CAPIC's Recommendations for Following IRPA to Optimizing Digital Platform Modernization at IRCC

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The Canadian Association of Professional Immigration Consultants (CAPIC) agrees that modernization must take place and supports the initiative of the Digital Platform Modernization (DPM) at Immigration, Refugees and Citizenship Canada (IRCC). New technologies will allow IRCC to fulfill the objectives of the _Immigration and Refugee Protection Act_, SC 2001, c. 27 (IRPA) in IRPA administration and better carry out the duties and functions of IRCC prescribed in section 4 of the _Department of Citizenship and Immigration Act_, SC 1994, c. 31 (the Department Act). DPM is meant to be a tool to serve IRPA by equipping IRCC and its personnel with a sophisticated platform supported by advanced information technologies to achieve IRCC's mandate by improving its services.

DPM at IRCC as a major multiple-year undertaking will replace the current Global Case Management System (GCMS) that has been used for 20 years, which will affect all users and is crucial to the fulfillment of IRCC's mandate. CAPIC members, as immigration and citizenship consultants, are at the client end of the various IRCC portals and online amenities and thus can provide input and feedback on substantive matters and functionalities of DPM based on their expertise and experience. CAPIC has been seeking members' input, feedback, and comments on recommendations for improving the IRCC electronic amenities and related aspects for applications.

This is CAPIC's submission on recommendations for following IRPA to optimize DPM at IRCC based on research and end-users' experiences. Focusing on two prongs: Legal aspects and technical functionalities, the submission reflects the optimal DPM for IRPA administration on both the merits and demerits of the current portals and related amenities from the perspective of veteran immigration and citizenship consultants.

Background

1. The legal aspects

IRCC is the department that has overall responsibility for the administration of IRPA and the _Citizenship Act_, RSC 1985, c. C-29 (Citizenship Act). The interplay between the objectives of IRPA, the ministerial mandate, and the objectives of the DPM determines the direction of the DPM.

(i) The objectives of IRPA, the ministerial powers, duties, and functions, and the objectives of the DPM

Subsections 3(1) and (2) of IRPA sets out its objectives in two parts: Immigration and refugee protection. Concerning immigration, one major objective is to facilitate immigration to benefit Canada socially, culturally, and economically. For refugee protection, it intends to save lives and offer protection to the displaced and persecuted in the first place. While the two parts carry different purposes, they share some commonalities, including protecting the health and safety of the Canadian public, maintaining the security of Canadian society, and establishing fair and efficient procedures to maintain the integrity of the system. The rules for IRPA application stipulated in subsection 3(3) of promoting accountability and transparency by enhancing public awareness of immigration and refugee programs and facilitating cooperation between the federal and provincial governments, foreign states, and international and non-governmental organizations apply to all immigration and refugee protection matters within the jurisdiction of IRPA.

The objectives of IRPA send out a message that it aims to strike a balance between facilitating immigration and refugee protection and maintaining the safety and health of the Canadian public and the security of Canada. It also calls for transparency, consistency, efficiency, and fairness in processing and integrity of the system in procedures.

Authorized by subsection 4(1) of IRPA, IRCC is the leading department for the administration of IRPA. In addition to general authorization, IRPA bestows much power on IRCC, e.g., subsection 14.1(1), Minister's powers to introduce pilot permanent residence programs; 25(1) and 25.1(1), to grant exemptions on humanitarian and compassionate grounds; 25.2(1) to grant exemptions on public policy, Division 0.1 of Part 1, to manage the Express Entry system, section 87.3, to give instructions on application and request processing, and so on.

Section 4 of the Department Act extends the ministerial powers, duties, and functions to all immigration-and citizenship-related matters within the jurisdiction of Parliament that are not assigned to any other federal department, board, or agency. By administering various immigration and refugee protection programs, and citizenship matters, IRCC admits foreign nationals into Canada and welcomes permanent residents to become Canadians, who collectively define the country.

Specified objectives of the DPM include improving both client and employee experience, technology, and engagement, making operations more streamlined and efficient, and enhancing program management, data, and integrity. Optimally, modernization via the DPM should be able to fulfill the above noted mandates as outlined by statute.

