice or representation for consideration. Unauthorized advice or representation is subject to criminal penalties pursuant to subsection 91(9).

Some responsibilities under proposed section 13.6, while necessary for designated representatives to act in the represented person's best interests, resemble services provided by authorized representatives. These include assisting the represented person in "making decisions respecting the proceeding or application" and in "gathering evidence and presenting evidence as part of the proceeding or application" under proposed paragraphs 13.6(1)(b) and (e).

Because the Government of Canada will compensate designated representatives, their representation that falls under the category of advice is compensated. Unless designated representatives are authorized representatives, the framework could therefore inadvertently enable unauthorized practice.

(b) Highly technical proceedings and minimal eligibility requirements

The proceedings listed in proposed section 13.4 are highly legal and technical. However, the eligibility requirements in proposed section 13.5 are minimal and do not require designated representatives to have immigration law knowledge or training. This raises a serious question: Can a person who is merely 18 years of age or older and free from conflicts of interest be expected to understand the nature and complexity of these legal proceedings and applications?

The following facts, which contrast with the minimal requirements for designated representatives, likely speak otherwise.

First, law students may practise under IRPA only under a lawyer's supervision according to subsection 91(3) of IRPA.

Second, students in immigration and citizenship law must complete a one-year postgraduate legal training⁴ before they are eligible to write the entry-to-practice examination,⁵ with no guarantee of passing or obtaining an immigration consultant licence to allow them to represent clients.

Third, the IRB requires their contracted designated representative to have "a basic understanding of IRB immigration and refugee processes" and "a basic understanding of the Immigration and Refugee Protection Act, Immigration and

⁴ Queen's University, "[Graduate Diploma in Immigration and Citizenship Law / Program](#)," accessed July 15, 2026.

⁵ College of Immigration and Citizenship Consultants, "[How do I become an RCIC?](#)" accessed July 15, 2026.

Refugee Protection Regulations, and Divisions' rules of practice."⁶ Both take time to learn and familiarize.

In short, the current design of the designated representative framework for specified immigration and refugee protection proceedings may not effectively achieve its objectives of procedural fairness and administrative efficiency. Appointing authorized representatives as designated representatives would better support the framework's effectiveness.

2. The impact of the minister's due diligence time limit and access to work permit before referral on sustainability and system integrity

(1) Sustainability

Proposed subsection 159(1) of the IRPR Amendments gives the Minister up to 365 days to conduct due diligence of refugee claims determined by officers to be eligible for referrals to the Refugee Protection Division (RPD); proposed subsection 159(2) allows the Minister to extend that period where operational limitations require additional time. Read together, these provisions indicate that the 365-day period is not a fixed deadline; if a full calendar year is insufficient, the Minister may determine what is operationally feasible for completing due diligence on eligible claims.

While this approach gives the Minister flexibility in conducting due diligence, it may prolong uncertainty for refugee claimants. Proposed section 206 of the IRPR Amendments will authorize work permits for refugee claimants who have submitted complete applications and whose claims have been found eligible for referral to the IRB, before referral occurs. Combined with the flexible due diligence period, this early access could increase the number of refugee claimants holding work permits. The increase may add to sustainability pressures in Canada's immigration and refugee protection system because the refugee claimant population under the current in-Canada claim design cannot be proactively managed to ensure it remains within the receiving capacity of Canadian communities.

The following data may be considered when assessing the potential negative effects.

First, the issuance of work permits to refugee claimants is not included in the immigration levels plan, as work permits do not grant legal status to claimants pursuant to section 202 of IRPA. This is reflected in the 2025-2027 immigration

⁶ Immigration and Refugee Board of Canada, "[Designated Representative Competency Profile](#)," Expected behaviours, item 3, modified October 6, 2021.

levels plan by Immigration, Refugees and Citizenship Canada (IRCC) when IRCC began to include temporary resident admissions in its immigration levels plan for sustainability.⁷

Second, Canada has a substantial number of refugee claimants who hold a work permit. The number of asylum claimants, protected persons and related groups holding a work permit is 393,567,⁸ representing nearly 1% of the Canadian total population.⁹

Therefore, while the issuance of work permits to refugee claimants so that they do not solely rely on public funding appears to be positive, CAPIC suggests assessing the impact of the possible increase in the number of claimant work permit holders.

