

IRCC's misconduct report: Transparency without precision risks undermining confidence

By **Sergio R. Karas**

Law360 Canada (May 29, 2026, 3:09 PM EDT) -- Immigration, Refugees and Citizenship Canada (IRCC) has taken a notable step toward institutional transparency with the release of its first annual Report on Misconduct and Wrongdoing for 2023-2024. The full text can be found [here](#).

The report aims to showcase accountability mechanisms within a department whose decisions carry profound consequences for individuals and for Canada's immigration system as a whole.

Yet, while the report represents progress, it also exposes a deeper issue that may be more consequential than the individual cases it catalogues: the reliability and precision of internal reporting itself. Any suggestion of miscounting, inconsistency or ambiguity in how cases are categorized or reported raises fundamental concerns about governance, oversight and public trust.



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What the report actually shows

The report is framed as a baseline exercise in transparency. It outlines how IRCC investigates misconduct, defines categories of wrongdoing and imposes disciplinary measures.

Public summaries based on the report indicate that:

- IRCC completed dozens of investigations in the fiscal year and substantiated a significant portion of them;
- Confirmed cases spanned categories including administrative misconduct, harassment, breaches of ethics and misuse of government systems;
- Administrative misconduct — including absenteeism, time theft and failure to follow instructions — represented the largest share of founded cases.

Certain individual findings are particularly troubling. These include attempts at bribery, unauthorized access to sensitive immigration files and inappropriate relationships with clients — conduct that goes directly to the integrity of decision-making processes.

The department emphasizes that these incidents represent a small fraction of its workforce and highlights training, disciplinary action and internal reporting mechanisms as part of its response.

The emerging concern: counting, categorization and credibility

The more difficult question is not whether misconduct exists — in any large public institution, it inevitably does — but whether IRCC's methods of counting, categorizing and reporting misconduct cases are robust and reliable.

The report differentiates between:

- “Investigations completed”;
- “Founded cases”; and
- Various categories of misconduct.

However, the public documentation does not fully reconcile these figures in a way that allows external observers to independently assess the accuracy or completeness of the data. While summaries refer to investigations and substantiated cases, the report itself provides only high-level categorizations rather than granular datasets.

This creates two related risks:

1. Risk of undercounting or misclassification

Without detailed methodology, it is difficult to determine whether:

- Multiple allegations are grouped into a single “case”;
- Cases fall into overlapping categories; or
- Some findings are excluded from public reporting thresholds.

These are not technicalities. In regulatory and quasi-adjudicative settings, classification choices can materially affect the perceived scale and nature of misconduct.

2. Risk of overconfidence in limited data

A headline number, even if accurate, can create a misleading sense of proportion. For example, identifying a fixed number of founded cases does not necessarily reflect:

- The total number of allegations;
- The rate of detection versus non-detection; or
- Whether systemic issues exist beyond the cases investigated.

In other words, the absence of more precise data may lead to false reassurance rather than genuine accountability.

Why this matters for immigration law and practice

For immigration practitioners, the integrity of IRCC decision-making is not an abstract concern. It directly affects:

- Procedural fairness;
- The reliability of decisions; and
- The evidentiary weight given to officer conduct in litigation.

Cases involving misconduct — particularly those relating to bias, conflicts of interest or unauthorized access to files — can become live issues in judicial review proceedings. Even isolated incidents may be relied upon to argue systemic shortcomings where transparency is lacking.

Moreover, a lack of clarity in reporting undermines one of the report’s stated goals: enhancing public confidence. Transparency is not achieved merely by releasing data; it depends on whether that data is sufficiently precise, consistent and verifiable.

The broader governance context

The release of the misconduct report coincides with broader scrutiny of IRCC's operational capacity and compliance frameworks, including recent audit findings regarding enforcement gaps in other program areas. While distinct, these developments point in the same direction: pressure on institutional systems to match the scale and complexity of modern immigration administration.

Against this backdrop, even minor discrepancies or ambiguities in reporting methodology take on greater significance. They may signal not merely documentation issues, but structural challenges in data governance and oversight.

A path forward: Precision as a precondition to accountability

IRCC should be credited for initiating public reporting on misconduct. However, for future iterations of the report to meet the standards expected of a modern administrative body, several refinements are essential:

- 1. Methodological transparency:** The department should clearly explain how cases are counted, categorized and consolidated, including definitions of key metrics.
- 2. Disaggregated data:** Reporting should include detailed breakdowns by allegation type, outcome and investigative stage, allowing meaningful external scrutiny.
- 3. Consistency across reporting periods:** Comparable metrics year over year are necessary to identify trends and assess whether reforms are effective.
- 4. Linkage to systemic findings:** Where patterns emerge — for example, repeated misuse of systems or recurring ethical breaches — the report should connect individual cases to broader institutional risks.

IRCC's 2023-2024 misconduct report is an important first step toward transparency in a department central to Canada's immigration system. But transparency without precision risks becoming performative.

To sustain public trust — and to ensure that accountability mechanisms function as intended — IRCC must move beyond aggregate reporting toward rigorous, methodologically sound disclosure. Only then can stakeholders meaningfully assess whether misconduct is being effectively detected, measured and addressed.

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