2. The interplay

The DPM is the next generation of the GCMS. Fast paced technology in a virtual world means the implementation of the DPM will be the determinative factor of the attainment of the objectives of IRPA and the fulfilment of the IRCC mandate.

Subsection 9.1(1) of the *Immigration and Refugee Protection Regulations*, SOR/2002-227 (IRPR) stipulates electronic means as the default means for applications, requests, documents, information, or signature wherever such a means is available or specified by the Minister.

Currently, regulatory rules and Ministerial Instructions (MIs) working in tandem have moved most immigration and citizenship applications online. Electronic means submission and document and information exchange have become the norm on all fronts:

- Acquisition of temporary residence:
  Section 9.2 of IRPR makes electronic means mandatory for in-Canada temporary residence applications. Ministerial Instruction (MI) 41 issued on June 29, 2020, which requires temporary residence applications outside Canada to be submitted electronically as a measure to cope with the reduced processing capacity during the Covid-19 pandemic, has been continued by subsequent MIs 42, 44, 47, 51, and 62. The provision of IRPR and MIs make electronic means the default for temporary residence applications.
- Acquisition of permanent residence:
  Most permanent residence applications were moved online in October 2023 following the issuance of MI61. Though the refugee class is not among them, claiming refugee status in Canada, which is the first step towards permanent residence for refugee class applicants whose refugee status conferring takes place in Canada, starts online.
  - Acquisition of citizenship:
  The first step for obtaining citizenship is a citizenship application. Most applicants are eligible to apply for citizenship electronically.
  The second step for applicants whose ages are between 18 and 55 is to take the citizenship tests. It is done online as well unless applicants need accommodation.
  The last step, citizenship ceremony, is undergoing amendments. The proposed amendments to the *Citizenship Regulations*, SOR/93-246 will allow citizenship applicants to take the Oath of Citizenship outside Canada by means either available or specified by the Minister.

CAPIC believes that the specified objectives of the DPM will serve as a compass, ensuring its implementation to follow the purpose the objectives of IRPA and fulfilment of the IRCC mandate by enhancing and improving the IRCC online amenities.

3. Potential legal issues

Immigration and citizenship application, at first glance, may look easy. It's in fact a complicated process plus it's a legal proceeding by definition of IRPA and Citizenship Act. Immigration and citizenship consultants, as defined by S.2 of the *College Act,* are bound by laws and their codes of professional conduct. Unauthorized practitioners (UAPs) often can only be held responsible through long and costly court proceedings that not many can afford. Immigration and citizenship consultants are fully responsible for their practice and sanctioned by their regulatory body. This adds a concrete layer to protect potential immigrants, asylum seekers, and immigration applicants and is an integral part of the force to maintain the integrity of the Canadian immigration system, an objective of IRPA.

The client-centered approach (where clients are front facing, rather than authorized representatives, if a client has so retained one) of the DPM may have unintended legal issues that may expose both IRCC and authorized representatives to legal risks and make maintaining the integrity of the Canadian immigration system more challenging.

a. Conflict with the objective of IRPA

The one-size-fits-all DPM solution to have a portal for all types of representatives will diminish the difference between authorized representatives (including immigration and citizenship consultants) and UAPs in practice. Though it may aim at streamlining the process from a technical point of view, this approach unintentionally oversteps the boundary of DPM. It conflicts with paragraphs 3(1) (f.1) and 3(2)(e) of IRPA, which direct to maintain the integrity of the Canadian immigration and refugee protection system.

Legally speaking, when laying out the DPM, maintaining system integrity comes before technical convenience, as the latter comes into existence with the purpose of serving the former. From a practical point of view, the unfortunate fact is that UAPs have been practicing actively, in and out of Canada even though IRCC has branches that seek to investigate fraudulent activities daily. On June 14, 2023, the Honourable Sean Fraser, then the Minister of Immigration, Refugees and Citizenship Canada, during the 71st CIMM meeting stated that "there are widespread attempts by bad actors to defraud Canada 's immigration system." (See [CIMM meeting-71 evidence, 1725](#)).

