

PROVIDING FALSE OR INCOMPLETE INFORMATION ON A CANADIAN CITIZENSHIP OR IMMIGRATION FORM

by [Edward C. Corrigan](#)

Many people come to our law office after they have applied for renewal of their Permanent Residence Card or after they have applied for Canadian Citizenship. After sending the Application to Citizenship and Immigration Canada and setting out the time that they were “in Canada” they receive a request from Citizenship and Immigration Canada that they provide proof of the time spent in Canada. This process is called “Proof of Residence.”

In many cases the time they “reportedly” spent in Canada does not match the Canadian Border Services Agency (CBSA) records of the individual’s entry into Canada. It may be a surprise to some but CBSA keeps computer records of each and every entry into Canada.

Some people just guess at the time they spent in Canada. Other people put false information down on the Forms and Residence Calculator. They are either careless or they are attempting to mislead the Government on the time they actually spent in Canada. If there is a discrepancy Immigration Refugee, Citizenship Canada (IRCC), formerly known as Citizenship Immigration Canada (CIC), will request that a Residence Questionnaire be completed also requiring strong supporting documentation that supports the claim for time spent in Canada.

It is a very serious offence to provide false information on any Citizenship and Immigration document. This law also covers any omission of a material fact which “directly or indirectly misrepresent or withhold material facts relating to a relevant matter that induces or could induce an error in the administration of this Act.”

It is also a serious offense to counsel someone to make a misrepresentation. Here are the relevant sections of the *Immigration and Refugee Protection Act (IRPA)*.

Counselling misrepresentation

126 Every person who knowingly counsels, induces, aids or abets or attempts to counsel, induce, aid or abet any person to directly or indirectly misrepresent or withhold material facts relating to a relevant matter that induces or could induce an error in the administration of this Act is guilty of an offence.

127 No person shall knowingly

- (a) directly or indirectly misrepresent or withhold material facts relating to a relevant matter that induces or could induce an error in the administration of this Act;
 - (b) communicate, directly or indirectly, by any means, false or misleading information or declarations with intent to induce or deter immigration to Canada; or
 - (c) refuse to be sworn or to affirm or declare, as the case may be, or to answer a question put to the person at an examination or at a proceeding held under this Act.
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- 2001, c. 27, s. 127;
 - 2015, c. 3, s. 115(F).

128 A person who contravenes a provision of section 126 or 127 is guilty of an offence and liable

- (a) on conviction on indictment, to a fine of not more than \$100,000 or to imprisonment for a term of not more than five years, or to both; or
- (b) on summary conviction, to a fine of not more than \$50,000 or to imprisonment for a term of not more than two years, or to both.

There are potentially very serious penalties for counselling misrepresentation or to omit or put false information on an Official Citizenship and Immigration document.

A person who also withholds information, like a marriage, divorce or the existence of children or a past criminal record also faces the serious risk of losing their Permanent Residence or even Canadian Citizenship for putting incomplete or false information on a Citizenship or Immigration form. They also could be fined and even sent to prison.

It is clearly the best idea is to follow the law and to properly prepare the Citizenship or Immigration forms so that they are accurate and complete to the best of your ability. A minor error in an address or date will probably not cause any problem. But a serious error or omission in dates would probably result in the Application be sent for further review and resulting in long delays with processing the Application. There also may be much more serious consequences.

It is a very good idea to consult with a qualified professional before one submits any Application form for Citizenship or Permanent Residence. It is better to ask questions before one submits an incomplete or incorrect Application. One has to be very careful when it comes to reporting the time spent in Canada or you could face serious consequences.

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