

You currently have IP access to hilltimes.com through the Citizenship and Immigration Canada 's subscription.

Please enter your institutional email below to start receiving our daily newsletter for in-depth coverage of Canadian Politics.

Please enter your email

SIGN UP



# THE HILL TIMES

(<https://www.hilltimes.com>)

Wednesday, May 8, 2024 | [Latest Paper \(/get-a-subscription/\)](#)

**Subscribe Now**  
([/get-a-subscription/](#))

## CBSA's access-to-information woes continue with 12,000 requests inaccessible, requestors encouraged to resubmit

Following a technical glitch, CBSA is giving ATIP requestors until the end of next March to resubmit or follow up on their requests, otherwise they will be deemed closed.



The Canada Border Services Agency, which is led by president Erin O'Gorman, can only access around 4,000 of its backlog of 16,000 ATIPs. *The Hill Times* photograph by Andrew Meade

(https://www.hilltimes.com) **The federal border agency's compliance with access-to-**

information law is under the microscope with the department telling thousands of people to resubmit months-old requests, while Parliament's information watchdog is taking aim at the organization's use of the access system for applicants to obtain their immigration files.

In February, the Canada Border Services Agency (CBSA) revealed that it could not access information it had collected in processing its backlog of 16,000 requests through the Access to Information and Privacy (ATIP) acts after maintenance performed by Shared Services Canada.

It has since been able to recover around 4,000 ATIPs, CBSA said in a May 3 release, leaving 12,000 inaccessible.

CBSA is now telling the requesters behind the sequestered ATIPs to resubmit requests that were made between September 2021 and November 2023, noting that processing the resubmitted requests would be a "priority," and that the \$5 application fee will be waived.

CBSA spokesperson Rebecca Purdy told *The Hill Times* that legislated timelines would not restart with a resubmitted request, noting that responding to ATIPs will vary based on the request. The Access to Information Act mandates that access is given within 30 days of a request being received, but departments and agencies can extend the time limits for an undefined "reasonable period of time." The Privacy Act also mandates a response in 30 days, with an option of an additional 30-day extension if processing the request in the original timeline would "unreasonable interfere with the operations" of the organization.

## Become a Political Insider

Sign up for Today's Headlines newsletter flow [insider@cic.gc](mailto:insider@cic.gc)

SIGN UP

By entering your email address you consent to receive email from The Hill Times containing news, analysis, updates and offers. [You may unsubscribe at any time.](#) See our [privacy policy](#) ([privacy-policy](#)).

If a requester doesn't either resubmit or follow up on their request by March 31, 2025, their request will be considered closed. CBSA didn't directly answer if it will inform individual requestors that action is needed or else their request will be shuttered in less than 11 months. Purdy highlighted that the agency has published the May 3 release, attached a notice to its ATIP website, and released a post through the

(<https://www.hilltimes.com>) **Government of Canada's** newsroom X (formerly Twitter)

account. The social media post only has 833 views as of May 7, and wasn't reposted by CBSA's account.

"Although no requester information or records collected has been lost, it is not possible to identify which requests were opened or closed," the CBSA spokesperson said, adding that the agency will also be sending emails to immigration consultants who submit a "high volume" of ATIPs.

ATIP researcher Ken Rubin told *The Hill Times* he has not received any communication from CBSA to resubmit his request, remarking that he only heard about the agency's troubles with processing ATIPs after inquiring about the status of his own submissions.



Information Commissioner Caroline Maynard is taking aim at CBSA's use of the access-to-information system being employed for applicants to see their immigration files. *The Hill Times* photograph by Andrew Meade

Ottawa-based journalist Dean Beeby said the border agency still needs to find a way to follow the legislative timelines set forth under the access-to-information law.

"Given that they've been handed this pile of crap, it doesn't absolve them from having to find the resources to deal with it appropriately," he said. "The onus is on those departments to cope with this bad situation by putting more resources into it."

Purdy said CBSA is using "various options and resources to mitigate additional overall delays in ATIP requests," which includes increasing personnel on a temporary basis. The agency's May 3 release noted that it had returned to its "full capacity" of responding to 1,000 to 1,200 requests per week.

