OP-ED: Canada must restore public confidence in the immigration system

Lawyer Sergio R. Karas writes, "A firmer line on overstays is essential to preserve the rule of law and deter violations."

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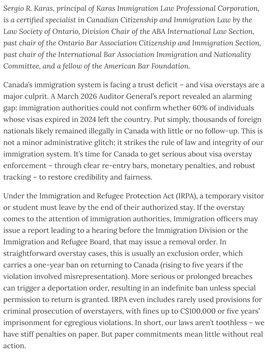

Photo by Dmitry Novikov on Unsplash

By: Sergio R. Karas

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Canada's immigration system is facing a trust deficit – and visa overstays are a major culprit. A March 2026 Auditor General's report revealed an alarming gap: immigration authorities could not confirm whether 60% of individuals whose visas expired in 2024 left the country. Put simply, thousands of foreign nationals likely remained illegally in Canada with little or no follow-up. This is not a minor administrative glitch; it strikes the rule of law and integrity of our immigration system. It's time for Canada to get serious about visa overstay enforcement – through clear re-entry bars, monetary penalties, and robust tracking – to restore credibility and fairness.

Under the Immigration and Refugee Protection Act (IRPA), a temporary visitor or student must leave by the end of their authorized stay. If the overstay comes to the attention of immigration authorities, Immigration officers may issue a report leading to a hearing before the Immigration Division or the Immigration and Refugee Board, that may issue a removal order. In straightforward overstay cases, this is usually an exclusion order, which carries a one-year ban on returning to Canada (rising to five years if the violation involved misrepresentation). More serious or prolonged breaches can trigger a deportation order, resulting in an indefinite ban unless special permission to return is granted. IRPA even includes rarely used provisions for criminal prosecution of overstayers, with fines up to C$100,000 or five years' imprisonment for egregious violations. In short, our laws aren't toothless – we have stiff penalties on paper. But paper commitments mean little without real action.

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A firmer line on overstays is essential to preserve the rule of law and deter violations. A visa or permit expiration date cannot be a mere suggestion; it is a legal obligation. The vast majority of temporary residents respect Canada's rules, leaving or extending their status properly. However, allowing large numbers to flout deadlines without consequence is unfair to those who follow the rules and fuels cynicism about our immigration controls. Each enforced departure or bar on re-entry sends a valuable message: Canada's openness is not an open-ended blank cheque. Conversely, lax enforcement invites more overstays. The prospect of real repercussions – like multi-year bans or fines – powerfully focuses the mind of anyone tempted to "just overstay and hope for the best." While Canada has been reticent to deploy fines on individual overstayers, making careful use of monetary penalties could bolster the deterrent effect. For example, some countries impose automatic fines for each day or month overstayed, a proven motivator for timely departures. Adopting a measured version of that approach – say, a moderate fixed penalty for unauthorized overstays – would reinforce that breaking the terms of a visa has tangible costs.

Stricter enforcement is also a matter of public trust and sound management of immigration. Canadians are generally supportive of immigration, but confidence hinges on believing the system is well-run. If large numbers remain illegally each year, public support erodes. Indeed, the opposition and media have seized on recent findings by the Auditor General as evidence that Canada's immigration controls are too lax. By tightening up enforcement of overstays, the government can demonstrate accountability and reassure Canadians that temporary entries aren't permanent by default. There's an economic logic too: overstayers who slip into the underground economy can undercut local workers and don't contribute taxes, while still potentially drawing on public services, thanks to liberal sanctuary policies adopted by many cities like Toronto. Clamping down on this practice helps protect our labor market and ensures that scarce enforcement resources are focused on true bad actors, not overwhelmed by routine overstay cases that should never be allowed to accumulate.

Critics will raise humanitarian concerns, which deserve a thoughtful response – but not paralysis. To be clear, advocating firmer enforcement is not a call for draconian crackdowns or disregard of compassion. We can – and should – build in proportional safeguards. For instance, Canada's current policy wisely allows a 90-day grace period for status restoration if someone overstays due to circumstances beyond their control (like a medical emergency or a processing delay). That safety valve should remain, and enforcement measures can continue to distinguish inadvertent or short-term overstays from willful, long-term violations. Immigration officers should maintain discretion to consider individual circumstances: a student who overstayed a week awaiting a graduation ceremony is not the same as a foreign national who disappears into unauthorized work for years. None of this undermines the central point – that clear rules must be enforced. In fact, measured enforcement is more humane in the long run, because it deters exploitation by employers or consultants who tempt vulnerable visitors to overstay with false promises. A system with bright-line rules, known consequences, and some flexibility for genuine emergencies is fairer and safer than the current inconsistent laxity.

Canada is behind the curve on enforcing visa limits. Peer countries long ago implemented robust overstay enforcement. The United States imposes strict 3-year and 10-year re-entry bans on those who overstay beyond set thresholds (over 180 days or over a year, respectively). The United Kingdom likewise issues one-year to 10-year entry bans for overstayers and has a digital tracking system to flag those who don't depart on time. Neither country is a perfect model – the U.S. approach, for example, has been criticized for inadvertently encouraging some undocumented immigrants to stay rather than leave and face a lengthy bar. But the overarching principle is accepted internationally: visa validity periods matter, and free passes on overstays are exception, not the rule. As a G7 nation with an advanced immigration system, Canada should not struggle to answer the basic question: "Did our temporary visitors leave?" Right now, that's exactly the struggle. The recently announced pilot program to start contacting expiring visa holders and to build an exit-tracking system by year-end is a step in the right direction – but only if it's followed by consistent application of consequences when overstays are identified.

A credible immigration system welcomes visitors and students but also ensures they depart as promised. To that end, Canada should move swiftly on a comprehensive exit tracking regime that flags those who stay past their visa. That data must then feed into decisive enforcement: timely issuance of removal orders and enforced re-entry bars for violators, as well as exploring administrative fines or bonds to discourage would-be overstayers from abusing Canada's hospitality. These steps can and should be implemented in a targeted, fair manner – focusing on clear cases of non-compliance and giving due notice to encourage voluntary departures. By taking a firmer stance on overstays, Canada will strengthen the integrity of its immigration programs, protect those who follow the rules, and send a message that our laws are to be respected. The Auditor General's wake-up call is loud and clear; now the government must answer it with action that aligns with both Canadian values and Canada's own immigration law. The goal is not to punish for punishment's sake – it's to ensure that temporary really means temporary, thereby safeguarding the trust that underpins our immigration system.

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Canadaceptic 2d

Clearly there is no will. The Libs have increased the size of the federal government by 40% and they can't even fulfill their basic mission, which leads me to believe it's deliberate. Now they want to expand the surveillance state and force Apple to track us on their behalf which, again, leads me to believe there are only certain people they want to track (hint: "far right" conservatives, the fringe minority with unacceptable views). Criminals and visa overstays? Not so much.

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William Stewart 1d

The first step in any attempt to restore public trust on immigration is simple, logical and there is proof of the aforementioned.

Before 2015 Canada had one of the most respected and trusted immigration systems in the world.

What happened in 2015 is now obvious and it's a theme.

Anything Liberals touch turn into that which one picks up after one's dog.

Therefore.

That first step.

Get rid of the complete incompetence and self-serving Liberals and what passes for their Governance.

At that point.

Perhaps... Just perhaps... There might be a chance... Maybe

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