

**OP 23 / IP 11 Anti-fraud**  
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### **1. What this chapter is about**

This chapter provides an overview of policy and procedures on the detection of fraud in the immigration program. It outlines how the responsibilities for fraud detection are shared between Citizenship and Immigration Canada (CIC) and the Canada Border Services Agency (CBSA) and is intended for the personnel of both organizations. In reviewing this chapter the reader may wish to refer to the two Business Process Maps which will provide a general overview of the process:

Anti-fraud Investigation (Level 1) map: [http://www.ci.gc.ca/manuals/Documents/PDF/maps-cartes/scd2\\_e.pdf](http://www.ci.gc.ca/manuals/Documents/PDF/maps-cartes/scd2_e.pdf)

Anti-fraud Investigation (Level 2) map: [http://www.ci.gc.ca/manuals/Documents/PDF/maps-cartes/scd3\\_e.pdf](http://www.ci.gc.ca/manuals/Documents/PDF/maps-cartes/scd3_e.pdf)

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### **2. Program objectives**

Within the CIC/CBSA community, the objective of anti-fraud activities is to protect the integrity of Canada's immigration programs by preventing:

- program abuse;
- the use of fraudulent documents; and
- application misrepresentation.

Effective anti-fraud detection measures will help ensure proper selection of immigrants and entry of admissible temporary residents, and will ensure that inadmissible persons are effectively identified and denied entry into Canada, or removed accordingly. The Act provides specific authority to refuse the application of a person who engages in misrepresentation or the withholding of material facts.

Within the larger community, effective fraud prevention measures support law enforcement and work to ensure the integrity of programs delivered by the federal government or other levels of government such as health care or social assistance.

Anti-fraud activities are linked to the intelligence information cycle. The communication of organized or systematic attempts by clients to circumvent proper evaluation and to misrepresent information is fed into intelligence-gathering systems so that trends may be identified, analysed and communicated to all officers dealing with such cases. This improves the effectiveness of anti-fraud and program integrity activities and techniques.

It is the policy of the federal government that serious or organized abuses of Canada's immigration programs be subject to criminal prosecution. Where anti-fraud and program integrity activities conducted by CIC or CBSA personnel result in findings of serious or organized instances of abuse, the matter will be referred to local authorities or the RCMP for further investigation to determine whether charges for offences under A126 or A127 may be warranted.

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### **3. The Act and Regulations**

This section contains references to the Act and Regulations. The references to A3 relate to the legislative objectives that establish the basis for anti-fraud activities. A117 to A129 describe the criminal offences for misrepresentation, trafficking and malfeasance. The remaining references indicate various areas within immigration processing where it may be necessary to verify information and documentation provided by the client.

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<b>Provision</b>	<b>Reference in Act or Regulations</b>
Objective to pursue maximum benefits of immigration	A3(1)(a)
Objective to protect the health, safety and security of Canada	A3(1)(h)
Objective to promote international justice and security by denying access to Canadian territory to persons who are criminals or security risks	A3(1)(i)
Objective to establish fair and efficient procedures to maintain the integrity of Canada's refugee protection system	A3(2)(e)
Objective to promote international justice and security by denying access to Canadian territory to persons, including refugee claimants, who are security risks or serious criminals	A3(2)(h)
Objective to facilitate cooperation between the Government of Canada, provincial governments, foreign states, international organizations and non-governmental organizations	A3(3)(c)
Officer is authorized to conduct an examination where a person makes an application	A15(1)
Officer may board and inspect any vehicle, examine any person carried by that vehicle and any document or record, and hold the vehicle until the examination is completed	A15(3)
Person who makes an application must truthfully answer all questions and produce a visa and all relevant evidence and documents, including photographic, fingerprint evidence, and submit to a medical examination on request	A16(1), A16(2)
Where a person is detained, an officer may obtain any information required to establish their identity or compliance with the Act	A16(3)
Residency obligation	A28
Inadmissibility on security grounds	A34
Inadmissibility based on violating human or international rights	A35
Inadmissibility on grounds of serious criminality	A36
Inadmissibility based on organized criminality	A37
Inadmissibility on health grounds	A38
Inadmissibility for financial reasons unless the person satisfies the officer that adequate arrangements have been made	A39
Inadmissibility for misrepresentation	A40
Inadmissibility for failing to comply with the Act through an act or omission that contravenes a provision of the Act	A41
Report on inadmissibility	A44
Limited appeal rights for sponsors who misrepresent	A64(3)
Ineligibility for refugee determination	A101