(<https://www.hilltimes.com>) The most recent CBSA annual report to Parliament on the

Access to Information Act for 2022-23 paints a comparably rosy picture of the agency's track record of adherence to the legislative timeline in processing ATIPs, as the internal report shows that it closed 90 per cent of requests on time.

But Beeby said, in reality, the agency is one of the worst offenders in adhering to access-to-information law.

"We have information from the information commissioner that points to a big problem—it's a red flag," he said.

In her annual report for 2022-23, Information Commissioner Caroline Maynard found that CBSA had the second most complaints of any government department and agency, only behind Immigration, Refugees, and Citizenship Canada (IRCC). CBSA's report to Parliament shows that 346 complaints were made to the information commissioner, of which 295 had to do with time delays.

"These are the departments that are keeping people waiting beyond legislative timelines and their complaints are about delays," Beeby said.

At issue is CBSA and IRCC forcing those who want to see their immigration files into the ATIP system, Beeby said.

"The misuse of the act for this administrative purpose has created its own problems, its own backlogs, and its own avalanche of complaints," he said. "That's enough of a red flag to say clearly this is not working and these ... administrative systems belong somewhere else to be run more effectively for the purpose of helping would-be immigrants get their case files."

On May 7, Maynard tabled her most recent report showing that the ATIP system is the wrong avenue for those who need to gain access to immigration files to use.

In the report, Maynard wrote that CBSA is "being adversely affected by the 'status quo' that continues to prevail to IRCC," and the "lack of progress on providing applicants with an alternative method of obtaining information related to their file."

The report found that ATIP requests to CBSA have increased by 130 per cent from 2019-20 to 2022-23. It also discovered that the agency's ATIP unit has been unable to keep up with

(<https://www.hilltimes.com/stories/2024/05/08/cbsas-access-to-information-woes-continue-with-12000-requests-inaccessible-requestors-encouraged-to-resubmit>)  
its workload, as its backlog almost doubled from 2021-22 to 2022-23.

CBSA currently has the most complaints of any other institution, the report found. CBSA has access to IRCC's Global Case Management System, which stores information regarding immigration applications, and requestors have increasingly been going through the border agency to gain access to the information.

Maynard told *The Hill Times* that the IRCC has yet to solve the "root cause" behind the expanding ATIP requests, but instead their reaction has been to try to be more efficient in responding to the deluge of requests.

"Why? I don't know. Is it a lack of leadership? A lack of resources?" she asked. "They know what the issue is. They are telling us they know how to fix it, [but] they haven't done it."

Maynard called the situation of the 12,000 inaccessible ATIPs "very unfortunate," noting that it will add to the delays and frustration of the overwhelming number of ATIP requests outlined in the recently tabled report.

She didn't want to comment further about the issue of the inaccessible ATIPs as she said she was worried that she might have to investigate the situation in the future.

In a similar report from 2021, Maynard found that IRCC's surging complaints were a "direct result" of applicants being unable to access their immigration files "through other means," finding that the access-to-information system was "not the most efficient means of providing potential immigrants with the information they need."



Access-to-information researcher Ken Rubin says he has not heard from CBSA to resubmit his ATIPs. *The Hill Times* photograph by Andrew Meade

(<https://www.hilltimes.com>) Beeby said even before ATIP records became inaccessible, the evidence shows that CBSA wasn't working efficiently.

"If you're already having efficiency problems and then they throw a curveball like this at you, of course it's going to make things much, much worse. And your record is that you're not very good at coping with problems with processing," he said. "What worries me is departments use these things as ways to cover up for their performance."

Beeby added that a lot of the outstanding files are from people wanting to immigrate to Canada, and they could have their own cases delayed further through no fault of their own.

"It's really not just an inconvenience for reporters or business requesters. It's a real big life problem for would-be immigrants that are relying on this inadequate system to get their immigration application up to scratch," he said. "This is an example where a technical screw-up is really impacting lives out there who deserve information about the status of their files."

"It shouldn't be this way. The Access to Information Act shouldn't be used to help people get access to their own immigration files. That's not what the Access to Information Act was intended for," he said.

British Columbia-based immigration and refugee lawyer Will Tao, co-founder of Heron Law, said CBSA not adhering to the legislative timeline to respond to ATIP requests is the norm.

He said the real-life impact for immigrant applicants is a delay in understanding why their files are taking so long, and if they should file for judicial review or mandamus to force IRCC to move on their application.