Going virtual makes it harder to detect UAPs. The one-size-fits-all portal will cause more confusion among applicants concerning the difference between those who are authorized to practice versus those who are not. The intended goal of the one-size-fits-all approach of streamlining the process relies on two presumptions: Applicants'

knowledge of Canadian immigration and skills in using modern technologies. Based on CAPIC members' experience and input, neither of them is always true.

The confusion in understanding immigration law and navigating technology reflects the need for immigration representation (for those who wish to have representation). The one size fit all DPM, which does not distinguish legal representation, can provide more room for unauthorized representation. In turn, this can cause the integrity of the Canadian immigration and refugee protection system to suffer more, contrary to the specified objectives of IRPA.

b. Conflict with the ARs authorization by IRPA and the Citizenship Act

Authorized immigration and citizenship practice is enshrined in law as per subsection 91(2) of IRPA and subsection 21.1(2) of the Citizenship Act. This practice helps to safeguard the Canadian immigration and refugee protection system. The Immigration and Refugee Board (IRB) regards licensed immigration and citizenship as offices of the court. Authorized representatives only need to provide their information to the IRB once, unless their contact information has changed. Such an approach was adopted by the IRB in June 2011. When the IRB laid out its portal, My Case, in October 2020, representatives were the first to be enrolled instead of applicants/appellants. At today's current date, three years after the launch of My Case, though the IRB makes plans to have its portal available to applicants/appellants, while its functionalities have been improved to facilitate the communications between the representative community and the IRB in its proceedings, it is not yet available to applicants/appellants. The consideration to the role of the authorized representatives is an understanding of the vital role representatives play and acknowledging the recognition by statute.

On the contrary, the "equality" treatment of authorized and unauthorized representatives in the DPM blueprint puts authorized representatives in a disadvantageous position compared to UAPs because authorized representatives are bound by the law and rules while UAPS are not.

CAPIC presumes that the good intention behind the "equality" is to make it easy for applicants to file applications without the need of representatives, if that is the choice of the applicant. While CAPIC supports the right of the applicant to make his/her own determination about counsel, the concern is that UAPs will have the opportunity to use and abuse the system, as there is no clear distinction in the DPM about legal representation. The system affords more room for UAPs to conveniently misuse the system at the cost of their victims and the suffering of integrity of the Canadian immigration system. UAPs will be allowed to flourish when their actions are an offence prescribed by subsection 9(9) of IRPA.

4. The merits and demerits of the current portals and related amenities of IRCC

IRCC has in place portals, other amenities, and communication channels to facilitate applications and requests. The launch of the Express Entry system on January 1, 2015 successfully transformed the processing of the Federal Skilled Worker, Canadian Experience Class, Federal Skilled Trades Program, and provincial Express Entry streams. It allows Canada to select candidates with great potential to establish in and contribute to Canada and fast-track their applications, which is in line the objectives of IRPA. Various portals, including designated learning institution portal, employer portal, authorized paid representatives portal, permanent residence portal, province and territories portals and so on aim to facilitate communications between IRCC, stakeholders, and applicants. The call centre and web form afford representatives and applicants channels for inquires. The online tracker provides representatives and applicants a means to know the status of the applications in process. The above list is non-exhaustive. The IRCC website has various tools, detailed guides, and regularly updated information as a resource to all end users of its services.

All the current portals and other amenities are part of GCMS. The DPM as the new supporting digital platform to replace GCMS and other IRCC systems is being developed in three Phases according to IRCC, CIMM – Digital Platform Modernization – March 3, 2022. This DPM message showed the completion of Phase 1 in November 2021, which focused on stabilizing GCMS to ensure its functionalities until it is replaced by the new DPM. It also indicated the launch of Phase 2, which is to expand the work completed in Phase 2, described in the DPM message 1 as "Standardize." Phase 3 is defined as "Enhance," Definition stage, where IRCC services are delivered through the new DPM. An update of the progress in May, CIMM-Digital Platform Modernization – May 12, 2022 described the work of Phase 2 as Technical Debt Reduction (TDR) and DPM Cloud projects. A further update in November 2022, CIMM – Digital Platform Modernization – November 29, 2022, laid out the cost breakdown for Phases 1 and 2, a total of $75.7M over five years.