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Minister may apply to the Refugee Protection Division to vacate a decision to allow refugee protection where the decision was based on misrepresentation or the withholding of material facts	A109(1)
Minister may vacate the PRAA decision to allow an application for protection where the decision was based on misrepresentation or the withholding of material facts	A114(3)
Criminal offences related to human trafficking and smuggling	A117 to A121
Criminal offences related to documents	A122 and A123
Criminal offences for misrepresentation, withholding material facts, communicating false information, and counselling misrepresentation	A126 to A128
Criminal offences for employee malfeasance	A129
Officer may search a person, luggage, personal effects, and the vehicle where the person has not revealed their identity or possesses documents that may be used in the commission of an offence referred to in A117, A118, or A122.	A139
Officer may seize a vehicle or documents fraudulently or improperly obtained or to prevent improper or fraudulent use	A140
Bad faith – marriage entered into solely to acquire status under Act	R4
Foreign national not to be considered a spouse where it appears former marriage was dissolved primarily to acquire status	R4.1
Relationship excluded where spouse or common law partner is under 16, the person was already married, or has lived apart from the foreign national for at least one year and is the common-law partner of another person	R5, R125(1)
Information to be provided in visa application	R10(2)
Production of documents	R13
Money illegally obtained	R47(3)
PR visa holder must inform the port-of-entry(POE) officer of changes to material facts since visa issued including changes to marital status	R51
Requirements to obtain PR card	R56(2)
Canadian business does not include a business that serves primarily to allow a PR to comply with residency obligation while residing outside Canada	R61(2)
Definition of "Employment outside Canada" and description of the conditions under which a PR residing out of Canada is considered to be employed by a Canadian business	R61(3)
Requirements for skilled workers	R75(2)
Requirements for provincial nominees	R87
Requirements for business immigrants	R88(1)
Requirements that must be met to have investor fund approved by the Minister	R91
Conditions that must be met by an entrepreneur who becomes a permanent resident	R98

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Live-in caregivers requirements	R113(1)
Membership in family class	R117(1)
Requirements for sponsors	R133(1)
Requirements to issue a PR visa to person in need of protection and to their accompanying family members	R139(1)
Written submissions when applying for PRRA	R161(1)
Identity documents in lieu of acceptable travel documents	R178
Temporary resident visa requirements	R179
Circumstances under which a work permit is not required	R186
Circumstances under which a study permit is not required	R188
Temporary resident visa exemptions	R190(3)
Requirements for work permit after entering Canada	R199
Situations where work permits will not be issued	R200(3)
Requirements for study permit after entering Canada	R215
Renewal of study permit	R217
Student acceptance letters	R219
Student financial resources	R220
Establishment of identity	R247(1)

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**4. Instruments and delegations**

The need to conduct anti-fraud verification and program integrity activities exists at all steps of immigration processing. It is therefore the responsibility of the CIC or CBSA officer, who is designated or has the delegated authority to receive and evaluate information, to question the veracity of information, to identify missing or conflicting information, to evaluate the authenticity of documents, to confirm identity, and to determine whether further verification is required.

For the detailed Delegation of Officers and Designation of Authorities for CIC and the CBSA, refer to IL3 [http://www.ci.gc.ca/Manuals/index\\_e.asp](http://www.ci.gc.ca/Manuals/index_e.asp)

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**5. Departmental policy**

**5.1. Program integrity and risk management**

CIC ensures program integrity through its Integrated Risk Management Framework. Integrated risk management is the continuous, proactive and systematic process used to understand, manage and communicate risk from an organization-wide perspective. It is about making strategic decisions that contribute to the achievement of CIC's overall corporate objectives.

The risk management process provides a systematic method for identifying, analysing and assessing risk and implementing decisions aimed at mitigating the risks associated with any program, project or activity. While the implementation of the process will help ensure that risks are addressed in a consistent and comprehensive manner, its application is not intended to be rigid or prescriptive. The manner in which the

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process is applied to specific situations or specific risks may vary. Similarly, the relative importance of the steps, the extent to which they are carried out or revisited, and the tools, data, and specific considerations involved can vary depending on the issue being addressed and its context.

CIC uses a number of tools and processes to mitigate its risk and ensure program integrity. These include, among other things, the routine use of screening profiles, file reviews, interviews, and quality assurance (see section 5.5 below) on both a random and targeted basis. Where these processes identify fraud, further investigation may be required. Fraud investigation is therefore one of the tools used to protect program integrity.

