



Citizenship and
Immigration Canada

Citoyenneté et
Immigration Canada

OP 20

Temporary Resident Permits

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Updates to chapter

Listing by date:

Date: 2005-04-29

Among the many changes to this chapter, the highlights include:

- Section 1 has been updated to reflect the new policy and procedural guidelines with respect to the issuance of facilitation travel documents to certain persons.
- Section 3.1, Table 4 has been updated to include information about the IMM 1346 [Visitor's Visa] and its use as the facilitation travel document and FOSS Full Document Entry—Generic [IMM1442B].
- Section 5.3, "*Authority to issue a temporary resident permit*" has been amended to explain the changes effective April 30, 2005 with respect to the facilitation travel document counterfoil.
- Section 5.4, "*Validity of a temporary resident permit*" has been updated to outline changes in the wording to be inserted on permits issued after April 30, 2005..
- Section 5.14, "*Cost recovery*" has been amended to include exemptions to cost recovery fees payable in instances involving permits issued abroad, existing permit holders issued in Canada or at the port of entry, and lost or stolen permits.
- Section 5.17, "*Cancellation*" has been updated to include the new wording on the temporary resident permit document [IMM 1442]
- Section 16 "*Procedure: Issuing the counterfoil and arranging for the issuance of the temporary resident permit at the port of entry*" has been updated to incorporate the counterfoil issuance procedures.
- Section 16.3 "*How many permits?*" has been updated to include information on the counterfoil and to ensure that the client brings photographs to be affixed to the letter of introduction.
- Section 16.5 "*Authorization to re-enter Canada*" has been amended to incorporate new instructions on issuing single and re-entry permits and on appropriate counselling for clients.
- Section 16.7 "*Lost or stolen counterfoils*" has been added to include new instructions for officers on how to process individuals who appear at their visa offices claiming to have lost/stolen counterfoils.
- Section 16.8 "*Letter of Introduction*" provided by the visa office has been added to outline procedures for providing approved clients with a letter for presentation at the port of entry.
- Section 16.9 "*Verification of departure*" has been added to provide instruction on departures from Canada.
- Section 17 "*Procedure: Cost recovery*" has been added to provide information on the procedures that apply regarding cost recovery fees for the temporary resident permit counterfoil.
- Appendix B Sample letter to client covering issuance of temporary resident permit for non visa-exempt nationals has been added.

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- Appendix C Sample letter to client covering issuance of temporary resident permit for visa-exempt nationals has been added.
- Appendix D Sample Letter to client covering issuance of temporary resident permit for nationals of the U.S.A., Greenland and residents of Saint-Pierre et Miquelon has been added.
- Appendix E Sample letter to client when TRP counterfoil is lost or stolen has been added.
- Appendix F (Formerly Appendix C) Sample letter to client where confirmation of departure is desired has been moved here

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1. What this chapter is about

This chapter provides policy and procedural guidelines to Citizenship and Immigration Canada (CIC) staff at overseas offices on:

- the issuance of facilitation travel documents (specially coded counterfoils) to enable inadmissible persons to travel to Canada to receive the temporary resident permit for which they were approved;
- the approval of facilitation travel documents (specially coded counterfoils) in the passports and travel documents of temporary resident permit holders authorized to re-enter Canada;
- the expiry and cancellation of permits;
- the granting of permanent resident status to temporary resident permit holders.

Table 1: For related procedures, see the appropriate manual chapter reference

Issuing temporary resident permits	CIC Offices Inland	IP 1
Issuing temporary resident permits	Ports of Entry	ENF 4
Removal of persons whose permits have expired or been cancelled	Enforcement	ENF 10

2. Program objectives

Normally, persons who do not meet the requirements of the *Immigration and Refugee Protection Act* are refused permanent resident or temporary resident visas abroad, denied entry at a port of entry, or refused processing within Canada. In some cases, however, there may be compelling reasons for an officer to issue a temporary resident permit to allow a person who does not meet the requirements of the Act to enter or remain in Canada.

Temporary resident permits allow officers to respond to exceptional circumstances while meeting Canada's social, humanitarian, and economic commitments.

3. The Act and Regulations

Table 2: Legislative objectives relevant to the temporary resident permit

For information about	Refer to this section of the Act
<ul style="list-style-type: none">• Protecting the health, safety and security of Canadians and Canadian society• Promoting international justice and security by denying access to criminals or security risks	A3(1)(h) and (i) A3(2)(g) and (h)
<ul style="list-style-type: none">• Social and humanitarian commitments• Economic and cultural interests• International obligations with respect to refugees	A3(1)(a), (b), (c), (d) and (g) A3(2)(b), (c), (d), (e), and (f)

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Table 3: Legislative references relevant to the temporary resident permit

For information about	Refer to this section of the Act
Temporary resident permit	A24(1)
Exception	A24(2)
Officer must follow instructions made by the Minister	A24(3)
Rights and obligations of temporary resident permit holders	A29(1) and (2)
Inadmissibility:	
Security	A34
Human or international rights violations	A35
Serious criminality	A36(1)
Criminality	A36(2)
Application of A36(1) Serious criminality and A36(2) Criminality	A36(3), R17 and R18
Prescribed class deemed rehabilitated	R18
Organized criminality	A37
Health grounds: danger to public health or public safety, excessive demand	A38(1)(a),(b) and (c)
Exception to health grounds	A38(2)
Financial reasons	A39
Misrepresentation	A40
Non-compliance with the Act	A41
Inadmissible family member	A42
Report on inadmissibility	A44(1)
Loss of status	A47
Annual report to Parliament	A94 and 94(2)(d)
Exception to temporary resident visa before entry	R7(2)(b)
Validity of temporary resident permit	R63
Permit holder class	R64
Requirements of permit holder class	R65, R65.1
General and specific conditions imposed on temporary residents	R183, R185
Application for work permit	R199(d), and R206
Application for study permit	R215(1)(e) and (2)(c)
Removal order	
<ul style="list-style-type: none"> • Made by Minister in certain circumstances • Made by Immigration Division following an inadmissibility hearing in certain circumstances • FEE for temporary resident permit • FEE exemptions for temporary resident permit • FEE for restoration of temporary resident status • FEE for application as member of permit holder class 	A44(2), R240(1) A45(d) R298(1) R298(2), R306 R307

3.1. Required forms and their purpose

Table 4: Form numbers, titles and purpose of documents used in issuing temporary resident permits

Form number	Title
IMM 1346 [Visitor's Visa]	Facilitation Travel Document (also used for temporary resident visas, students, temporary foreign workers, permanent resident visas, and permanent resident travel documents)

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Purpose	<p>Facilitation travel document (counterfoil coded PA-1) will be issued to approved persons to permit them to travel to Canada to receive their temporary resident permit and to temporary resident permit holders authorized to re-enter Canada (counterfoil coded PC-1). These facilitation travel documents will be conferred to nationals of countries subject to the temporary resident visa requirement.</p> <p>Visa offices will also issue to all approved persons a Letter of introduction to the port of entry regarding the issuance of temporary resident permits. This letter is to be presented, upon arrival in Canada, to the receiving customs inspector so the client may be referred to an immigration secondary examination for the issuance of the permit.</p>
IMM 1442B	FOSS Full Document Entry – Generic (no longer used abroad as of April 30 2005).
Purpose	<p>As of April 30, 2005, visa offices no longer issue temporary resident permits using the IMM 1442 form. Visa offices will approve applications for temporary resident permits and generate the permits electronically through CAIPS. The permits will then be issued at the port of entry by FOSS when the approved client arrives in Canada</p> <p>Ports of entry and inland offices issue temporary resident permits using the FOSS Full Document Entry form [IMM 1442B] and printing them.</p> <p>Permit extensions are issued through CPC Vegreville using the same FOSS Full Document Entry Form.</p> <p>A photograph of the foreign national should be affixed to the form in the space provided; a dry or wet seal can be used.</p>
IMM 1263B	Permit to Come into or Remain in Canada
Purpose	Available for emergencies only when a hand-written temporary resident permit is required at the port of entry or inland. If used for extensions, record "Extension of permit #xxxx" in the "REMARKS" box.
IMM 1249E (kit)	Application to Change Conditions or to Extend my Stay in Canada
Purpose	Client can obtain kit for permit extension through the CIC internet site at www.cic.gc.ca or request it from the Call Centre at 1-888-242-2100

4. Instruments and delegations

Please refer to items 37-42 of the IL 3 chapter: "Designation of Officers and Delegation of Authority" for information on delegated authority for temporary resident permits. If the required information is not in Appendix F (International Region) of IL 3, refer to Appendix H (NHQ) of the same document.

