



November 30, 2018

## **Statement from the Canadian Association of Professional Immigration Consultants in Response to a Report on TR Application Outcomes**

Toronto – Today, the Canadian Association of Professional Immigration Consultant (CAPIC) issued the following statement in response to a report from an Access to Information request on the outcomes of temporary residence applications based on type of client representation:

“As an analysis of government data on the application outcomes of temporary residence applications, the report leans too heavily on generalizations and omits relevant application process factors. For instance, it is based on the flawed assumption that all applications are equally complex. In reality, applications completed by unpaid representatives may be far simpler, thus having a much higher chance of success.

The report ignores where paid representatives practise, which means that it overlooks the influence of geopolitical factors on success rates. Visa offices, in particular, are a highly relevant criterion, since they allow refusal rates to be contextualized according to typical rates within a given office.

Moreover, pertinent details concerning the post-application process are conspicuously absent from the report, possibly because they would undermine the conclusions it draws. Immigration consultants typically do not take cases to judicial review once refused, preferring instead the resubmission route to address the officer’s concerns, a route that can drastically impact refusal rates.

The report’s claims notwithstanding, CAPIC is pleased with the growth of the professional immigration consultant industry in Canada, which in 2017 saw a more than 30% increase in applicants using RCIC services compared to competing authorized representatives. Lawyer fees are generally higher than those of immigration consultants, but we believe it is imperative that access to justice remains affordable and open to all.

Our Association would welcome an independent analysis of the full data set available through Immigration Refugees and Citizenship Canada (IRCC) and would be pleased to work with a third party to produce an impartial and comprehensive report that compares the outcomes in a more judicious fashion.”

For more information, please contact CAPIC’s Senior Communications Coordinator Robert McClements at 416-483-7044 ex. 28 or [robert@capic.ca](mailto:robert@capic.ca).

## Temporary Resident Applications – Outcomes by “Representation”

<u>OUTCOMES</u>	<u>2014</u>	<u>2015</u>	<u>2016</u>	<u>2017</u>
<b>Total TR Application Cases</b>	326,007 cases Refused: 59,998 18.4%	338,295 cases Refused: 71,836 21.2%	348,245 cases Refused: 76,591 22.0%	342,154 cases Refused: 63,604 18.9%
<b>No Representation</b>	256,089 cases Refused: 50,319 19.6%	283,283 cases Refused: 63,370 22.3%	297,852 cases Refused: 69,688 23.4%	295,168 cases Refused: 57,101 19.3%
<b>Remunerated Consultant</b>	23,569 cases Refused: 4,604 19.5%	22,942 cases Refused: 4,737 20.6%	21,175 cases Refused: 3,995 18.9%	21,273 cases Refused: 3,836 18.0%
<b>Remunerated Quebec Notary</b>	277 cases Refused: 17 6.1%	289 cases Refused: 37 12.8%	341 cases Refused: 46 13.5%	342 cases Refused: 45 13.1%
<b>Remunerated Lawyer</b>	21,395 cases Refused: 2,553 11.9%	20,145 cases Refused: 2,415 12.0%	19,128 cases Refused: 2,008 10.5%	16,870 cases Refused: 1,760 10.4%
<b>Non-remunerated Representative</b>	24,677 cases Refused: 2,505 10.2%	11,636 cases Refused: 1,277 11.0%	9,749 cases Refused: 854 8.7%	8,501 cases Refused: 862 10.1%

During the period 2014-2017, the total number of cases per year varied between 326,007 cases and 348,245 cases. During the same period, the refusal rate for all cases varied between 18.4% to 22.0%.

During the period 2014-2017, the number of Temporary Resident Application cases with “**No Representation**” increased from 256,089 cases in 2014 to 295,168 cases or more, in 2016 and 2017. The refusal rate for Temporary Resident Application cases with “**No Representation**” was as low as 19.3% in 2017, and as high as 23.4% in 2016.

During the period 2014-2017, the number of Temporary Resident Application cases with representation by a “**Remunerated Consultant**” decreased from a high of 23,569 cases in 2014, to a low of 21,175 cases or more in 2016 and 2017. The refusal rate is decreasing, at 20.6% in 2015, 18.9% in 2016, and 18.0% in 2017.

During the period 2014-2017, the number of Temporary Resident Application cases with representation by a "**Remunerated Lawyer**" has decreased every year, from 21,395 cases in 2014 to 16,870 cases in 2017. The refusal rate is decreasing, at 12.0% in 2015, 10.5% in 2016, and 10.4% in 2017.

During the period 2014-2017, the number of Temporary Resident Application cases with representation by a "**Non-Remunerated Representative**" is significantly decreasing, from 24,677 cases in 2014, 11,636 cases in 2015, 9,749 cases in 2016, to 8,501 cases in 2017. Refusal rates fluctuate between 8.7% and 11.0%.

In terms of "**Representation**" vs. "**No Representation**" outcomes, the data suggest there is an advantage for applicants in cases in having representation. The refusal rate in cases with "**Representation**" is smaller than the refusal rate of the cases "**No Representation**".

Comparing outcomes between Temporary Resident Application cases having representation, the data in every year, 2014-2017, suggest there is an advantage for applicants in Temporary Resident Application cases in having representation by "**Non-Remunerated Representatives**" (with the exception of the 277 cases in 2014 represented by **Quebec Notaries**).

The data suggest there is an advantage for applicants in Temporary Resident Application cases in having representation by "**Remunerated Lawyers**" as opposed to "**Remunerated Consultants**". In 2014, the refusal rates for cases having representation by "**Remunerated Consultants**" were 19.5% compared to 11.9% for "**Remunerated Lawyers**". In 2015, the refusal rates for cases having representation by "**Remunerated Consultants**" were 20.6% compared to 12.0% for "**Remunerated Lawyers**". In 2016, the refusal rates for cases having representation by "**Remunerated Consultants**" were 18.9% compared to 10.5% for "**Remunerated Lawyers**". In 2017, the refusal rates for cases having representation by "**Remunerated Consultants**" were 19.5% compared to 10.4% for "**Remunerated Lawyers**".

A key assumption is that Temporary Resident Application cases present approximately the same level and distribution of complexity across all categories of representatives. That may not be so...