The CBSA plays a key role in supporting CIC in the implementation of its Integrated Risk Management Framework through ongoing development and the sharing of intelligence information and products, such as screening tools and country profiles, and through investigations and enforcement activities under IRPA.

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### **5.2. Responsibility of each organization**

CIC and the CBSA have a joint responsibility for ensuring the integrity of Canada's immigration program and the prevention of fraud within and outside Canada.

The CBSA's primary responsibility is to ensure public safety and security at Canada's borders and to work with CIC in managing and delivering the immigration enforcement program. An essential element of this responsibility is to provide comprehensive and timely strategic and operational immigration intelligence to CIC, as their primary client, in the delivery of Canada's immigration program. The CBSA, with CIC's assistance, will take the lead role in assessing the admissibility of cases involving risks to national security. The CBSA, in consultation with CIC, has the lead role in directing the Migration Integrity Officer (MIO) function. The responsibilities of CIC and the CBSA require the support and exchange of information with domestic and international organizations and partners within the law-enforcement and security community.

CIC has the primary responsibility for screening, detecting and preventing first-level fraud and for assessing eligibility for benefits under Canada's immigration and citizenship programs. Safeguarding program integrity includes the prevention of the misuse and abuse of the immigration program, quality assurance and overall responsibility for ensuring immigration program integrity. This requires that CIC continue to ensure that best practices are in place to detect fraud and malfeasance and to identify their broader fraudulent concerns to the CBSA for action.

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### **5.3. Multiple-border vigilance**

Since migration, trade, and security issues transcend national borders, the Government of Canada's approach to protecting Canadians is based on the concept of *multiple borders*. The strategy is a multi-layered border approach focusing on inspection and interception at all points along the travel/supply continuum to prevent inadmissible and potentially harmful individuals or goods from reaching and remaining in North America. It depends heavily on effective partnerships and risk management. Points along the travel/supply continuum include country of origin, visa screening, airline check-in, point of initial embarkation, transit areas, last embarkation point (LEP), arrival at airport/seaport, arrival at land border, and finally inland, at the local CIC office.

All officers at all stages of the immigration process must be vigilant in verifying information, documentation and identity. Assumptions cannot be made, for example, that because a document was previously examined by an officer, it is authentic and belongs to the rightful holder. Anti-fraud verifications are applicable to all program delivery lines, by all offices, throughout the entire immigration process, from the initial application at a visa office, or arrival at a port of entry, to the granting of citizenship.

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### **5.4. Two levels of anti-fraud activities**

First-level anti-fraud activities occur when, in the normal course of their duties, CIC and CBSA officers are required to verify client information and documentation. As a result, these officers are the first point for detecting fraud and initiating investigations. CIC and CBSA service delivery points, visa offices, case processing centres (CPCs), local/inland CIC offices, and POE immigration offices and MIOs for the CBSA all have the responsibility for the delivery of first-level anti-fraud activities, both in and out of Canada.

The CPCs deal with mail-in applications containing mainly photocopies of documents. When the CPC case processing officers suspect fraud or misrepresentation in a case, they refer it to the Strategic Analysis/Anti-fraud officers for further verifications. Questionable cases are referred to local CIC offices for further investigation.

First-level anti-fraud activities may include:

- phone, fax or internet verification;
- targeted client interview;
- consultation with other CIC/CBSA offices or other Canadian government agencies;
- consultation with other governments, which may involve ongoing liaison activities;
- collection and analysis of information to identify local patterns and trends in fraud or misrepresentation;
- development of local verification tools and procedures;
- site visit (visa office, case specific). CIC inland officers perform out-of-office investigations

Second-level anti-fraud activities include strategic and targeted intelligence and investigative activities that are undertaken to detect and respond to fraudulent documentation or misrepresentation that target the immigration program. The CBSA has the responsibility for the delivery of second-level anti-fraud policy, procedures, and operations both in Canada and abroad. These include:

- the active collection and analysis of information to identify regional or global patterns and trends in fraud or misrepresentation;
- field investigations to develop intelligence and to support case officers using a variety of methods such as site visits and fraud interviews;
- enhanced document examination to identify counterfeit or alteration techniques;
- dissemination of intelligence including reports, bulletins and alerts to both CIC and the CBSA so they can revise operations, priorities and best practices to ensure program integrity;
- collaboration with domestic and international partners in support of program integrity, public safety and security including building cases and making recommendations for criminal investigation and prosecution.