5. Departmental policy

5.1. Purpose of temporary resident permits

Normally, persons who do not meet the requirements of the *Immigration and Refugee Protection Act* are refused permanent resident or temporary resident visas abroad, denied admission at a port of entry, or refused processing within Canada. In some cases, however, there may be compelling reasons for an officer to issue a temporary resident permit to allow a person who does not meet the requirements of the Act to enter or remain in Canada.

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5.2. Accountability

It is essential that officers appreciate the importance of accountability when recommending or issuing a permit. Officers have the responsibility to recommend or issue permits only in accordance with the guidelines of this chapter and are required to keep documentary evidence of their decision on file.

Clear records of decisions allow for the monitoring and research necessary for the preparation of the report to Parliament.

5.3. Authority to issue a temporary resident permit

The Act authorizes an officer to issue a permit. The officer must follow any instructions given by the Minister on issuing permits. Permits may be issued at visa offices, at ports of entry and CIC inland offices while permit extensions are only issued inland.

As of April 30, 2005, for document integrity reasons, visa offices no longer issue temporary resident permits using the IMM 1442 abroad. Instead, visa offices will assess applications for the permit, refuse or approve the application and generate the actual temporary resident permit through CAIPS for print-out by FOSS at the port of entry when the approved person arrives in Canada. For persons who cannot journey to Canada due to the temporary visa requirement, visa offices will affix a facilitation travel document (IMM 1346—Counterfoil coded PA-1) to the valid passports or travel documents of approved applicants and to the existing temporary resident permits of persons authorized to re-enter Canada (IMM 1346 counterfoil coded PC-1). In other words, the facilitation travel document will enable authorized persons to re-enter Canada and approved applicants to travel to Canada to receive their permit.

To see which officers have the delegated authority to issue permits, see IL3

5.4. Validity of a temporary resident permit

A permit may be issued for up to three years. It may be extended or cancelled by an officer. If the period of validity elapses, the person must apply for a new permit, which marks a break in continuity. The permit is no longer valid if the permit holder leaves Canada, unless re-entry has specifically been authorized.

Authorization to re-enter Canada under R63(b) is indicated in the FOSS record for the temporary resident permit and is indicated on the document by the words “DEPARTURE FROM CANADA WILL NOT INVALIDATE THIS TEMPORARY RESIDENT PERMIT UNDER REGULATION 63(b).” For temporary resident permits issued prior to April 30, 2005, the re-entry privilege is indicated by the words “AUTHORIZED TO LEAVE AND RE-ENTER.”

5.5. Inadmissibility

For more information, see:

- sections A34 to A38 for references to specific grounds of inadmissibility ;
- ENF 1 and ENF 5 for details on inadmissibility and writing A44(1) reports.

Exceptions to inadmissibility on health grounds:

Inadmissibility on health grounds based on excessive demand on health and social services does not apply to spouses, common-law partners and dependent children of Canadian citizen sponsors or permanent resident sponsors.

Exceptions to criminal inadmissibility:

Criminal inadmissibility does not apply to persons who:

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- have been pardoned;
- have satisfied the Minister that they have been rehabilitated;
- are deemed to have been rehabilitated.

5.6. Persons eligible for a temporary resident permit

Any person who is:

- inadmissible and seeking to enter Canada if an officer is of the opinion that it is justified in the circumstances [A24(1)];
- in Canada and is inadmissible, subject to a report or reportable for violation of the Act, or does not otherwise meet the requirements of the Act;
- not eligible for renewal of status.

5.7. Factors to consider when issuing or extending a permit

Officers should issue permits with caution and only in special circumstances. They should give careful consideration to the factors below before granting an initial permit for the maximum period of three years or before extending one for an additional two years.

- A temporary resident permit is a document that can carry privileges greater than those accorded to visitors, students, and workers with temporary resident status. **It allows application inland for a work or study permit, and may give access to health or other social services.**
- There is **no discretion** involved in granting permanent residence to persons who meet the requirements of the permit holder class. Persons who remain continuously in Canada on a permit for the specified time and do not become inadmissible on other grounds **will be granted permanent residence.**

5.8. Assessment of need and risk

An inadmissible person's need to enter or remain in Canada must be compelling and sufficient enough to overcome the health or safety risks to Canadian society. The degree of need is relative to the type of case.

Even if the inadmissibility or violation is relatively minor, a permit may be unwarranted in the absence of compelling need. For example, the temporary resident visa program would lack integrity if temporary residents without visas obtained temporary resident permits at ports of entry.

The following includes points and examples, which are **not** exhaustive, but illustrate the scope and spirit in which discretion to issue a permit is to be applied.

Officers may issue a permit if:

- the need to enter or remain in Canada is compelling and sufficient to overcome the risk;
- the risk to Canadians or Canadian society is minimal and the need for the presence in Canada outweighs the risk. See sections 8, 9, 10, and 11 below for criteria to consider when making a decision about recommending a permit. Restoration of status is not an option.

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5.9. Provincial health insurance coverage

Rules governing eligibility in provincial public health insurance plans vary widely and are subject to change. Applicants should obtain information about eligibility directly from provincial plan administrators.

5.10. Third-party information

Officers must weigh the possible merits of each case in relation to the gravity of the inadmissibility or violation. If it becomes necessary to obtain information or confirmation from third parties, documentary evidence should be kept on file. If officers use third party information to arrive at a decision, the applicant must be informed and allowed to respond to it.

5.11. Interviews

Officers may interview the client as part of the enforcement, selection, or counselling process. Interviews provide officers with information regarding possible inadmissibility and violations of the Act. Officers may also use interviews to assess credibility, confirm facts related to need and/or risk and communicate concerns to the client.

Officers do not have to interview all applicants for temporary resident permits. If an officer is sure the applicant is eligible for a permit, is credible, and does not represent a risk to Canadian society, an interview may not serve any useful purpose. If the officer is uncertain about either of the last two factors, an interview should be held.

5.12. Concurrence of decision

For all cases involving inadmissibility on health grounds, NHQ Immigration Health Services (RNH), or Overseas Medical Services (RIH) concurrence of a decision to issue a permit is required. For serious criminal inadmissibility, officers must submit a case summary and recommendation to the Director, Case Review (BCM) JETN-6. For inadmissibility on health grounds, officers must submit a case summary and recommendation to the Director General, RHQ. (See Section 12 of this chapter for instructions on case summaries and recommendations.)