Below is CAPIC's analysis of the merits and demerits of the current system that are frequently used by CAPIC members from the perspective of licensed immigration and citizenship consultants. CAPIC understands that the DPM Blueprint may have captured the issues, as Phase 1 of the DPM has completed, and the target stated may have incorporated corresponding solutions. The analysis provided below aims to present a wholistic picture of the issues the front-end users encounter, which may help optimize the DPM concerning its functionalities.

Merits and Demerits of Current System

1. Portals

a. Authorized Paid Representatives Portal

The Authorized Paid Representative Portal (APR Portal) provides authorized representatives a dedicated platform to communicate with IRCC on behalf of clients. The greatest merit of the APR Portal is that it distinguishes authorized reps from UAPs, an extremely effective measure for fraud prevention.

While IRCC has been making efforts to improve the APR Portal, dysfunctionality, occurring from time to time, is the biggest demerit of the APR Portal. CAPIC receives members' comments about the technical glitches of the APR Portal frequently. The most common issues include:
- Portal breakdown.
- Unable to log in.
- Being locked out during the application preparation phase within the APR Portal.
- Unable to move to the next steps.
- Unable to see additional documents request letters from IRCC.

One example to illustrate the issues and its consequences was the malfunction of the APR Portal at the time of implementation of NOC 2021. When NOC 2021 came into place on November 16, 2022, for more than ten days in a row, the work experience of the spouse or common-law partner of candidates could not be updated to NOC 2021, resulting in inactive profiles, and missed ITA opportunities.

b. Representative Permanent Residence Portal and Permanent Residence Portal

The Representative Permanent Residence Portal (Rep PR Portal) facilitates representatives to submit non-Express Entry permanent resident applications on behalf of their clients. It is a good initiative to provide authorized representatives with this unique channel to carry out their practice, which is a common merit shared by the APR Portal. The all-in-one approach allows ARs to submit all types of permanent residence applications stipulated in MI61. This is the biggest merit, as it allows authorized representatives to submit application submissions efficiently.

Because the interface of the Rep Portal is almost identical to that of the Permanent Residence Portal used by applicants, CAPIC members are able to provide feedback on both portals.

The biggest merit of the portals to authorized representatives could be the biggest demerit to self-represented applicants. The most common demerits include:
- All-in-one module: Unlike Express Entry that generates a personalized document checklist for applicants to gather supporting documents and proactively prevent

submissions with missing documents, this approach requires applicants, at least to know that they need to check and follow the applicable application guide, which is not in the portal. Given the complexity of permanent residence applications, self-represented applicants may unknowingly submit incomplete applications.

- Monofunctional: The portals are used to submit applications. Once an application has been submitted, the portals has served its full function. Neither tracking the status of the process nor updates are connected to the portals.
- Confusing instructions: Some instructions for incorporated forms are confusing. For example, the instructions for family-member section of the online generic application form for Canada (IMM0008) ask applicants to include their Canadian and permanent-resident children. A subsection requests information about their last entry to Canada. If a child was born in Canada and has never left Canada, the applicant must think out of the box to fill out this section.
- Lack of instructions: Some sections lack instructions, which could cost applicants and even authorized representatives extensive time to figure things out. For instance, the apartment number section under address in the permanent card and permanent resident travel document application only recognizes numerals. However, no instructions are given concerning this. If an address is the combination of letters and numbers, the system message does not provide any clue of the format issue but only indicates that the system does not work at that time. It is generally misunderstood as a technical glitch of the system, which normally leads the end users to come again and again, only to end up with the same issue. Such a format issue has a quick fix: A line of instruction and a pop-up reminder identifying the issue precisely should be provided.
- The requirement of clients to review and sign each time: CAPIC presumes that such a requirement is to protect applicants. In the case of applicants with authorized representation, this is not necessary. Once a client of a licensed immigration and citizenship consultant signs the use of representative form, it establishes the client-counsel relationship, and the client is protected. While clients of authorized reps are mandated with this requirement, UAPS are not required to have this, and clients as such lack protection. This measure cannot stop UAPs logging in as clients and signing whatever they like.