"I think the added inconvenience and the inevitable number of folks who will have difficulty navigating the re-application on technical grounds is concerning," he added, remarking that applicants are increasingly using the CBSA ATIP system since the agency has proven faster in responding to access requests than IRCC.

*nmoss@hilltimes.com*

*The Hill Times*

## **Become a Political Insider**

Sign up for Today's Headlines newsletter now

By entering your email address you consent to receive email from The Hill Times containing news, analysis, updates and offers. You may unsubscribe at any time. See our [privacy policy \(privacy-policy\)](#).

**MORE NEWS**



(<https://www.hilltimes.com/story/2024/05/08/cbsas-access-to-information-woes-continue-with-12000-requests-inaccessible-requestors-encouraged-to-resubmit/420085/>)

**CBSA's access-to-information woes continue with 12,000 requests inaccessible, requestors encouraged to resubmit (<https://www.hilltimes.com/story/2024/05/08/cbsas-access-to-information-woes-continue-with-12000-requests-inaccessible-requestors-encouraged-to-resubmit/420085/>)**


**NEWS (/NEWS/)** BY NEIL MOSS ([HTTPS://WWW.HILLTIMES.COM/HT\\_AUTHOR/NEIL-MOSS/](https://www.hilltimes.com/ht_author/neil-moss/))

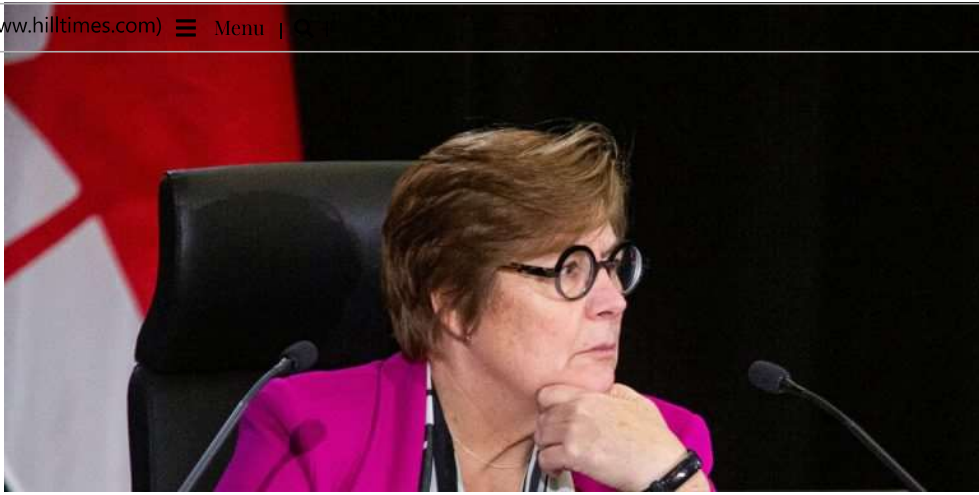


(<https://www.hilltimes.com/story/2024/05/08/environment-minister-guilbeault-must-show-courage-to-finalize-plastics-treaty-says-ndp-mp-johns/421023/>)

**Environment minister Guilbeault must show 'courage' to finalize plastics treaty, says NDP MP Johns (<https://www.hilltimes.com/story/2024/05/08/environment-minister-guilbeault-must-show-courage-to-finalize-plastics-treaty-says-ndp-mp-johns/421023/>)**

**NEWS (/NEWS/)** BY JESSE CNOCKAERT ([HTTPS://WWW.HILLTIMES.COM/HT\\_AUTHOR/JESSE-CNOCKAERT/](https://www.hilltimes.com/ht_author/jesse-cnockaert/))

(<https://www.hilltimes.com>)  Menu |



(<https://www.hilltimes.com/story/2024/05/08/the-jury-is-still-out-on-the-value-of-foreign-interference-inquiry-following-preliminary-report-says-national-security-and-intelligence-expert-wesley-wark/421063/>)

**The 'jury is still out' on the value of foreign interference inquiry following preliminary report, says national security and intelligence expert Wesley Wark**  
(<https://www.hilltimes.com/story/2024/05/08/the-jury-is-still-out-on-the-value-of-foreign-interference-inquiry-following-preliminary-report-says-national-security-and-intelligence-expert-wesley-wark/421063/>)