5.13. Conditions and obligations which apply to temporary resident permit holders

Permit holders are required to:

- apply for permits, as prescribed, if they wish to work or study in Canada;
- apply for extension of their status at least 30 days before the expiry of their permit (this should be explained to the permit holder in the letter accompanying the permit - see [Appendix B] for a sample letter);
- leave Canada upon expiry or cancellation of the permit.

Permit holders who do not comply with the provisions of the Act or Regulations may be subject to an inadmissibility report and a removal order.

5.14. Cost recovery

A cost recovery fee must be collected for the processing of a temporary resident permit unless an exemption applies. The fee will not be refunded if a permit is refused.

Fee exemptions:

1. Where a visa-exempt person or a person holding a valid passport or travel document with a visa counterfoil coded PA- 1 applies for entry to Canada and produces a letter of introduction at the immigration secondary examination, a temporary resident permit is issued to that

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- person following a favourable examination. The fee requirement is waived as it has already been paid abroad.
2. Similarly, upon application for a travel document to permit return to Canada, the officer shall, after verification of the permit holder's identity, issue without charge a travel document coded PC-1 (cost-recovery code FPN) to the temporary resident permit holder who has authorization to leave and re-enter Canada but does not have a Canadian facilitation travel document to allow return to Canada.
 3. In the case of a lost or stolen permit, no fee is taken and the counterfoil is coded PA-1 (cost recovery code FPN) whether the permit was initially issued abroad, in Canada or at the port of entry.

The issuance of the facilitation travel document is considered part of the temporary resident permit application process. The fee has already been paid when the permit was issued.

Foreign nationals, who are otherwise exempt from the temporary resident visa requirement, are not required to obtain the facilitation travel document since they can travel to Canada without a temporary resident visa.

Table 5: Cost recovery information

Officers should consult:	
For the latest fees	Part 19, <i>Immigration and Refugee Protection Regulations</i>
For exemptions	COD (Coding Manual)
For cost recovery codes	COD (Coding Manual) and Help screens on FOSS

The fee to cover the cost of issuing a temporary resident permit does not have to be collected before the officer considers issuing a permit. The officer may wait until the decision is made to recommend a permit before collecting the fee.

The fee is non-refundable. If the officer issues more than one permit in a case, a separate fee for each permit must be collected.

The officer must also collect a fee when issuing a permit at the request of the Minister.

5.15. Early admission

The Minister's delegates may issue a permit to allow foreign nationals to enter Canada before they satisfy the requirements for permanent residence. The officer must be certain this action is essential.

The requirements are normally routine processing steps and may or may not be stated in the *Immigration and Refugee Protection Act*. Examples include the completion of background checks or a medical examination. They do not include the waiting period to apply for criminal rehabilitation.

If an officer has any reason to believe that a foreign national could not meet all requirements for permanent residence after completing all processing steps, early admission is not appropriate. If the officer already knows that the foreign national is inadmissible for any reason, the officer should not grant early admission.

5.16. National interest cases

The urgent need for the applicant's presence in Canada should normally relate to economic or employment security of Canadian citizens or permanent residents. Such need may be confirmed by appropriate officials of the national employment service or provincial government. The *bona fides* of the individual as well as the employer or business proposal and the urgency of the case should be well established before a permit is issued.

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5.17. Cancellation

A permit may be cancelled at any time. The permit is deemed cancelled when the permit holder leaves Canada, unless the document authorizes re-entry.

Authorization to re-enter Canada is indicated on the client's TRP FOSS record by the words "Authorized to Leave and Re-enter Canada." If the permit was issued after April 30, 2005, the following words will appear on the actual permit document [IMM 1442]: "DEPARTURE FROM CANADA WILL NOT INVALIDATE THIS TEMPORARY RESIDENT PERMIT UNDER REGULATION 63(b)."

If the permit was issued prior to that date, the permit should contain the words "AUTHORIZED TO LEAVE AND RE-ENTER."

On expiry or cancellation of a permit, the person is directed to leave Canada or is/may be ordered removed.

5.18. Granting of permanent residence to members of permit holder class

Permit holders may become permanent residents of Canada as members of the permit holder class if they have not become inadmissible on any grounds other than those for which the original permit was issued and have resided in Canada for a period of:

AT LEAST THREE YEARS, AND	AT LEAST FIVE YEARS, AND
<ul style="list-style-type: none"> are inadmissible on health grounds under section A38(1); or 	<ul style="list-style-type: none"> are inadmissible on any grounds not mentioned in the first column of this table with the exception of: <ul style="list-style-type: none"> security [A34] violation of human or international rights [A35] serious criminality [A36(1)] organized crime [A37]
<ul style="list-style-type: none"> are inadmissible for having come to Canada as an accompanying family member of a foreign national who is inadmissible on health grounds; or 	
<ul style="list-style-type: none"> are inadmissible on grounds of having come to Canada as an accompanying family member of a person described in the box above. 	

In order to be accepted in the permit holder class, individuals must make an application and pay the appropriate processing fee.

For more information, see IP 1.

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5.19. Permit holder class and accompanying family members

There is no provision to allow members of the permit holder class to include family members on their applications for permanent residence. At the time of their original entry into Canada, members of the permit holder class are inadmissible under paragraph A42(b) on grounds of being an accompanying family member of a foreign national who is inadmissible under A38(1) or A42(a). [65(b)(i)] Consequently, they would require their own permit. In order to be considered for permanent residence, such individuals would need to submit their own applications under the permit holder class as principal applicants.

Family members living abroad who are eligible for membership in the Family Class may be sponsored once a member of the permit holder class has attained permanent resident status.

If accepted in the permit holder class, an applicant is not required to pay the right of permanent residence fee, provided they are a dependent child of another member of the permit holder class who has already submitted an application for permanent residence.

5.20. Break in continuity of residence

Permit holders are not eligible for permanent residence if they do not meet the requirement of continuous residence in Canada, i.e., there has been a break in continuity.

A break in continuity occurs when permit holders, without authorization for re-entry, leave Canada, or when they neglect their responsibility to seek an extension of their status prior to the expiry of their permit. In both these situations, a new temporary resident permit would be issued and the permit holder's electronic file would be marked with a break in continuity, affecting eligibility for permanent resident status.

For more information, see IP 1, section 5.16.

5.21. Security, human rights violations, serious criminality or organized crime

Persons who are inadmissible for reasons involving security [A34], human or international rights violations [A35], serious criminality [A36], or organized crime [A37] are not entitled to apply for permanent residence under the *permit holders class*.

5.22. Annual report to Parliament

The Act requires the Minister to table on or before November 1st of each year an Annual Report to Parliament on the activities undertaken under the Act, including the number of temporary resident permits issued. These are categorized by the grounds of inadmissibility.

The Minister is accountable to Parliament for the use of this exceptional authority.

6. Definitions

6.1. Persons deemed rehabilitated [A36(3)(c) and R18]

The Act and Regulations provide for a person convicted of relatively minor crimes to be considered rehabilitated without having to apply for rehabilitation after a certain period of time (five or ten years, depending on the level of the offence) has elapsed with no further offences. A person who is rehabilitated or deemed rehabilitated is no longer inadmissible.

6.2. Permit holder

A holder of a temporary resident permit is a permit holder.

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6.3. Permit holder class [R64 and R65]

Class of persons who may be granted permanent resident status based on the requirements in the Regulations. For more details, see IP 1, section 21.

6.4. Temporary resident permit (TRP) [A24(1)]

A temporary resident permit (TRP) is a discretionary document that may be issued to inadmissible persons or persons reported or who may be reported for violation of the *Immigration and Refugee Protection Act* allowing them to enter or remain in Canada, where justified by exceptional circumstances.