2. Communication channels

CAPIC acknowledges that IRCC has several communication channels currently with many being one way. Below is a non-exhaustive list of such channels:
- Website: Informative and comprehensive with up-to-date information.
- Social media platforms: Means that get the recent policies and changes to the end-users more quickly.
- Web form: A channel for additional submissions and inquiries.

- National call centre: A channel for general inquiries.
- Tracker: A portal for application status tracking.
- Stakeholders' engagement sessions: Policy and information updates for industrial leaders representing stakeholder organizations.
- Special force: Mostly for circumstances of humanitarian crises, e.g., the Ukraine Hotline after the Russian invasion of Ukraine.

Despite the various channels, authorized representatives and applicants often face some common challenges:

- Lengthy time for a response: A web form inquiry could take 30 days; a technical or portal issue, 10 days or more. The response is often templated and generic.
- Boilerplate response: Such responses seldom solve the issues brought up.
- Call centre issue: The information provided can be unreliable and the advice given not substantive.
- Lack of emergency contact: Call centre has become the only channel for representatives and applicants to contact an IRCC agent, but the agents on the other end of the line cannot solve case-specific issues.
- Long processing time
- Inconsistency: Information and replies from various channels may differ.
- Accessibility issue: Neither reps nor applicants have direct access to IRCC officers. Previously, IRCC policy gave Members of Parliament (MPs) direct access to inquire on behalf of IRCC clients in their constituents, the only channel that a meaningful response could be obtained. Now, MPs must schedule a call by appointment for direct access to IRCC. Such appointments fill up quickly.
- No clear reasons for refusals: Refusal letters are boilerplates with generalized refusal reasons citing provisions of IRPA. In 2021, for a short period of time, IRCC incorporated officers' reasoning in the GCMS notes in refusal letters. Case law does state the procedural fairness requirements of providing the reasons for decision is low for administrative decisions; it also emphasizes that to keep applicants in the dark cannot meet the reasonableness standard applying to such decisions in judicial review.
- Lack of review mechanism: Though review can be requested, there are no clear guidelines to follow. This is contrary to the requirements of transparency and accountability of the objectives of IRPA.
- No dedicated communication channel for authorized representatives: This place such groups whose authorization is directly from IRPA, the same source of IRCC's authority, in the same position as UAPs and unrepresented applicants. Because immigration and citizenship consultants are bound by IRPA, IRPR and applicable code and regulations, such an approach unintentionally places them in a disadvantageous position compared to UAPs and unrepresented applicants. In addition, it is contrary to the system integrity objectives of IRPA (see CAPIC's

Recommendations for Safeguarding the Integrity of the Canadian Immigration System) .

The communication challenges faced by reps and applicants have become an issue confronting IRCC as well. They are the sources that add to more backlog and workload to IRCC officers when representatives and applicants try to reach out to IRCC for a solution and use access to information (ATIPs) to find out the status of applications and the rationale of refusals. Reps and applicants, frustrated with long processing times and ineffective replies, turn to ATIP, resulting in skyrocketed ATIP requests and then complaints against IRCC. The exponential increase of complaints triggered an investigation into IRCC's processing of ATIP requests by the Information Commissioner of Canada (Commissioner) in 2020.

No. F-1206980 IRCC memorandum (Memorandum) shows that IRCC is the department receiving 75% of the ATIPs among all federal government institutions in 2019 to 2020 and a 52.02% increase in 2021. The Memorandum also anticipated the increase of such requests. Both the Memorandum and the result of the investigation, a Special Report to Parliament released by the Commissioner on May 25, 2021, *Access at issue: Challenging the status quo, Systemic Investigation of Immigration, Refugees and Citizenship Canada* (Special Report to Parliament) identified that 98.9% of the ATIPs received by IRCC are related to immigration application files. And the majority comes from representatives.