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The purpose of these distinctions is to provide a framework and general rules of agreement between the two organizations to explain how anti-fraud investigations will be conducted and to clarify the requirements and expectations of each organization.

### 5.5. Relationship between quality assurance and anti-fraud activities

In defining quality-assurance and anti-fraud activities, it is important to recognize that they play an important role with regard to program integrity, and are key aspects of the Integrated Risk Management Framework for the immigration program. The two functions, while complementary, remain distinct in their goals. It is clear that quality-assurance activities are closely linked with management, client service and program-audit functions and, therefore, they remain within the mandate of CIC.

Quality assurance refers to planned and systematic processes, usually involving random sampling (either one time or ongoing), used to monitor and assess established procedures. Quality-assurance exercises are conducted on the quality of decision-making and the reliability of client information, normally focusing on specific program activities or business lines within the immigration program including:

- application of legislation;
- uniformity and accuracy of assessment of file information;
- verification procedures and the validity of information and documentation on which decisions are based (which may lead to the identification of misrepresentation or fraud);
- design, development and maintenance of tools to support decision-making and quality-assurance activities;
- development of sampling and tracking procedures;
- establishment of protocols for reporting and follow-up on findings of quality assurance.

The goal of the Quality Assurance Program is to ensure efficiency, accuracy and consistency in decision-making and to ensure fairness and integrity in programs. Quality-assurance procedures are tools to identify program strengths (best practices) and those weaknesses that may require program enhancements. These include improved training or modification to policies and procedures.

Guidelines have been provided to visa offices to assist in the development of quality-assurance frameworks. Refer to the Quality Assurance Tool Kit at [http://www.ci.gc.ca/international/missions/qa-aq/index\\_e.aspx](http://www.ci.gc.ca/international/missions/qa-aq/index_e.aspx).

The Anti-fraud program complements the Quality Assurance Program as identified and confirmed fraud patterns and trends provide feedback on areas that require quality-assurance follow-up to ensure program integrity. The reverse also applies as quality-assurance activities can detect cases of fraud, which can be referred for investigation and follow-up action.

**Note:** For general guidelines on the preparation of an Anti-Fraud/Program Integrity Framework, refer to Appendix A.

### 6. Definitions

Anti-fraud	Processes implemented to deter abuse of the immigration program (or measures taken to mitigate fraudulent activity).
Anti-fraud first level (also referred to as level one, Level 1)	The first point of detection for fraud occurs when officers verify client information and documentation in the normal course of their duties.



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Anti-fraud second level (also referred to as level two, Level 2)	Strategic and targeted intelligence and investigative activities undertaken to detect and respond to fraudulent documentation or misrepresentation that target the immigration program.
Confirmed fraud	Documentary proof, significant evidence, or verbal or written confirmation from a reliable authority that misrepresentation occurred.
Fraud	An intentional misrepresentation or false representation of truth or concealment of material fact.
Immigration processing	The processing undertaken by CIC or CBSA personnel when a person makes an application, submits a refugee claim, seeks entry into Canada or is subject to enforcement action.
Information	Information is unprocessed data of every description that may be used in the production of intelligence.
Intelligence	Intelligence is the end product of information that has been subject to the intelligence cycle.
National security cases	Cases that involve known or suspected terrorists, individuals involved in espionage, subversion, organized crime, money laundering, war crimes, genocide, or crimes against humanity.
Operational Intelligence (also referred to as Tactical Intelligence).	Principally a front-line tool, Operational Intelligence is the support given by analytical or intelligence units to the operational sections, including tactical units, during the course of their work to resolve immigrant cases and issues, investigations or enforcement actions.
Quality assurance	Planned and systematic processes, usually involving random sampling used to monitor and assess established procedures, the quality of decision-making and the reliability of client information.
Risk management	A systematic process for identifying, analysing, and assessing risk and implementing decisions aimed at mitigating the risks associated with any program, project, or activity.
Strategic intelligence	Strategic intelligence provides an overview of the scope and dimension of activity to assist policy development aimed at providing effective strategies to deal with overall costs and effects on society. Strategic intelligence supports the risk-management process by permitting the initiation of plans of action in anticipation of emerging trends.
Suspected fraud	Physical evidence, conflicting information or behaviour of applicant that would suggest misrepresentation.