The temporary resident permit combines two authorities which previously existed under the *Immigration Act of 1976*: the Minister's Permit and discretionary entry.

6.5. Protected temporary residents class

This is a class of persons who may be granted permanent resident status based on the requirements in the Regulations. The class was created to allow refugees in urgent need of protection to apply for permanent residence within Canada without the delay associated with the permit holder class.

Consult PP 4, section 9 for more details.

6.6. Temporary resident status - visitors, students and workers

Temporary status is given to a foreign national who is not inadmissible and meets the requirements of the legislation to enter and/or remain in Canada as a visitor, student, or worker.

7. Procedure: When does the process start?

Clients do not initially submit applications for temporary resident permits. They apply for visas or other permits (i.e., work or study permits).

While dealing with these applicants, the officer may discover they are inadmissible. At this point, the officer may consider whether a TRP is appropriate.

The officer should summarize in their own mind the risk and need factors. If the latter potentially outweighs the former, a TRP may be given serious consideration.

For more information, see:

- Decision criteria, Section 8
 - Inadmissibility on health grounds, Section 9
 - Criminal inadmissibility, Section 10
 - Inadmissible cases other than health or criminal, Section 11
-

8. Procedure: Decision criteria

To determine whether favourable consideration is warranted to overcome inadmissibility, officers must weigh the need and risk factors in each case. Officers must consider:

- the factors which make the person's presence in Canada necessary (e.g. family ties, job qualifications, economic contribution, temporary attendance at an event);

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- the intention of the legislation (e.g. protecting public health or the health care system or the security of Canada or Canadians).

The assessment may involve:

- the essential purpose of the person's presence in Canada;
- the type/class of application and pertinent family composition, both in the home country and in Canada;
- if medical treatment is involved, whether or not the treatment is reasonably available in Canada or elsewhere (comments on the relative costs/accessibility may be helpful);
- the anticipated effectiveness of treatment;
- the tangible or intangible benefits which may accrue to the person concerned and to others; and
- the *bona fides* of the sponsor, host, or employer (e.g., an ad hoc committee that exists solely to invite an inadmissible individual as a speaker may not be *bona fide*).

Cases that may not warrant favourable consideration include:

- criminal, security, and public health risks;
- an inadmissible sponsored parent, with other children or family members in the home country who can provide care; or
- a criminally inadmissible spouse with a risk of violence or repeat offence.

Note: Inadmissible persons may be allowed to enter or remain in Canada for a legitimate temporary purpose, as long as this does not contravene the intention of the legislation.

9. Procedure: Inadmissibility on health grounds

The provisions covering inadmissibility on health grounds [A38, R20] were established by Parliament to protect Canadian residents from persons who are - or are likely to be - a danger to public health or to public safety, or when their admission would cause - or might be expected to cause - excessive demands on health or social services.

Decisions to recommend and issue permits in such cases should not be made lightly. Example: Temporary residents coming to Canada for pre-arranged medical treatment may warrant favourable discretion.

Inadmissibility on health grounds based on excessive demand does not apply to:

- a spouse, common-law partner or child of a sponsor or their dependent family members;
- a Convention refugee or protected person or their dependent family members.

9.1. Risk assessment for inadmissibility on health grounds

Officers should consider the following:

- Is the person suffering from a communicable or contagious disease? This should be assessed in the context of threat to the travelling public and the community of destination. If

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precautions cannot guarantee that there will be no threat to anyone en route or in Canada, a permit should NOT be issued.

- Can concerned officials and the public be protected or forewarned regarding any person who presents a health risk?
- How severe is the person's anticipated need for health or social services in relation to the demand for these services by Canadian residents?
- What is the cost of the treatment or care, if available?
- If a temporary resident, how will the costs be covered? (Insurance? Family finances?)
- If a foreign national, will the provincial public health insurers provide insurance coverage? (Rules governing eligibility in provincial public health plans vary widely. They are also subject to change. Officers may ask applicants to obtain information about eligibility directly from provincial plan administrators. They may also ask the regional Director General to answer this question.)
- What arrangements are there to cover treatment, care and other costs?
- Will a temporary resident need follow-up treatment at home or in Canada? Is it available in the home country, and, if not, will this prevent the person from returning home?
- In permanent resident cases, is the person likely to become self-supporting?
- Is there a risk the person will require public assistance?

For more information, see Medical processing, OP 15.

9.2. Permit holders, inadmissible on health grounds, requiring continuous public assistance

Permit holders, inadmissible on health grounds, are eligible for permanent resident status after three years. If they are likely to need public assistance continuously, they are high-risk candidates for permits. Officers should be guided in these cases (M4 to M7) by the medical profile and "expanded narrative" contained in the MS 1014 or Medical Status report on CAIPS.

10. Procedure: Criminal inadmissibility

Powers to exclude or remove criminals were established by Parliament to protect Canadians. Decisions to allow criminally inadmissible persons to enter Canada should not be made lightly.

Criminal inadmissibility does not apply to persons who:

- have been pardoned;
- have been granted rehabilitation by the Minister;
- are deemed to have been rehabilitated.

In reviewing criminal cases, officers should check the time elapsed since the sentence was served to determine whether the client is eligible for rehabilitation, if appropriate, or be deemed rehabilitated.

Acceptable risk means further criminal activity is unlikely. The onus is on the client to demonstrate this.

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Officers should consider the following when making a risk assessment:

- the seriousness of the offence;
- the chances of successful settlement without committing further offences;
- behavioural factors involved (drugs, alcohol);
- evidence that the person has reformed or rehabilitated;
- pattern of criminal behaviour (e.g. was the offence a single event and out of character?);
- completion of all sentences, fines paid or restitution made;
- outstanding criminal charges;
- restriction of travel following probation or parole;
- eligibility for rehabilitation or a pardon;
- time elapsed since the offence occurred;
- controversy or risk caused by presence of the person in Canada;
- eligibility for provincial health insurance coverage in permanent resident cases; if ineligible, they should prove they have sufficient assets or private insurance to cover possible medical costs;
- any risk a foreign national will require public assistance.

Officers must weigh the possible merits of each case in relation to the gravity of the inadmissibility or violation. If it becomes necessary to obtain information or confirmation from third parties, documentary evidence should be kept on file. If officers use third party information to arrive at a decision, the applicant must be informed and allowed to respond to it.

For more information, see Legislative references relevant to the temporary resident permit, Table 3.

11. Procedure: Inadmissible cases other than health or criminal

Officers must weigh the possible merits of each case in relation to the gravity of the inadmissibility or violation. If it becomes necessary to obtain information or confirmation from third parties, documentary evidence should be kept on file. If officers use third-party information to arrive at a decision, the applicant must be informed and allowed to respond to it.

Officers should address all the following questions when making a risk assessment:

- History: Is there a pattern of previous or multiple violations of the Act/Regulations?
- Intention: Is the violation inadvertent and accidental, or the result of careless or flagrant disregard for the law?
- Credibility

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- Previous removal: Have the original grounds for removal been overcome or diminished? Are there any statutory bars remaining against the person, other than the removal order?
- Controversy: Are there public controversy elements to the case which would warrant referral to NHQ?
- Settlement risk: If a foreign national intends to become a permanent resident, is there any risk the person will require public assistance? Officers should consider that persons who are continuously on a permit for a specified time will be granted permanent residence.

11.1. Minor criminal inadmissibility - Frequent travellers

If the foreign national is not eligible to obtain relief from the Minister or has not received a pardon:

- if circumstances warrant facilitation, a long-term permit may be issued to the person authorizing re-entry.