The DPM is identified as the overall solution in both the Memorandum and the Special Report to Parliament.

3. The potential challenges to DPM

The DPM, being a wholistic system to hold all information, could face a major issue: One system glitch may cause the dysfunction of the whole system and ruin hours of work for the end-users.

In addition, while the DPM could incorporate solutions to the portal issues, it is a platform solution, which cannot solve the potential legal issues and also may not be able to disperse the communication issues that do not arise from the digital platform per se.

(a). Technical issues

The DPM intends to host all applications, information, and documents exchange, which places it in a situation where technical issues could cause unexpected consequences. For example:

- Client privacy protection: With all things going virtual, client privacy protection becomes more critical. Inadvertent breach of client privacy could expose IRCC to legal risks.
- System maintenance: All types of systems need maintenance. IRCC systems deal with immigration status that ensures legal consequences. It is unclear what would be the mechanism to alleviate such issues.
- System dysfunction: Technical glitches or temporary dysfunction of the future system could cause more problems given the centralized approach of the DPM.
- Electronic document protection: Electronic documents will replace physical documents after the full implementation of the DPM. It is unclear whether there are mechanisms in place to authenticate such documents to ensure the integrity of the system.

(b). Communications that require human support

While the DPM development is underway, applicants and authorized representatives continue to experience the same issues mentioned in the section before and the backlog continues to grow while using the current platform system that is in process. On February 1, 2022, the Standing Committee on Citizenship and Immigration (CIMM) adopted a motion to conduct a study of application of application backlog and processing time for all immigration streams at IRCC. So far in 2023, CIMM has held seven meetings to carry out this study and five of them were held this October. In 2022, eight CIMM meetings were on the same study. Such frequency indicates the dire situation of the backlog issue during the progress of the DPM.

Meanwhile, a report by a previous IRCC Deputy Minister, Neil Yeates, on IRCC shows, IRCC staff has grown from 5,217 in 2013 to 12,721 in 2023. Despite a doubling of staff, the backlog reduction has continued to grow. After the release of the report, Christiane Fox, Deputy Minister of Immigration, Refugees and Citizenship Canada, during her interview, concerning the report, mentioned that IRCC clients were treated as inventory and backlog by IRCC and she "didn't feel clients and people were at the forefront." (*The repair job at Immigration* by Paul Wells) The missing piece, the human touch of IRCC services, cannot be patched by an electronic system but by better communications.

In addition, when applicants seek an order of mandamus before the Federal Court due to the issue of delays, the solution is out of reach of the DPM regardless of how advanced or sophisticated it is. A rough search using "mandamus, immigration, citizenship" as key words show 1534 cases among a total of 1686 results. Adding "2020" to the key words, 322 cases among a total of 359 results; "2021," 263 of 288; "2022," 180 of 193; "2023," 88 of 101. Though the total numbers are dropping, the high proportion remains. Mandamus should not have to a mechanism to compel a decision or force communication.

Inadequate communications can be a result of a lack of transparency and accountability as required by section 3 of IRPA. Immigration and citizenship services are people-driven as per its nature. Using the digital platform are people with immigration needs, including Canadian citizens who are expecting to reunite with their loved ones. Behind the digital platform are IRCC officers as decision makers. The DPM is run by IRCC personnel. To have the optimal effect of the DPM for IRPA objectives, effective communications with human support must be added.

Recommendations

CAPIC has identified the issues facing the current IRCC system and the DPM underway. Below are CAPIC's recommendations, which are solutions to the issues.

