

## **Misrepresentation**

*This fact sheet explains the law in general. It is not intended as legal advice for your particular problem. Because each person's situation is different, you may need to seek legal advice. A lawyer at MWC reviewed this information in May 2018.*

It is important that migrant workers avoid misrepresenting on their immigration applications. Under the *Immigration and Refugee Protection Act (IRPA)*, misrepresentation is defined very broadly. Let's examine this concept in detail.

### **What is misrepresentation?**

Misrepresentation is directly or indirectly making false statements, lying, submitting false information or altered documents, or withholding important information on an application and in communications with Canadian immigration officials.

IRCC has adopted a very broad interpretation of the definition of misrepresentation. For example, IRCC takes the position that people can still misrepresent even if they do not intend to deceive. In other words, even if the migrant worker did not intend to misrepresent or did so by mistake, IRCC can still allege misrepresentation. The *intent to deceive* is not a required element for a finding of misrepresentation.

IRCC also takes the position that false statements or omissions made by dependant family members of the principal applicant can also be considered misrepresentation. In other words, it is the principal applicant's responsibility to ensure that the information on his or her immigration application is accurate. If the applicant is inadmissible for misrepresentation, the people they sponsor will also be inadmissible for misrepresentation. Therefore, it is important that you and your dependent family members make full and honest disclosure on all applications and communications with IRCC. In addition, you should review all forms and documents for accuracy before submitting to IRCC.

### **What happens if Citizenship and Immigration Canada finds out I misrepresented on my application?**

Misrepresentation is grounds for inadmissibility. A finding of inadmissibility means that IRCC has the right to deny the migrant worker entry into Canada or the right to remain in Canada. If IRCC concludes that the applicant has misrepresented on his or her application, IRCC can deny the application. The applicant will remain inadmissible for misrepresentation for five years after this determination.

### **Do I have to inform IRCC of any changes on my application?**

Yes, it is ultimately your responsibility as the principal applicant to ensure that IRCC is aware of any material or important changes in your life including changes in marital or family status. IRCC may not

request an update on any material or important changes, but it is still your responsibility to inform IRCC of any changes in status. A failure to do so may be viewed as misrepresentation.