<p>Example: Officers may consider issuing a permit valid for re-entry for a frequent business traveller who was convicted of a minor criminal offence that renders the person inadmissible under A36(2) if the applicant meets each one of the criteria listed in section 11.2 below.</p>
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11.2. How to determine if criminal inadmissibility is minor

A criminal offence is “minor” if:

- the crime did not involve drugs, except for simple possession of marijuana/hashish;
- the crime did not involve physical harm or violence;
- the crime resulted in a suspended sentence or probation (no jail term), unless it was the result of plea bargaining;
- the crime did not involve damage to property (impaired driving resulting in an accident would not be eligible);
- if on probation, the person has been fulfilling the conditions;
- there are no more than two (2) convictions.

12. Procedure: Recommendation and case summary - General

In addition to the case summary information outlined below, officers must include information about the inadmissibility/violation in the written recommendation.

The recommendation should state concisely:

- The grounds for making it, including any public policy, national interest, or compassionate and humanitarian considerations and, in permanent resident cases, brief comments on the applicant’s chances of successful settlement in Canada (education, work skills, employment history, family support, ability to pay for health care if ineligible for provincial public health insurance).
- The validity period of the permit and whether it should be valid for leaving and re-entering Canada.

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When officers make their recommendation to a local authority and not to RHQ or NHQ, the case can be discussed with the delegated authority (generally the program manager) and the case notes should be reviewed. If concurrence from an RHQ or NHQ is required, officers should summarize the recommendation in a memorandum, e-mail, or facsimile.

Table 6: Information common to all recommendations/summaries

Required information common to all recommendations/summaries
• Client's basic information (name, DOB, POB, etc.)
• Copy of Writing A44(1) reports (if applicable)
• Permanent resident category, marital status, dependants/other relatives (and their status in Canada)
• Risk assessment, addressing all issues as outlined in Section 9, Section 10, and Section 11
• Decision criteria/needs analysis as outlined in Section 8 above
• Relevant circumstances which prompted a favourable recommendation

For more information, see:

- Recommendation and case summaries: Inadmissibility on health grounds, section 12.1 below.
- Recommendation and case summaries: Criminal inadmissibility A36, section 12.2 below.

12.1. Recommendation and case summaries: Inadmissibility on health grounds

If an officer decides to recommend a permit, a summary of the case should be forwarded with the recommendation to the Director General/Director, Immigration, in the region the person is going to. Cite reference section 12.1 of this manual chapter and include the following information in the case summary:

Delegated authority

Upon receipt of the report and recommendation, the delegated authority will:

- seek an opinion from the responsible provincial health authorities where they have indicated a desire for such involvement;
- ensure that all public safety, quarantine, health care access, eligibility for provincial health insurance, financial and provincial jurisdictional factors are satisfactorily addressed before authorizing the issuance of the permit; and
- convey the decision to the requesting office, with copies to any other Immigration offices or visa offices involved and to RNH or RIH.

Provincial health authorities

If an opinion from provincial health authorities is required and the information on the "expanded narrative" is not sufficient, Immigration Health Services (RNH) or Overseas Medical Services (RIH) will, upon request, forward a complete diagnosis directly to the province. If the case appears to warrant facilitation, RHQs should ask RNH or RIH to send a diagnosis to the provincial health authorities. Due to varying provincial requirements, it is left to each RHQ to devise the liaison procedures with their provincial counterparts.

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If provincial authorities have been consulted and do not favour permit issuance, the delegated authority must consider this position when weighing all the factors. This may result in refusal of the permit.

A refusal letter should be sent to the client, as described in Appendix A.

Note: Permit holders who have been granted a permit for reasons of inadmissibility on health grounds and have been in Canada on a permit continuously for three years may apply for permanent residence.

Table 7: Information specific to recommendations and case summaries on health grounds

Required information and/or documents specific to recommendations/summaries on health grounds:	
<ul style="list-style-type: none"> • Indication that settlement arrangements are met 	
<ul style="list-style-type: none"> • Travel plans 	
<p>The following evidence:</p> <ul style="list-style-type: none"> • a health care practitioner & health care facility are prepared to offer treatment • satisfactory arrangements to pay for the treatment that do not include payments from a public health insurance plan of a Canadian province or territory; • evidence from the health care facility that the treatment will not displace or delay treatment for anyone on a waiting list for medical services. 	<p>AND, IF APPLICABLE:</p> <ul style="list-style-type: none"> • evidence that person is likely to become self-supporting; • availability of follow-up treatment in home country • in the case of a foreign national, that provincial health insurers will provide insurance coverage.
<p>The following documents:</p> <ul style="list-style-type: none"> • IMM 0008 • MS 1014 • MS 1017 	

12.2. Recommendation and case summaries: Criminal inadmissibility [A36]

Note: Information in this section may change upon receipt of the delegations of authority.

An officer requires concurrence from NHQ to issue a permit to a foreign national described in A36(1). The officer must send a case summary and recommendation to the delegated authority listed in section 12 of this chapter. Cite OP 20, section 12. 2. See section 12 for information to be included in the case summary and recommendation.

A Minister's delegate does not require concurrence from NHQ to issue a permit to foreign nationals described in A36(2) only and in no other criminally inadmissible class if they have either:

- no more than two convictions that may be prosecuted by indictment; or,
- have committed no more than one act or omission. (Example: for an applicant who has one conviction that may be prosecuted by indictment and has committed one act or omission, the officer must still seek concurrence from NHQ.)

Foreign nationals must also meet the following conditions:

- They did not use violence, a weapon (as defined in Section 2 of the *Criminal Code*); or

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- They did not cause serious property damage or serious physical injury to anyone while committing the offence, act, or omission.

When officers are dealing with a Minister's delegate in their own offices, they may not need as much detail in their case summary and recommendation as when one is sent to NHQ.

If the foreign national falls into A36(2) but does not meet all of the above requirements, the Minister's delegate needs concurrence from NHQ. Officers should prepare the case summary and recommendation along the guidelines in this section.

Table 8: Information specific to criminal summaries and recommendations

Required information specific to criminal recommendations and case summaries
<ul style="list-style-type: none"> • Whether the client has applied for a pardon (if applicable)
<ul style="list-style-type: none"> • Security decision (required in all criminality cases regardless of age)
<p>The basis of prohibition including:</p> <ul style="list-style-type: none"> • inadmissible class [e.g. A36(1)(a)] • name of offence (crimes committed) • date of conviction • details of sentence • Canadian equivalency by name, statute & section • Maximum penalty in Canada • Date eligible for rehabilitation
<p>Analysis of the positive factors may include:</p> <ul style="list-style-type: none"> • any public policy, national interest, or compassionate and humanitarian considerations, • brief comments on the applicant's chances of successful settlement in Canada, (education, work skills, employment history, family support).
<p>Circumstances may include:</p> <ul style="list-style-type: none"> • full background information leading up to the commission of the offence • an overview of the subject's lifestyle at the time • date and place of occurrence of offence • factors leading up to the event, motives • details of the offence • part played by the applicant in the commission of the offence • degree of violence (including use of weapons) • involvement of drugs or alcohol (including any long term problems involving drugs or alcohol) • pattern of criminal activity (e.g. criminal lifestyle, living earned from crime, friends involved in crime, several convictions, unstable employment, weak family links, frequent change of residence)
<p>Rehabilitation considerations including:</p> <ul style="list-style-type: none"> • steps taken towards rehabilitation • likelihood of not offending again