(2) Integrity

CAPIC understands that security screening and background checks take time, and it is important for safeguarding the integrity of Canada's immigration system. The combined effect of the flexible time limit for the Minister's due diligence and the early access to work permits for refugee claimants would result in an extension of the period of authorized work in Canada for refugee claimants.

The pending claims at the IRB by March 31, 2026, stood at 294,989.¹⁰ The average wait times for refugee claims and refugee appeals are approximately 24 months and 12 months, respectively.¹¹ According to the Canada Border Services Agency (CBSA), it has around 30,000 people in its "removal-in-progress" inventory; the IRB's refugee claim approval rate is 63%, and thus, about 25,900 new cases of failed refugee claimants enter the CBSA removals inventory each year.¹²

The Minister's due diligence time could add to the lengthy processing time for refugee claims at the IRB. With early access to work permit, the potential effect could be less likely voluntary departure once a claim is finally rejected.

In addition, another question worth considering: Would the flexibility of the time limit and early access to work permit inadvertently offer a loophole for bad actors to exploit?

⁷ IRCC, "[2025–2027 Immigration Levels Plan](#)," modified October 24, 2024.

⁸ Statistics Canada, Table 17-10-0121-01, "[Estimates of the number of non-permanent residents by type, quarterly](#)," reference period April 2026, released June 17, 2026.

⁹ Statistics Canada, "[Canada's population estimates, fourth quarter 2025](#)," released March 18, 2026.

¹⁰ IRB, "[Claims by Country of Alleged Persecution - 2026](#)," modified May 21, 2026.

¹¹ IRB, "[Wait times \(all divisions\)](#)," modified April 23, 2026.

¹² CBSA, "[Committee Overview: Standing Committee on Public Safety and National Security – Foreign Nationals](#)," modified December 2, 2025.

Recommendations

Based on the analysis, CAPIC recommends the following:

- (1) Examine the rationale for remunerating designated representatives to support an effective framework design.
- (2) Select designated representatives from among authorized representatives to ensure compliance with IRPA and maintain the quality of representation.
- (3) Work with organizations such as CAPIC and Legal Aid to identify and supply designated representatives.
- (4) Recommend that Legal Aid include immigration and citizenship consultants in its immigration and refugee service programs to expand the pool of authorized representatives available to serve as designated representatives.
- (5) Limit extensions of the Minister's due diligence period.
- (6) Define the operational limitations that may justify extending the Minister's due diligence period.
- (7) Assess the impact of issuing work permits to refugee claimants before referral to the RPD.

Conclusion

System integrity and sustainability have become central concerns in recent years. CAPIC recommends that the Asylum System Reform respond to Canada's current refugee protection challenges while remaining forward-looking, data-informed, and research-based. CAPIC remains ready to work with IRCC, CBSA, and the IRB to ensure the reform protects Canadians while maintaining Canada's reputation as a fair, rules-based destination for refugee claimants.

About CAPIC

The Canadian Association of Professional Immigration Consultants (CAPIC) is a non-profit professional organization representing the interests of Canadian Immigration Consultants.

The organization advocates for competency, ethical conduct, and consumer protection in the immigration consulting industry. CAPIC's mission is to lead, connect, protect, and develop the profession, serving the best interests of its 4,000 members. It is the only association recognized by the Government of Canada as the voice of Canadian immigration and citizenship consultants. CAPIC is a major stakeholder consulting with federal and provincial governments and their respective departments on legislation, policy, and program improvements and changes.

All CAPIC submissions are publicly available on the CAPIC [Advocacy](#) web page to facilitate communication between CAPIC and our 4,000-strong membership and the general public.

Contact Us

www.capic.ca

Hui Zhang: Stakeholders@capic.ca