**NEWS (/NEWS/)** BY STUART BENSON ([HTTPS://WWW.HILLTIMES.COM/HT\\_AUTHOR/STUART-BENSON/](https://www.hilltimes.com/HT_AUTHOR/STUART-BENSON/))



(<https://www.hilltimes.com/story/2024/05/08/once-a-strategy-later-a-framework-canada-now-unwilling-to-define-africa-engagement-rethink/421122/>)

**Once a strategy, later a framework, Canada now unwilling to define Africa engagement rethink**  
(<https://www.hilltimes.com/story/2024/05/08/once-a-strategy-later-a-framework-canada-now-unwilling-to-define-africa-engagement-rethink/421122/>)

**NEWS (/NEWS/)** BY NEIL MOSS ([HTTPS://WWW.HILLTIMES.COM/HT\\_AUTHOR/NEIL-MOSS/](https://www.hilltimes.com/HT_AUTHOR/NEIL-MOSS/))





(<https://www.hilltimes.com/story/2024/05/08/house-of-commons-chaos-a-symptom-of-a-past-expiry-parliament-not-just-speakers-judgment-say-politicos/421143/>)

**House of Commons chaos a symptom of a past-expiry Parliament, not just Speaker's judgment, say politicos (<https://www.hilltimes.com/story/2024/05/08/house-of-commons-chaos-a-symptom-of-a-past-expiry-parliament-not-just-speakers-judgment-say-politicos/421143/>)**

**NEWS** (/NEWS/) BY STUART BENSON ([HTTPS://WWW.HILLTIMES.COM/HT\\_AUTHOR/STUART-BENSON/](https://www.hilltimes.com/HT_AUTHOR/STUART-BENSON/))

**RELATED STORIES**



(<https://www.hilltimes.com/story/2022/10/27/exposing-library-and-archives-canadas-dismal-transparency-record/353141/>)

**Exposing Library and Archives Canada's dismal transparency record (<https://www.hilltimes.com/story/2022/10/27/exposing-library-and-archives-canadas-dismal-transparency-record/353141/>)**

**OPINION** (/OPINION/) BY KEN RUBIN ([HTTPS://WWW.HILLTIMES.COM/HT\\_AUTHOR/KEN-RUBIN/](https://www.hilltimes.com/HT_AUTHOR/KEN-RUBIN/))



(<https://www.hilltimes.com/story/2022/06/20/liberals-foot-dragging-on-access-to-information-fix-with-mandatory-parliamentary-review-two-years-late-say-conservatives/230260/>)

**Liberals ‘foot dragging’ on access to information fix with mandatory parliamentary review two years late, say Conservatives**  
(<https://www.hilltimes.com/story/2022/06/20/liberals-foot-dragging-on-access-to-information-fix-with-mandatory-parliamentary-review-two-years-late-say-conservatives/230260/>)

NEWS (/NEWS/) BY NEIL MOSS ([HTTPS://WWW.HILLTIMES.COM/HT\\_AUTHOR/NEIL-MOSS/](https://www.hilltimes.com/ht_author/neil-moss/))



(<https://www.hilltimes.com/story/2022/04/18/liberals-have-misplaced-priorities-for-immigration-say-opposition-mps/230131/>)

**Liberals have misplaced priorities for immigration, say opposition MPs**  
(<https://www.hilltimes.com/story/2022/04/18/liberals-have-misplaced-priorities-for-immigration-say-opposition-mps/230131/>)

NEWS (/NEWS/) BY CHELSEA NASH ([HTTPS://WWW.HILLTIMES.COM/HT\\_AUTHOR/CHELSEA-NASH/](https://www.hilltimes.com/ht_author/chelsea-nash/))



(<https://www.hilltimes.com/story/2022/02/15/immigration-minister-fraser-takes-heat-for-short-sighted-approach-to-processing-backlogs/229986/>)

**Immigration Minister Fraser takes heat for 'short-sighted' approach to processing backlogs (<https://www.hilltimes.com/story/2022/02/15/immigration-minister-fraser-takes-heat-for-short-sighted-approach-to-processing-backlogs/229986/>)**

NEWS (/NEWS/) BY CHELSEA NASH ([HTTPS://WWW.HILLTIMES.COM/HT\\_AUTHOR/CHELSEA-NASH/](https://www.hilltimes.com/ht_author/chelsea-nash/))



