

December 9, 2025

RE: CILA's Recommendations on Addressing Arbitrary Temporary Resident Application Refusals and Efficiently Correcting Administrative Errors

Dear Soyoung and Pemi,

The Canadian Immigration Lawyers Association greatly appreciates our recent meetings with your department and your openness to considering our recommendations for improvement on better addressing arbitrary temporary resident visa refusals and administrative errors.

We are writing in response to your invitation to provide a summary of the most common types of administrative errors made by IRCC that could be addressed via existing IRCC resources and eliminate the need for these matters to be raised by applicants or authorized representatives multiple times via Web Forms, call centres, and other IRCC email channels. These recommendations aim to help mitigate the risk that these matters have to be resolved via an application for judicial review which inevitably ties up Department of Justice (DOJ), IRCC and Federal Court of Canada (FCC) resources. If these matters could be resolved efficiently and effectively, it would also provide a better client service experience for applicants.

Key Challenges

- **Evidence Not Being Considered:** TRV applications are increasingly being refused even with all key evidence being submitted. For example, visitor visas are being refused on the grounds of insufficient financial resources even when the applicant provides evidence of property ownership, employment income, and bank statements. Another common ground for refusals is alleged lack of ties to the applicant's home country, even if they have previously obtained a Canadian TRV, have a proven track record of returning home, and have submitted evidence of strong ties to their home country, such as property ownership, employment, and family connections (spouse, parents, siblings, and/or children). Refusals are consistently issued without regard for the applicants' stated purpose for coming to Canada and their supporting evidence (e.g., visiting for the birth of a grandchild, to celebrate a milestone birthday, to grieve a death in the family, to attend intra-company training, or a trades show).
- **Decisions Set Aside are Being Refused for the Same Reason:** It is becoming increasingly common for decisions that have been set aside either on consent by DOJ or the FCC to be refused by IRCC a second time on the same grounds on re-determination. This risks eroding the authority of judicial decisions and the integrity of the decision-making process, giving rise to collateral consequences of wasted resources and an erosion of confidence in the judiciary and the rule of law.
- **Failure to Respond to Reconsideration Requests:** Another challenge is the failure of officers to respond to reconsideration requests, even when submitted by authorized representatives and clearly identifying errors of fact or law. While IRCC often issues automatic acknowledgments confirming receipt of request,



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there is frequently no further communication, and in most cases, no response at all. Officers have a legal obligation to consider and respond to these requests. The absence of any meaningful engagement with such submissions raises significant procedural fairness concerns and further grounds for judicial review.

- **Inconsistent Decision-making:** TRVs are being refused even if members from the same family or party have been approved. For instance, a principal applicant will see their TRV application refused even though IRCC will approve their dependants. In addition, a group of work permits will be approved with the exception of one or two cases, even though the applications and evidence submitted are similar. While each application must be assessed individually, these outcomes go beyond ordinary case-by-case variation. In many of these situations, applicants present virtually identical facts, documentation, and purpose of travel, yet the resulting decisions diverge without any clear distinction on the face of the refusal.
- **IT Limitations Resulting in Refusals:** Clients are also being penalized due to IT limitations on IRCC's part. An IRCC [webpage](#) on the PGWP notes that "due to system limitations, the document checklist won't ask you to provide language test results or proof that you graduated from an eligible field of study." In this case, PGWP applicants are under the impression they can upload their language test results after submitting their applications and are unfairly being refused as a result.
- **Other Common Administrative Errors:** We have summarized in the Appendix other common administrative errors made by the department.