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- accepting responsibility for the offence
- evidence of remorse for any harm done
- understanding of gravity of the offence, of the damage they have done to themselves and to others
- evidence of restitution, where possible, to victims of their crimes
- counselling or therapy if crime included or resulted from drug, alcohol or sexual abuse, psychological disturbance or a history of assaults (include evidence of attendance and/or successful completion of any program)
- stability in employment and family life, participation in educational and skill training programs and community life

Table 9: Documents specific to criminal case summaries and recommendations

Mandatory documents:
<ul style="list-style-type: none">• IMM 0008 "Application for permanent residence", if applicable• security check (required in all criminality cases regardless of age)• conviction certificate• subject's personal written statement fully outlining/detailing circumstances of the offence• translated copy of foreign statute (mandatory when seeking advice on equivalence), and• a criminal clearance certificate obtained from the police authorities in the areas where they have resided for the past ten years (Canada: RCMP criminal clearance certificate; U.S.: FBI and state criminal clearance certificates)
Optional documents:
<ul style="list-style-type: none">• rehabilitation letters (character reference)• court records and transcript• probation or parole officer's reports• pardons which do not vacate convictions retroactively• file notes• any other documentation deemed appropriate to facilitate the decision

12.3. Recommendation and case summary - Cases other than health or criminal

For recommendations and case summaries related to cases other than health or criminal refer to instructions in section 12, Recommendation and case summary - General.

13. Procedure: Retaining information - Criminal inadmissibility

The Minister's delegates may not need all the information cited in section 12.2 to make a decision in the case of a criminally inadmissible temporary resident. Nevertheless, the officer must still write a case summary and recommendation.

A written record of the reasons for the decision is important for monitoring purposes. At the very least, it must contain information about the offence, the equivalent offence in Canada, and the sentence. When sentences include periods of imprisonment, the amount of time served is necessary as well. If a permit is issued, the decision record must also clearly show why.

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14. Procedure: Reporting permit issuance - Temporary residents

Minister's delegates do not require concurrence from NHQ to issue permits to temporary residents. In certain cases though, they must report permit issuance to NHQ.

Delegates must inform NHQ when they issue a permit to overcome A36(1). This reporting requirement lets NHQ monitor use of delegated authority for this reason. No later than 48 hours after issuance, copies of the case notes and the permit are to be faxed to the Director, Case Review (BCM), Case Management Branch. The fax number for BCM is (613) 957-7235.

15. Procedure: Negative decisions

Overseas, if the officer cannot issue a TRP, a refusal letter appropriate to an application for permanent residence or temporary entry is sent. Like any refusal letter, it must clearly state why the addressee is inadmissible.

If the officer considered recommending or issuing a permit to overcome the inadmissibility, they must also explain why a permit is not being issued. Officers must be especially careful to respect procedural fairness (see OP 1) in drafting this part of the letter.

Appendix A contains a sample refusal letter.

16. Procedure: Issuing the counterfoil and arranging for the issuance of the temporary resident permit at the port of entry

Refer to the CAIPS User Guide Temporary Resident Permit Module, chapter IR 5 and the COD Manual [IR 8] for instructions on forms coding and completion procedures.

Once the visa office authorizes the issuance of a temporary resident permit to the person, visa officers must:

- decide on the validity period; decide on whether to recommend conditions;
- decide on whether to authorize re-entry to Canada;
- generate the temporary resident permit in CAIPS so it is ready for print-out through FOSS at the port of entry when the approved client arrives in Canada;
- issue a letter of introduction, bearing the reference number of the case, to be presented to the port of entry by the client. See Appendix B, C, D, or E – Letter of Introduction. For instructions on issuing temporary resident permits, see IR 8, Coding, and counsel the client to bring two passport-size photographs for presentation at the port of entry. This is clearly outlined in the letter of introduction to the port of entry.

For clients who are subject to the temporary resident visa requirement, affix a facilitation travel document (IMM 1346 counterfoil coded PA-1 or PC-1) in the valid passport or travel document of the approved client. This is necessary to enable the client to travel to Canada.

If it is an early admission case, transfer the files to Case Processing Centre in Vegreville (CPC-V) to complete the process and explain to the applicants that CPC-V will contact them upon receipt of the visa office file.

Note: Facilitation travel documents for approved clients should be issued for a single entry where no authorization to re-enter Canada is given.

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Note: Facilitation travel documents should be issued for multiple entries to temporary resident permit holders with authorization to re-enter Canada and to persons for whom permits with re-entry privileges to Canada have been approved, unless otherwise stipulated in chapter IC 2. These documents should be valid for the same period of time as the passport or the temporary resident permit (if already issued), whichever is shorter.

In the case of a permit coded from 90 to 95, the officer must explain in a covering letter to failed applicants that:

- they must pay new processing fees when they re-apply for permanent residence;
- the new fee is payable whether they re-apply in Canada or abroad;
- they may apply once they are no longer inadmissible (e.g. after successful treatment for a condition causing inadmissibility on health grounds or applying successfully for criminal rehabilitation or a pardon); or
- they may apply once they meet the requirements and pay the fee under the permit holder class.

For more information, see:

- Coding - Inadmissible class, section 16.1 below and IR 8;
- Type of case, section 16.2;
- How many permits section 16.3;
- Validity of permit, section 16.4;
- Authorization to re-enter Canada, section 16.5;
- Extensions to temporary resident permits, section 16.6

Note: After the IAD allows an appeal, no new processing fee is required when the visa office resumes processing the application.

16.1. Coding - Inadmissible class

All permits must clearly indicate the holder's inadmissible class. Inadmissible classes for applicants abroad or at ports of entry are described in A33 to A42. This information is required as part of the Minister's annual report to Parliament.

A41 should never appear alone on a permit. The part of the Act or Regulations the holder cannot comply with or fulfil should also appear. For example, A11(1) requires every foreign national, before entering Canada, to apply to an officer for a visa or other document required by the Regulations. Sometimes these applicants are allowed to enter Canada without fulfilling this requirement. In such cases, a permit should indicate A41 with A11(1). Often all members of a family receive permits. They may be in the same or different inadmissible classes. The inadmissible class that best describes the person receiving the permit should be used.

16.2. Type of case

The type of case code should be the same for all members of a family. This is true even for the codes corresponding to criminal and inadmissibility on health grounds. Although not all family members may have failed criminal or medical screening, if one has, the type of case code for that member should appear on everyone's permit.

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Officers should be sure to enter the correct “Type of Case” code (see IR 8) in CAIPS so that it is printed, through FOSS, onto the IMM 1442B at the port of entry. This information is valuable not only to other officers, but also to staff of provincial government departments responsible for health insurance and public assistance.

Table 10: “Type of case” codes

For “early admission” or “under application cases”	
89	Member of Family Class
88	Convention Refugee, member of Designated Class
87	National Interest (entrepreneur, self-employed, urgent labour market need)
86	Other, N.E.S.

“Failed” applicant for permanent residence	
95	Criminal/Security/Other Inadmissibility - Member of Family Class
94	Criminal/Security/Other Inadmissibility - National Interest (entrepreneur, self-employed, urgent labour market need)
93	Criminal/Security/Other Inadmissibility - Other, NES
92	Inadmissibility on health grounds - Member of Family Class
91	Inadmissibility on health grounds - National Interest (entrepreneur, self-employed, urgent labour market need)
90	Inadmissibility on health grounds - Other, NES

Temporary resident cases	
85	Medical treatment
84	Student
81	Worker
80	Inadmissible person, N.E.S.
96	Verification of departure required

Note: In early admission cases, applicants have not completed certain routine processing steps before entering Canada. They are not known or thought likely to be inadmissible for any reason, other than not having completed steps necessary to obtain a permanent resident visa. “Under application cases” means permanent residence cases approved for processing from within Canada.