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### 7. Procedures

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#### 7.1. Essential elements of anti-fraud verification to strengthen program integrity

At all times during immigration processing, officers must be alert to the possibility of fraud and be vigilant when reviewing information and documentation. The basis of anti-fraud work is to continually look for signs of fraud and addressing any concerns either by conducting simple verifications or, where a second-level investigation is required, consulting with or referring the case to the CBSA. In assessing the possibility of fraud, officers should be guided by the following essential elements:

- Necessary measures should be taken to ensure that the applicant's true identity has been established. Verifying identity documents thoroughly will ensure that an application will not succeed if it is based upon impersonation, a stolen identity, or a fantasy identity. To this end, primary identity documents such as passports, birth certificates, national identity cards, or others should be carefully screened and assessed for signs of alteration, improper issuance or counterfeiting.
- All supporting documents and information provided by the applicant must be genuine and truthful in nature. (A list citing examples of the types of supporting documents that could be verified is given in section 7.2 below on procedures related to "first-level" investigations). The CPCs deal with applications containing mainly photocopies of documents and do not see the clients. When CPC case processing officers suspect fraud or misrepresentation in a case, they may refer the case to the Strategic Analysis/Anti-fraud officers who can make further verifications and provide advice on their findings for further case processing, or the case may be referred directly to a local CIC, for further investigations.
- All third parties involved in the preparation of any application on behalf of an applicant, whether or not they have been formally declared as such, must act in good faith.
- Suspicions of organized fraud must be well documented and reported to the appropriate authorities. At visa offices, this will be the Migration Integrity Officer (MIO), if available, the Immigration Program Manager (IPM) or visa officer who will liaise with the RCMP Liaison Officer and local authorities who may conduct further investigations. In most instances within Canada, this will involve reporting the matter to the local CBSA Intelligence or Enforcement Office, which will inform NHQ, and the RCMP for possible further investigations. There will be situations (e.g., internal investigations) where CIC may refer the matter directly to the RCMP but it is recommended that the CBSA be informed of such referrals.

#### 7.2. Conducting first-level verifications

The following provides an overview of the types of first-level verifications. (It is not an exhaustive list):

- Analysis of FOSS, CAIPS and NCMS client history and the histories of related FOSS, CAIPS and NCMS clients, including:

s.16(1)(b)  
s.16(1)(c)

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- Open-source searches on information included in the application:
  - ◆ Internet search engines, such as Google, to research names, businesses, references;
  - ◆ whitepages.com, 411.ca, etc – to verify phone numbers to see if there is an associated address, name, or listing;
  - ◆ LEXIS/NEXIS (a commercial electronic research database accessed by subscription over the internet. Using assigned passwords, users can access the new portion of this service where archived articles from newspapers, magazines and journals are available to be word-searched and downloaded as required);
  - ◆ applicable news media.
- Analysis of identity documents:
  - ◆ consultation of EDISON (Electronic Data Imaging System on Network), an advanced fully-computerized image data storage and retrieval system that combines text data and images depicting travel documents, and their security features, from around the world. It also contains samples of fraudulent documents;
  - ◆ Travel Document Alerts from CBSA Enforcement (available on the CBSA Intranet);
  - ◆ reference to CBSA Intranet (under resources);
  - ◆ consultation of the Lost/Stolen/Fraud Doc database (a database in FOSS to support officers in their efforts to detect and take out of circulation lost, stolen and fraudulent documents);
  - ◆ consultation of other sources of information about trends in lost, stolen, or fraudulent identity documents
- CPC-Vegreville Strategic Analysis Reports;
- CPIC Query;
- Verification of supporting documents:
  - ◆ driver's licences;
  - ◆ social insurance cards;
  - ◆ notarized documents;
  - ◆ police certificates/criminal background checks;
  - ◆ marriage and divorce certificates;

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- ◆ tax records (Note: Notices of Assessment issued by the Canada Revenue Agency are a common supporting document.
  
  - ◆ bank records, financial statements.
  