(<https://www.hilltimes.com/story/2021/07/07/rcmp-and-global-affairs-havent-released-previously-completed-atip-requests-since-2020/229453/>)

**RCMP and Global Affairs haven't released previously completed ATIP requests since 2020 (<https://www.hilltimes.com/story/2021/07/07/rcmp-and-global-affairs-havent-released-previously-completed-atip-requests-since-2020/229453/>)**

NEWS (/NEWS/) BY NEIL MOSS ([HTTPS://WWW.HILLTIMES.COM/HT\\_AUTHOR/NEIL-MOSS/](https://www.hilltimes.com/ht_author/neil-moss/))



**NEWS (/NEWS)**

- Politics(/politics/)
- Foreign Policy(/foreign-policy/)
- Lobbying(/lobbying/)
- Legislation(/legislation/)

(https://www.hilltimes.com) Policy Briefings(/policy/) Politics This Morning(/politics-this-morning/)

- Hill Climbers(/hill-climbers/)
- Civil Circles(/civil-circles/)
- Heard On The Hill(/heard-on-the-hill/)
- Election(/election/)
- Finance and Budget(/finance-budget/)
- Public Service(/public-service-2/)
- Exclusive Lists(/lists/)
- Parliamentary Calendar(/parliamentary-calendar/)
- Top 100 Lists and Exclusive Features(/in-depth-features/)
- Podcasts(/podcast-the-hot-room/)
- This Week's Paper(<http://www.hilltimes.com/get-a-subscription/>)
- Search(/archives/)
- Archives(/archives/)
- Digital Newspaper Archives(/issue/)
- Get free news updates (<https://www.hilltimes.com/newsletter-signup/>)**

**OPINION (/OPINION)**

- Andrew Caddell(/ht\_author/andrew-caddell/)
- Sheila Copps(/ht\_author/sheila-copps/)
- David Crane(/ht\_author/david-crane/)
- Jim Creskey(/ht\_author/jim-creskey/)
- Gwynne Dyer(/ht\_author/gwynne-dyer/)
- Michael Harris(/ht\_author/michael-harris/)
- Erica Ifill(/ht\_author/erica-ifill/)
- Scott Taylor(/ht\_author/scott-taylor/)
- Joe Jordan(/ht\_author/joe-jordan/)
- Rose LeMay(/ht\_author/rose-lemay/)
- Alex Marland(/ht\_author/alex-marland/)
- Gerry Nicholls(/ht\_author/gerry-nicholls/)
- Gar Pardy(/ht\_author/gar-pardy/)
- Tim Powers(/ht\_author/biotechnology-305/)
- Susan Riley(/ht\_author/susan-riley/)
- Douglas Roche(/ht\_author/douglas-roche/)
- Ken Rubin(/ht\_author/ken-rubin/)
- Bhagwant Sandhu(/ht\_author/bhagwant-sandhu/)
- Les Whittington(/ht\_author/les-whittington/)
- Submit a guest opinion article (/submit-an-article/)**

**RESOURCES (/ABOUT-THE-HILL-TIMES/)**

- The Wire Report(<https://www.thewirereport.ca/>)
- Hill Times Research Health(<https://hilltimesresearch.ca/>)
- The Lobby Monitor(<https://www.lobbymonitor.ca/>)
- Parliament Now(<https://parliamentnow.ca/>)
- Inside Ottawa Directory(/the-hill-times-store/)
- Hill Times Careers(<https://hilltimescareers.ca/>)
- The Hill Times Store(/the-hill-times-store/)
- Digital Newspaper Archives(/issue/)

**ADVERTISE (HTTPS://WWW.HILLTIMES.COM/ADVERTISING/)**

- Media Kit(/advertise-with-the-hill-times/)

**SUBSCRIBE (/GET-A-SUBSCRIPTION)**

- Group subscriptions(/group-subscriptions/)

**GET HELP (/CONTACT/)**

[About us\(/about-the-hill-times/\)](#)

[Contact us\(/contact/\)](#)

[Privacy Policy\(/privacy-policy/\)](#)

[Reset Password\(/forgot-password/\)](#)

[Account settings\(/usercenter/\)](#)

© The Hill Times 2023(/)