16.3. How many permits?

When persons are subject to the temporary resident visa requirement and the principal applicant or any family member is inadmissible, the visa officer must ensure that a facilitation travel document (IMM 1346 counterfoil coded PA-1 or PC-1) is affixed to the passport of each member of the family and arrange for the print-out of a permit for each member of the family at the port of entry in Canada. All temporary resident permit holders will remain on permits until they meet the requirements of the permit holder class and they may apply for permanent residence.

This rule does not apply to siblings sponsored in the family class applying together or to temporary resident visa applicants. Only the inadmissible applicant requires a facilitation travel document and, upon arrival in Canada, a permit. The officer may give visas or authorizations to the admissible members of the family.

In all cases where a permit has been approved, visa officers must attach two photographs of the approved client (and family members if applicable) to the letter of introduction (or advise the client to bring two passport-size photographs) to be presented at the port of entry. When the actual permit [IMM 1442B] is printed at the port of entry, the photograph is attached to the document using a wet or dry seal.

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Officers must counsel approved clients that notwithstanding the temporary resident permit, they will also need work or study permits in order to work or study in Canada.

They must also be told to obtain private health insurance, if they are ineligible for provincial public health insurance.

16.4. Validity of permit

A permit may be valid for up to three years [R63]. The duration chosen should fit the needs of the applicant and circumstances of the case.

Officers approving the issuance of a permit and arranging for it to be printed upon the arrival of the person in Canada should ensure that the permit is valid for as long as practicable to limit the cost and work involved in issuing extensions.

Period of validity for temporary entry:

In cases of serious criminal inadmissibility, the Rehabilitation Unit of the Case Research and Review Directorate **will indicate** the length of the validity. When determining the period of validity of a permit or considering extensions, officers should:

- issue the permit only for the time required (e.g. for one week to admit a person for a conference);
- weigh the need for the permit against the risks;
- consider the additional expenses incurred by the client for an extension and the impact of any additional processing on departmental resources;
- remember that permanent resident status **will be granted** to an inadmissible person on health grounds after three years on a permit and to a criminally inadmissible person after five years on a permit if they have not become inadmissible on other grounds.

16.5. Authorization to re-enter Canada

Unless the holder of a temporary resident permit has been granted authorization to re-enter Canada, R63(b) cancels the permit when the holder leaves Canada.

Authorization to re-enter Canada is entered in the FOSS "Temporary Resident Permit" screen. The permit itself will contain the words "DEPARTURE FROM CANADA WILL NOT INVALIDATE THIS TEMPORARY RESIDENT PERMIT UNDER REGULATION 63(b)." Notwithstanding authorization to re-enter Canada given to permit holders, temporary resident permits (IMM 1442B) issued after **April 30, 2005** are **not acceptable** as travel documents to board international carriers travelling to Canada. Permit holders with authorization to re-enter Canada must be counselled that their permit is not a travel document. Approved clients who are subject to the temporary resident visa requirement must also be told that if they leave, they will require that a counterfoil be placed in their passport by a Canadian visa office abroad to facilitate their return to Canada.

Officers should not normally give applicants for temporary resident visas who are approved for a temporary resident permit provisional authorization to re-enter Canada. The authorization to re-enter is conditional upon the client actually travelling to Canada and receiving the approved temporary resident permit document at the port of entry.

16.6. Extensions to temporary resident permits

The holder of an expired or cancelled permit may be directed to leave Canada, or even ordered removed [A45(d)]. The officer should tell permit holders they must leave Canada or extend their permits well before they expire.

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Only permit holders in Canada may apply for extensions. They use the IMM 5554—Applying to Remain in Canada as a Temporary Resident Permit Holder. CICs and CPCs receive applications for permit extensions.

Officers cannot extend a permit abroad. If holders of permits valid to leave and re-enter Canada want to return after the expiry date, they must apply for a new one.

Before issuing a new permit, officers should contact the office(s) where the expired permit or permit extension(s) was issued and ask for any adverse information from the other office's file.

For more information, see Verification of departure, section 16.7.

16.7. Lost or stolen counterfoils

In the event that the rightful holder appears at a visa office reporting a lost or stolen counterfoil requiring a replacement document to return to Canada, officers must:

- interview the holder and ensure that appropriate measures have been taken to report the loss by entering the missing document information in CAIPS as an NCB alert;
- create a file in CAIPS and reprint the counterfoil. Coding will be PA-1, whether the permit was initially issued in Canada or overseas. A letter of introduction to accompany the replacement counterfoil can be found under Appendix E. If the holder is from a visa-exempt country, officers must create a file in CAIPS and issue the letter of introduction found at Appendix E.
- if fraud is confirmed, take appropriate enforcement action including cancellation of the permit. The program manager must be consulted for concurrence in such instances.

16.8. Letter of introduction provided by the visa office

Where an application for a temporary resident permit is approved abroad, officers provide clients with a letter of introduction for presentation to the port of entry. Approved applicants who are subject to the temporary resident visa requirement also receive a facilitation travel document (IMM 1346 counterfoil, coded PA-1). Persons approved for temporary resident permits must present this letter at the port of entry where officers will print out the CAIPS-generated temporary resident permit through FOSS.

The document number generated by CAIPS beginning with M must be printed at the top right-hand corner of the letter. The following specific information must be included in the letter of introduction issued to the client:

- A temporary resident permit has been approved. You may now travel to Canada. You must have a valid passport or travel document [for non-Americans travelling to Canada].
- To enable you to travel to Canada, where the permit will be issued, we are issuing you a travel document. The travel document will be placed in your passport/travel document. It is valid ONLY until _____ [insert date/month/year].
- You must bring two passport-size photographs of yourself for presentation to immigration authorities when you enter Canada. They will be attached to your temporary resident permit on arrival in Canada.
- The temporary resident permit will be issued to you upon arrival in Canada. It will indicate that you may remain in Canada for _____ [insert duration].
- The temporary resident permit issued in Canada is NOT a travel document and may NOT be used to re-enter Canada.

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One of these two paragraphs must be inserted:

- Upon the issuance of the permit upon arrival in Canada, you will be given authorization to leave and re-enter Canada during its validity period. However, the temporary resident permit may NOT be used as a travel document for travel to Canada.

[OR]

- Your temporary resident permit will not authorize you to re-enter Canada if you leave.

The following statement and disclaimer must be clearly indicated at the top of the letter:

“You must show this letter to the Canada Border Services Agency inspection officer upon arrival in Canada.”

“This letter is not valid for travel and is not a permit allowing you to remain in Canada.”

See Appendices B, C, D, and E for examples of a letter of introduction.

16.9. Verification of departure

When officers issue a temporary resident permit with the concurrence of, or on instructions from the Case Management Branch (BCD) and verification of departure is necessary, case code 96 is to be used. Officers should also issue the letter found at Appendix F which instructs the permit holder to report to an officer when arriving and leaving Canada.

An officer will record the permit holder's departure with an NCB entry in FOSS. BCD will search FOSS periodically for these NCB entries. If there is no NCB entry, BCD may ask the issuing office to summon the permit holder to an interview to confirm departure.

17. Procedure: Cost recovery

A cost recovery fee must be collected for processing a temporary resident permit even though the actual permit is not issued abroad.

No cost recovery fee is to be taken for the issuance of the facilitation travel document (counterfoil coded PC-1) issued to a holder of an existing temporary resident permit whose permit application was processed in Canada.

Similarly, no cost recovery fee will be levied for a counterfoil that was reported lost or stolen by the rightful holder who wishes to return to Canada (replacement counterfoil to be coded PA-1).