1. Recommendations for optimal functionalities of the DPM

a. Incorporate Application Programming Interface

CAPIC recommends the adaptation of Application Programming Interface (API) from trusted industrial partners. This is an approach adopted by the Canada Revenue Agency (CRA) that serves 40 million Canadians plus foreign nationals in Canada. CAPIC may assist with this by using IMMeFile as a test tool, a well-developed immigration file management system. The API incorporation approach will reduce legal risks facing both IRCC and authorized representatives. It also makes the DPM much more user friendly. Below are particularities:

   i.   Better privacy protection: Data can be retained on other platforms, which adds layers to privacy protection.
  ii.   Minimize service disruption during system maintenance: IRCC services will still be available in another form where end-users may work on other platforms.
 iii.   Minimize disruptions caused by system glitches: End-users can restore and retrieve their data using other platforms when IRCC system glitches occur.

b. Make DPM user-friendly from start to finish.

   i.   Adopt a more intuitive user interface: The main page lists submitted applications; for representatives, it also lists clients by category as well as by UCI and application number. It can be better organized with drop-down menus.
  ii.   Have submission printout function: Have a function for the whole submission printout, which will reduce the ATIP requests.
 iii.   Generate a general file number after submission: This will allow clients to access provincial services as well as to facilitate the application of open work permits under the Spouse/Common-Law Partner in Canada Class.

iv.   Incorporate withdrawal and refund options: Respective icon or button for the options may appear once the application is submitted. The refund will directly deposit into client's account.

v.   Provide ATIP for refusals: The DPM means to provide reasons for refusal. The approach in 2021 with GCMS notes of refusal reasoning is workable, which could reduce the ATIP requests tremendously.

vi.   Have a reconsideration guideline in place: Setting up reconsideration guideline to standardize the proceeding. When representatives and applicants are informed of what would be the legitimate expectations for this proceeding, the reduce of web form inquiries, MP inquires, call centre inquires, and resubmission is foreseeable.

2. Recommendations to solve legal issues

Authorized representatives can be an asset in maintaining the integrity of the Canadian immigration system. To comply with IRPA, CAPIC recommends retaining the AR Portal with enhanced functionalities while the current system is in place:

a.   Streamlined process for Authorized representatives: Allowing authorized representatives to link clients' present and previous applications to the AR Portal account using their Unique Client ID. This can reduce ATIP requests.

b.   A designated web form to change or remove an authorized representative: Upon submission, the request is digitally allocated to the designated file without the need to await manual confirmation from IRCC. It will allow authorized representatives to immediately communicate with IRCC on behalf of the clients instead of the current 5 to 7 business days. It streamlines the process for administrative efficiency.

3. Improving communications as a complimentary measure to the DPM

Inadequate communication measures are often the source of duplicate enquiries and multiple applications and the root cause of complaints and mandamus. Adequately addressing the concerns and questions of applicants and authorized will reduce those. CAPIC recommends the following to address this issue on a full scale:

a. Upgrade the Call Centre to a service hub

i.   When necessary, allow Call Centre agents to direct applicants to a responsible department that can address the applicant inquiries.

ii.   Provide more rigorous training to Call Centre agents and an escalation protocol when unable to address inquiries adequately.

b. Provide a dedicated service channel for authorized representatives

i. Access to technical support: With the ability to reach a live agent to assist with technical errors or to report system outages.

ii. Access to a live specialist: This affords authorized representatives a channel to provide feedback and express concerns, which can help improve the IRCC services, including the functionalities of the DPM.

iii. An emergency contact channel: Set up a contact for emergency inquiries. The emergency enquiry line addresses emergency issues and may prevent applicants from bombarding Call Centre and web forms.

Conclusion

CAPIC supports the DPM to offer all users a strong and robust immigration system with adequate amenities to afford Canada the maximum economic, cultural, and social benefits of immigration, to resettle refugees, and welcome eligible permanent residents into Canadian family with transparency, accountability, and efficiency. Meanwhile, CAPIC believes that the DPM will also have effective mechanisms in place to safeguard the integrity of the system in its entirety. As the voice of the licensed immigration and citizenship consultants, CAPIC strives to work with IRCC to attain the objectives of the DPM and, ultimately, attain the objectives of IRPA. CAPIC can assist such an initiative and is ready and willing to work with IRCC where further assistance and input is required.

About CAPIC

The Canadian Association of Professional Immigration Consultants (CAPIC) is the 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 nearly 5000 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.

Contact Us:
www.capic.ca
Hui Zhang: stakeholders@capic.ca