Recommendations

1. **Strengthen Training of IRCC Visa Officers:** Invest more in the training of its visa officers to ensure they better understand and operationalize the jurisprudence that they must engage with the evidence submitted by applicants. The jurisprudence states that while the threshold is low in terms of the reasons for refusal that a visa officer must present, there is still a legal requirement for the reasons for refusal to be justifiable. The FCC has made it clear that in cases where it does not clearly understand the grounds for refusal, the decision is to be set aside as unreasonable. IRCC could also create a unit of more experienced visa officers to handle redetermination cases.
2. **Introduce a Clearer Process for Reconsideration:** Creating a better process for requesting reconsideration will significantly improve the client experience and reduce the administrative burden for IRCC, the DOJ, and FCC. For instance, IRCC could include a new option when a Web Form is submitted that enables applicants and their representatives to request reconsideration based on substantive issues such as the evidence submitted. The Web Form should include a requirement to list the alleged evidence not considered or overlooked by the IRCC officer (e.g., the fact a TRV applicant has had a Canadian and/or U.S. TRV in the past and never overstayed). There could also be a meaningful response by IRCC to the initial Web Form indicating that the request has been received and that a decision will be rendered within a



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reasonable service standard. This will allow the applicant to know that reconsideration is in process and how long to wait to either reapply or seek judicial review.

3. **Consider Introducing Additional Requirements to Strengthen Integrity:** IRCC can consider introducing additional criteria to address common grounds for refusal such as lack of credibility for the proposed trip to Canada. For instance, IRCC could consider making it a requirement for the inviting Canadian family member, friend, or company to have the invitation letter notarized by a Canadian official, to authenticate the letter of invitation. The signing party would have to show original identification to the Notary. In addition, IRCC can consider whether there are other key documents that could be authenticated abroad to help mitigate issues around credibility and fraud. As another example, IRCC could structure a system where a family member or company can issue a bond as security for the applicant's departure. Technology could easily be used for this "contract" to be entered into and to hold funds until departure of the applicant was verified. The interest made on these bond funds could be used to fund the costs of administrating it. Applicants would be receptive to a more onerous process if they could be assured a more fair and transparent process.
4. **Increase Transparency in Officer Decision Notes:** Improve the disclosure of the officers' reasons for refusal, including releasing the GCMS notes in their entirety. Often, the reasons contained in Officer Decision Notes are not viewed as meaningful or helpful to applicants and their representatives to understand the decision.
5. **Improve IT Systems to Avoid Unfair Refusals and Lean Towards Categorizing Applications as Incomplete:** Ensure your IT systems make it mandatory for clients to upload all required documents as a condition of submitting their applications. This will help keep clients in status and also reduce the administrative burden for IRCC of clients completing Web Forms and submitting additional applications. In addition, rather than outright refusing all types of TRV applications for missing documents or fees, IRCC should amend its policies to categorize applications as incomplete. Applicants and their representatives also make common mistakes such as failing to pay the correct fee or uploading all required documents. Such mistakes can be easily and more efficiently remedied by IRCC simply providing 5-10 business days for applicants and their representatives to rectify the issue. This will reduce administrative strain on IRCC and avoid harsh penalties on applicants such as falling out of status, losing the opportunity of obtaining a work permit, or having a refusal taint their Canadian immigration application record.

Finally, we refer for your convenience the recommendations that we shared with your department in August 2025.

We thank you once again for this ongoing dialogue and for your continued engagement toward our shared goals of improving system integrity, strengthening procedural fairness, and enhancing the client experience. We look forward to meeting with you once again at your earliest availability.



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Sincerely,



Barbara Jo Caruso
Co-President
Canadian Immigration Lawyers Association

APPENDIX

The following are typical administrative errors made by IRCC:

- Incorrect names listed on an immigration document.
- Incorrect date of birth or place of birth or citizenship listed on an immigration document.
- Incorrect job title or employer listed on an immigration document.
- Location of employment incorrect or does not reflect multiple locations allowed.
- Restrictions on working in healthcare or with children still listed despite medical examination completed.
- Expiry date of permit is incorrect and not calculated from date of issuance, but instead from date of application, thereby short-changing the applicant and causing them to have to reapply much earlier than necessary.
- Request letter for passports missing for one family member.
- Approval letter missing for one family member.
- Biometrics issues, including not showing in portal even though completed, requests for biometrics when showing completed, biometric letter expired and new one requested.
- Document is submitted by Web Form after the application is filed (e.g., new passport, PNP, LMIA, or work permit support letter) and it is not considered at the time the application is adjudicated, and a decision is rendered without regard to the additional information or documentation.



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