  - ◆ property deeds;
  - ◆ business licenses, share certificates, or proof of owned assets;
  - ◆ educational credentials: diplomas, graduation certificates, transcripts;
  - ◆ letters of acceptance or transcripts from post-secondary institutions in Canada;
  - ◆ invitation letters;
  - ◆ offers of employment
  - ◆ current employment references and past employment history.
- 
- site visits (visa offices, case specific). CIC inland officers perform out-of-office investigations
  
  - consultations with partners and other governments;
  - inquiries into documents:
    - ◆
    - ◆
  
  - Verification of financial statements:
    - ◆
  
    - ◆ banking, employment, and tax records could be falsified;
    - ◆
    - ◆ analysis of banking history,
    - ◆

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### **7.3. Targeted interviewing**

Information concerning interviewing strategies and techniques are located throughout the CIC Manuals system depending on the immigration process. The following references are provided:

- Conducting interviews, OP 1, Section 11, [http://www.ci.gc.ca/Manuals/index\\_e.asp](http://www.ci.gc.ca/Manuals/index_e.asp)
- Preparing for the [refugee] interview, OP 5, Section 11, [http://www.ci.gc.ca/Manuals/index\\_e.asp](http://www.ci.gc.ca/Manuals/index_e.asp)
- Beginning refugee interview, OP 5, Section 12, [http://www.ci.gc.ca/Manuals/index\\_e.asp](http://www.ci.gc.ca/Manuals/index_e.asp)
- Procedure: interviewing, ENF 7, Section 13, [http://www.ci.gc.ca/Manuals/index\\_e.asp](http://www.ci.gc.ca/Manuals/index_e.asp)
- Procedure: File review and pre-removal interview, ENF 10, Section 14, [http://www.ci.gc.ca/Manuals/index\\_e.asp](http://www.ci.gc.ca/Manuals/index_e.asp)
- Procedure: Interview considerations [criminal rehabilitation], Enf 14, Section 11, [http://www.ci.gc.ca/Manuals/index\\_e.asp](http://www.ci.gc.ca/Manuals/index_e.asp)
- Officer interview notes [refugee claims in Canada], PP 1, Appendix A, [http://www.ci.gc.ca/Manuals/index\\_e.asp](http://www.ci.gc.ca/Manuals/index_e.asp)

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### **7.4. Misrepresentation and inadmissibility**

Persons who misrepresent or withhold material facts, either directly or indirectly, relating to a relevant matter that induces or could induce an error in the administration of the Act are inadmissible to Canada pursuant to A40(1)(a). Section A40 applies to:

- Applications for permanent residence;
- Applications for permanent resident visas;
- Applications for temporary residence;
- Applications for temporary resident visas;
- Applications for temporary resident permits;
- Applications for student and work permits; and
- Renewals and extensions of status in Canada.

Furthermore, subsection A64(3) limits the right of appeal for family class members who make misrepresentations on applications for permanent residence.

The misrepresentation provisions do not apply to persons whose claims for protection are pending nor to their family members abroad. Refer to R22 and R176.

Where the application of anti-fraud verification procedures discovers misrepresentation or the withholding of material facts, the applicant may become inadmissible by virtue of A40, their application is, or may be, refused, and an A44 report may be prepared. However, this is not automatic as there may be situations where there was no deliberate attempt to mislead and where an oversight or lack of understanding resulted in missing or conflicting information.

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For further guidance on the application of the misrepresentation provisions, officers should refer to ENF 2/OP 18 Evaluating Inadmissibility, Section 9, [http://www.ci.gc.ca/Manuals/index\\_e.asp](http://www.ci.gc.ca/Manuals/index_e.asp)

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### **7.5. Consultants and third parties**

A key element of anti-fraud work involves the monitoring of third parties acting on behalf of applicants in either a paid or unpaid capacity. CIC and the CBSA need to guard against the possibility that unscrupulous representatives may use their expert knowledge of CIC and the CBSA immigration practices and engage in fraudulent activities to ensure a successful outcome of their client's application. The potential threat to program integrity and public safety posed by these third parties is an important element that must underlie anti-fraud work. Signs of organized immigration fraud perpetrated by these third parties need to be detected and reported to the CBSA and the respective authorities, be it a regulatory body or, in some cases, local law enforcement for further investigation.

For provisions related to authorized representatives, including the complaints and investigation process, see IP 9: [http://www.ci.gc.ca/Manuals/index\\_e.asp](http://www.ci.gc.ca/Manuals/index_e.asp)

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### **7.6. Referral to the CBSA**

If quality-assurance exercises, first-level verifications, and interviews have not addressed all fraud concerns, a referral to the CBSA for enhanced checks or investigation may be warranted. Processing of some outside-Canada cases or cases at the inland CIC or CPC will require enhanced verification by the in-Canada CBSA regional intelligence or enforcement units or at visa offices by MIOs.

