

Beware of immigration fraud and misrepresentation

By **Sergio R. Karas**

Law360 Canada (October 17, 2025, 2:02 PM EDT) -- Canadian immigration is increasingly being targeted with fraudulent schemes, misrepresentation, identity theft, and passport-related crimes. Applicants and unscrupulous consultants exploit weaknesses in the system by using forged documents, stolen identities, sham marriages and misleading claims to obtain immigration status.

Passport fraud, including the use of counterfeit or stolen passports to assume false identities, has become a severe problem, enabling human smuggling and criminal activity. Misrepresentation remains one of the most common and insidious methods of bypassing legal requirements. These schemes not only compromise the integrity of the immigration system but also expose the country to national security risks.



Sergio R. Karas



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Canadian passports have long been the subject of fraud and misuse due to their global acceptance and visa-free access, making them highly desirable for human smuggling networks, spies, terrorists and other operatives seeking to create false identities. The recent Royal Canadian Mounted Police (RCMP) Project O-ctopus exposed serious vulnerabilities in immigration and passport application processes. It was alleged that a Montreal-based human smuggling network procured forged Canadian passports and colluded with "insiders" at embassies to bypass security protocols. While authorities linked the network to deadly smuggling operations that killed nine people in March 2023, no charges have been laid for passport forgery, raising questions about investigative priorities and enforcement gaps. Seized videos and photos revealed forgeries so sophisticated that they replicate official security features, highlighting weaknesses in passport issuance and verification. Experts argue that, despite recent upgrades to Canadian passports, current measures remain inadequate, with calls for stronger biometric safeguards being ignored, leaving national security reliant on reactive policing rather than preventive reform.

In one of British Columbia's largest immigration fraud cases, the Canada Border Services Agency (CBSA) secured the conviction of Xiao Feng "Heki" to 20 months in provincial jail, plus a fine of \$44,659. He worked as an unlicensed immigration consultant between 2008 and 2011 through companies including New Can Consultants and Wellong International Investments. He participated in

passport fraud and misrepresentation offences on behalf of 151 clients who paid approximately \$1.2 million for his services. According to the CBSA, over 1,600 people have been connected to New Can's fraudulent services, which included false documents and fake applications for permanent residence and citizenship. Many clients lost their status or were referred to the Immigration and Refugee Board (IRB) for admissibility hearings.

Some recent cases illustrate the dangers of misrepresentation, even when committed by third parties. In *Kaur v. Minister of Citizenship and Immigration*, 2023 FC 1454, the applicant's consultant included a fraudulent letter of acceptance with the study permit application. Even though the applicant was found to have honestly believed that she was not making a misrepresentation, she was also found to have unreasonably failed to review the application and ensure that it was accurate, committing an indirect and material misrepresentation that was not innocent. The court held that "Permitting applicants to avoid the consequences of fraudulent behaviour by their consultants would create unacceptable scope for weakening the integrity of that system."

In *Salu v. Canada (Minister of Citizenship and Immigration)*, 2025 FC 69, the applicant failed to disclose criminal charges. The court did not accept her innocent misrepresentation arguments and instead found that her omission was material and therefore a misrepresentation that doomed her application.

In *Liu v. Minister of Citizenship and Immigration*, 2025 FC 1253, the applicant sought judicial review of a decision refusing his permanent residence application and declaring him inadmissible due to having uttered a fraudulent marriage certificate and making a material misrepresentation. The court dismissed the application for judicial review, upholding the immigration officer's decision. The court held that providing a fraudulent document, regardless of intent or third-party involvement, constitutes a material misrepresentation leading to inadmissibility.

Student visa fraud has become a growing concern, with thousands of applicants misusing the study permit stream to gain entry without any real intention of studying. In January 2025, *The Globe and Mail* reported that 50,000 students were "no-shows" at their designated learning institutions the prior spring, and more than 14,000 filed asylum claims in the first nine months of 2024.

Not all students intend to come to Canada to study or returning to their country of origin. A striking example is the case of *Said v. Canada (Public Safety and Emergency Preparedness)*, 2025 FC 1574, where a Kenyan national entered Canada on a study permit in 2012 but never attended school and later filed a refugee claim under a false Somali identity. She was initially granted refugee status. The IRB Refugee Protection Division (RPD) vacated her status and found that she deliberately concealed her Kenyan nationality, submitted fraudulent documents, provided inconsistent testimony and even presented forged documents that were designed to confirm that she was Somali and not Kenyan. The Federal Court upheld the RPD decision to revoke her refugee status, underscoring how misuse of student visas can be a conduit for fraudulent asylum claims.

Identity fraud in Canada has emerged as a grave concern, affecting individuals' legal status, access to services and overall security. In December 2024, the CBSA announced the conviction of Jonghun Lee, who was sentenced to 30 months in prison for his role in a large-scale identity fraud scheme. The case originated from a January 2022 interception, during which CBSA officers discovered a courier parcel from China containing over five hundred counterfeit Canadian permanent resident cards and more than five hundred counterfeit Alberta driver's licenses. A subsequent search of Lee's residence revealed a full-fledged document forgery operation, including industrial printing equipment, electronic devices, and nearly \$140,000 in cash. The case highlights the severe risks posed by identity fraud, where forged government documents could be used to create false identities, access services, or unlawfully obtain immigration status.

Another example of identity fraud is the case of Edmonton resident Hang (Sam) Li, who experienced the devastating consequences of identity theft when his permanent residence was erroneously revoked in 2023. Li alleged that an immigration officer spent only four minutes approving a bogus application made by a third party to surrender his status, despite glaring errors such as mismatched signatures, incorrect document numbers and a doctored photo. For 115 days, Li was left without legal status, work authorization, health coverage or access to social services, forcing him to hire lawyers, lose income and endure severe stress, which he claims caused lasting mental and physical harm. Although his status was eventually restored, Li, now a Canadian citizen, argues that the government

failed to safeguard him against fraud, underscoring systemic flaws that could put other immigrants at similar risk.

To effectively combat misrepresentation and fraud, stronger safeguards and proactive enforcement are required. Measures such as enhanced biometric verification, rigorous review of supporting documents, and careful oversight of third-party representatives can reduce the opportunities for misrepresentation. IRCC must hold applicants accountable for both direct and indirect misrepresentations. In addition, training officers to detect inconsistencies, investing in technology for cross-verification, and fostering public awareness of identity theft can further strengthen protections. The federal government should also consider the imposition of fines on applicants who are found to have presented false documents and even prosecute them with criminal offences if they are in Canada.

By combining preventive strategies, stricter enforcement and systemic reforms, Canada can safeguard the integrity of its immigration processes, protect citizens and residents, and reduce the impact of misrepresentation and fraud.

Sergio R. Karas, principal of Karas Immigration Law Professional Corporation, is a certified specialist in Canadian Citizenship and Immigration Law by the Law Society of Ontario. He is Division Chair of the ABA International Law Section, past chair of the Ontario Bar Association Citizenship and Immigration Section, past chair of the International Bar Association Immigration and Nationality Committee, and a fellow of the American Bar Foundation. He can be reached at karas@karas.ca. The author is grateful for the contribution to this article by Jhanvi Katariya, student-at-law.

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