It must be understood that a request for a fraud investigation could add considerable time to the processing of an application. CIC officers should therefore carefully consider whether they do have sufficient information to warrant a refusal and whether the results of a further investigation will add significantly more value or weight to their decision. Before referring a case to the CBSA for further fraud investigation, officers are asked to consider the following:

- Is there sufficient information to justify refusal? If so, the expenditure of resources required for further verification may not be warranted.
- Have all possible first-level verifications been completed?
- Is there a need for a consultation with the CBSA prior to referral?
- Is there evidence to suggest that there may be organized fraud?
- Is there information involved in this application that may have intelligence value, i.e., does it contain an example or technique that should be shared with other offices?
- Is there a need to consult with law enforcement agencies or other sources not available to CIC?

In forwarding a request to the CBSA for a second-level verification, the request must be specific about the areas of concern and the verifications already undertaken.

Alternatively, officers or program managers may want to refer the cases of clients, consultants or other third parties of interest to the attention of the CBSA where there is some suspicion that an organized fraud is being perpetrated. Upon referral of concerns from CIC, the CBSA will conduct further verifications as required to provide trend reports or other indicators to CIC as an aid in future screening of related cases. Ultimately, a CBSA investigation into an organized fraud may result in a request for a criminal investigation.



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- Checks with foreign partners, if applicable
- Open source searches:
  - ◆ Internet search engines such as Google;
  - ◆ whitepages.com, 411.ca, etc.;
  - ◆ online corporate records search;
  - ◆ LEXIS/NEXIS;
  - ◆ applicable news media;
  - ◆ InfoDirect.
- Site visits to assess the scale or scope of an organization

) (b)

) (c)

- Use of databases and other technology to aid in the collation and analysis of information related to investigation, such as:
  - ◆ Microsoft Access;
  - ◆ Excel;
  - ◆ the i.2 Analyst's Notebook
  - ◆ PowerPoint (for briefings or presentations).
- Reports on current fraud trends and indicators.

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**7.8. Disclosure of CBSA investigations to CIC**

In order to continue the close partnership that CIC and the CBSA have in combatting fraud, it is essential that the relevant findings and reports of each organization related to quality-assurance exercises and anti-fraud investigations are routinely shared. In so doing, both organizations need to be mindful of the fact that reports in the area of fraud can be of significant intelligence value for those whose intention is to commit fraud in order to gain or maintain immigration status for non-



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genuine, inadmissible, or improperly documented individuals. To this effect, any documents that may include information on particular investigative methods and techniques, informants who have provided tips on fraud, screening questions, or on-going law-enforcement investigations must be properly classified and exempted from access.

In addition, special consideration needs to be given to the classification and exemption of information regarding the content of site-visit requests or other investigative requests made by CIC to the CBSA. In many cases, the content of these requests in domestic or international data repositories (such as FOSS or CAIPS) should not automatically be included in the client record nor should they be automatically disclosed.

Rules governing the sharing of information will be found in IN 1  
[http://www.ci.gc.ca/Manuals/index\\_e.asp](http://www.ci.gc.ca/Manuals/index_e.asp)

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### **Appendix A The Anti-fraud/Program Integrity Network**

#### **Visa office/CIC**

**Responsibilities:** To ensure that any fraud inherent in applications for permanent or temporary residence in Canada is detected and appropriate action taken. This includes the verification of identity, supporting documentation and verbal information provided by the client. The reporting and dissemination of information and intelligence to colleagues and partners will ensure that best practices are maintained throughout CIC and the CBSA and will also ensure effective working relationships with local authorities and foreign governments.

#### **Port of entry (POE)/CBSA**

**Responsibilities:** To ensure that persons seeking to enter Canada are properly identified, have valid documents and are admissible to Canada. In many instances, the examining officer will be the first point of contact with a person in possession of immigration documentation. The POE examination can also identify cases where the person in possession of the documents is not the person to whom the documents were issued. POEs have a unique opportunity to detain and fully examine improperly documented passengers, to uncover fraud networks, methods, facilitators, and routes used to gain access to Canada. This information is developed into interdiction and enforcement strategies to support the program integrity objectives of both organizations. POEs conduct both first- and second-level anti-fraud verifications.

#### **Inland Citizenship and Immigration Office/CIC**

**Responsibilities:** To ensure that persons in Canada who seek immigration services are properly identified, have valid documents and provide complete and accurate information. This may involve the application of first-level anti-fraud verification and the need to refer cases or general issues of fraud to the CBSA for second-level verification.

#### **Case Processing Centre (CPC)/CIC**

**Responsibilities:** To ensure that information and documents submitted in support of applications are valid, to recognize situations where further investigations are required and to refer those cases for further investigation.

The CPC-Vegreville produces monthly and yearly statistical reports on cases involving fraud and possible misrepresentation that have been discovered during case processing.

#### **Inland Intelligence Office/CBSA**

**Responsibilities:** To conduct second-level verifications and to disseminate information and intelligence. This may result from CIC referrals, requests from other partners, or from its own first-level investigations. To promote a strong awareness of intelligence functions and anti-fraud activities throughout the region and to fulfill its participation in the intelligence cycle. To act as a resource for CIC and CBSA offices in conducting anti-fraud activities, and to refer instances of serious or organized fraud to the RCMP for criminal investigation.

#### **Inland Enforcement Office/CBSA**

**Responsibilities:** To ensure that persons subject to enforcement action are properly identified; to ensure that information and documents submitted are valid; and to ensure that appropriate cases and information are referred to the Inland Intelligence Office. To act on intelligence information provided by the Inland Intelligence Office by opening up investigations

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**National Headquarters (NHQ)**

**Document Policy and Program Integrity Directorate  
Admissibility Branch, CIC**

Responsibilities: To establish strategies, policies and guidelines on quality assurance and anti-fraud activities in order to ensure program integrity, in cooperation with the CBSA; to organize reporting on quality assurance and anti-fraud initiatives, and to develop techniques that will permit improvement in the detection of fraud and misrepresentation.

**Intelligence and Admissibility Coordination Division (RIL),  
International Region (IR), CIC**

Responsibilities: To establish strategies, policies and guidelines on anti-fraud activities in visa offices, in cooperation with IR's Field Support Division (RIX), the Admissibility Branch and the CBSA.

**Field Support Division (RIX),  
International Region, CIC**

Responsibilities: To establish strategies, policies and guidelines on Quality-Assurance activities in visa offices, in cooperation with the Admissibility Branch.

**Anti-fraud Unit, Borders Intelligence Division,  
Intelligence Directorate, CBSA**

Responsibilities: To compile, analyse, and disseminate reports, information and intelligence concerning trends and patterns of fraud, providing guidance and best practices, and to provide recommendations to CIC on best practices and fraud prevention.

**MI Support and MI Network, Borders Intelligence Division,  
Intelligence Directorate, CBSA**

Responsibilities: To establish annual priorities for MIOs, identify gaps and strategies, and provide tactical and strategic support to the MIO Network.

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**Appendix B Developing an Anti-fraud/Program Integrity Framework**

Subject to resource considerations, it is suggested that offices in and out of Canada, including ports of entry and the case processing centres, develop an Anti-fraud framework so that the implementation of anti-fraud activities are managed, organized and resourced as part of their program integrity objectives. Specific activities and deliverables developed within the framework may be included in the annual business plan for the office.

The following outline may be of assistance:

**Introduction**

- Objective of this framework, context, link with business plan, intended deliverables
- Overview of office operation, mandate, and activities, business plan objectives and priorities

**Environment**

- Give an overview of external environment, social, political, and economic factors that may generate push factors, fraudulent activity, existence of fraud in local culture, institutions;
- Explain historically what have been major challenges to the office within the context of fraud and illegal migration;
- Based on the above, outline what you see as the current and emerging trends concerning real or potential abuse of the CIC programs delivered in your office.

**Objectives**

- Based on the above, identify the processing areas that should be targeted for enhanced anti-fraud measures;
- State the desired objective for each targeted area. Be as specific as possible using numerical data, if available;
- The enhanced anti-fraud measures will be implemented for a specific time frame, at the end of which, an evaluation of the results will be done.

**Methodology**

- For each targeted area, outline the specific methodologies that will be applied.

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- Identify the mechanism that will be used to assess the improvement in fraud detection in the targeted area.

**Conclusion**

An Anti-fraud framework should produce the following:

- Evaluation of any improvement in fraud detection for each targeted area;
- Assessment of the results of each methodology, i.e., which methodology was the most effective in identifying or preventing fraud;
- Outline of procedures or changes that will be implemented on a permanent basis;
- Evaluation of ongoing problematic areas where further work is necessary—this may involve the use of resources not routinely available to the office—and factors beyond the control of the office;
- Where appropriate, report relevant findings to NHQ.

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