In both these instances, whether the fee for the permit was paid in Canada or abroad, the counterfoil travel document is included in the fee.

Table 13: References

Officers should consult:	
• For the latest fees	• Part 19, R294 to R315
• For exemptions	• IR 8
• For cost recovery codes	• IR 8 and Help Screens on CAIPS

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Appendix A Draft letter to client covering refusal to issue a temporary resident permit

Dear:

This refers to your application/interview of _____ (day/month/year) concerning _____ (nature of application and/or reason for interview).

Your case has been examined with reference to the possibility of issuing a temporary resident permit. After a careful and sympathetic review, it has been determined that there are insufficient grounds to merit the issuance of a permit in your case.

As you are a person who has been found to be inadmissible to Canada, you should not visit Canada for any reason without first contacting a Canadian officer. Should you wish to return to Canada in the future, it is suggested that you attend to the following: (identify action so that client can overcome inadmissibility or avoid violation of the Act or Regulations in the future).

Yours truly,

Note: This is a sample letter with suggested wording. Preference as to the final wording, or the use of pre-printed as opposed to micro-produced "originals" is left to the discretion of local managers provided the content remains consistent with the intent.

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Appendix B Sample letter to client covering issuance of temporary resident permit for non visa-exempt nationals

File no:

Ref.: M.....

Date:

YOU MUST SHOW THIS LETTER TO THE CANADA BORDER SERVICES AGENCY INSPECTION OFFICER UPON ARRIVAL IN CANADA.

THIS LETTER IS NOT VALID FOR TRAVEL AND IS NOT A PERMIT ALLOWING YOU TO REMAIN IN CANADA.

Name:

Address:

Dear:

This refers to your interview of _____ [insert date/month/year] relating to the issuance of a temporary resident permit. A temporary resident permit has been approved.

You may now travel to Canada. You must have a valid passport or travel document.

To enable you to travel to Canada where the permit will be issued, we are issuing to you a travel document. The travel document will be placed in your passport/travel document. It is valid ONLY until _____ [insert date/month/year]

YOU MUST BRING TWO PASSPORT-SIZE PHOTOGRAPHS OF YOURSELF FOR PRESENTATION TO IMMIGRATION AUTHORITIES WHEN YOU ENTER CANADA. THEY WILL BE ATTACHED TO YOUR TEMPORARY RESIDENT PERMIT ON ARRIVAL IN CANADA.

The temporary resident permit will be issued to you upon arrival in Canada. It will indicate that you may remain in Canada for _____ [insert duration].

[Insert one of the following two paragraphs:]

Upon the issuance of the permit on arrival in Canada, you will be given authorization to leave and re-enter Canada during its validity period. However, the temporary resident permit may NOT be used as a travel document for travel to Canada.

[OR]

Your temporary resident permit will not authorize you to re-enter Canada if you leave.

Extensions of temporary resident permit: Should it be necessary to extend the validity of your permit, you **MUST** ensure that your application for extension reaches a Canada Immigration Centre or Case Processing Centre at least thirty (30) days before the expiry date on the document in order to enable us to process your application in a timely manner. You should call the CIC Call Centre at 1-888-242-2100 and ask for the "Applying to Remain in Canada as a Temporary Resident Permit Holder" Guide [IMM 5554]. You may also download this guide from the CIC Internet Web site at:

<http://www.cic.gc.ca/english/pdf/kits/guides/5554E.PDF>

Study and/or work in Canada: If you wish to work or study in Canada, you must apply for a study or work permit. If the course of studies you intend to follow is less than six months in duration, a study permit is not necessary. If your temporary resident permit is valid for longer than six months, you may apply for a work or study permit from within Canada.

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The temporary resident permit that will be issued to you in Canada is NOT a travel document and may not be used to travel to Canada. If you have any questions about the above information, please contact the CIC Call Centre at 1-888-242-2100 or your local Canada Immigration Centre.

Yours truly,

[insert name of visa officer]

(ENTER TEXT OF A24, A29 and A30).

Note: This is a sample with suggested wording. Preference as to final wording, or the use of pre-printed as opposed to micro-produced "originals" is left to the discretion of local managers provided the content remains consistent with the intent.

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Appendix C Sample letter to client covering issuance of temporary resident permit for visa-exempt nationals

File no:

Ref.: M.....

Date:

YOU MUST SHOW THIS LETTER TO THE CANADA BORDER SERVICES INSPECTION OFFICER UPON ARRIVAL IN CANADA.

THIS LETTER IS NOT VALID FOR TRAVEL AND IS NOT A PERMIT ALLOWING YOU TO REMAIN IN CANADA.

Name:

Address:

Dear:

This refers to your interview of _____ [insert date/month/year] relating to the issuance of a temporary resident permit. A temporary resident permit has been approved.

You may now travel to Canada. You must have a valid passport or travel document.

YOU MUST BRING TWO PASSPORT-SIZE PHOTOGRAPHS OF YOURSELF FOR PRESENTATION TO IMMIGRATION AUTHORITIES WHEN YOU ENTER CANADA. THEY WILL BE ATTACHED TO YOUR TEMPORARY RESIDENT PERMIT ON ARRIVAL IN CANADA.

The temporary resident permit will be issued to you upon arrival in Canada. It will indicate that you may remain in Canada for _____ [insert duration].

[Insert one of the following two paragraphs:]

Upon the issuance of the permit on arrival in Canada, you will be given authorization to leave and re-enter Canada during its validity period. However, the temporary resident permit may NOT be used as a travel document for travel to Canada.

[OR]

Your temporary resident permit will not authorize you to re-enter Canada if you leave.

Extensions of temporary resident permit: Should it be necessary to extend the validity of your permit, you **MUST** ensure that your application for extension reaches a Canada Immigration Centre or Case Processing Centre at least thirty (30) days before the expiry date on the document in order to enable us to process your application in a timely manner. You should call the CIC Call Centre 1-888-242-2100 and ask for the "Applying to Remain in Canada as a Temporary Resident Permit Holder" Guide [IMM 5554]. You may also download this application from the CIC Internet Web site at:

<http://www.cic.gc.ca/english/pdf/kits/guides/5554E.PDF>

Study and/or work in Canada: If you wish to work or study in Canada, you must apply for a study or work permit. If the course of studies you intend to follow is less than six months in duration, a study permit is not necessary. If your temporary resident permit is valid for longer than six months, you may apply for a work or study permit from within Canada.

The temporary resident permit that will be issued to you in Canada is **NOT** a travel document and may not be used to travel to Canada. If you have any questions about the above information, please contact the CIC Call Centre at 1-888-242-2100 or your local Canada Immigration Centre.

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Yours truly,

[insert name of visa officer]

(ENTER TEXT OF A24, A29, and A30).

Note: This is a sample with suggested wording. Preference as to final wording, or the use of pre-printed as opposed to micro-produced “originals” is left to the discretion of local managers provided the content remains consistent with the intent.

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Appendix D Sample letter to client covering issuance of temporary resident permit for nationals of the U.S.A., Greenland, and residents of Saint Pierre et Miquelon

File no:

Ref.: M.....

Date:

YOU MUST SHOW THIS LETTER TO THE CANADA BORDER SERVICES INSPECTION OFFICER UPON ARRIVAL IN CANADA.

THIS LETTER IS NOT VALID FOR TRAVEL AND IS NOT A PERMIT ALLOWING YOU TO REMAIN IN CANADA.

Name:

Address:

Dear:

This refers to your interview of _____ [insert date/month/year] relating to the issuance of a temporary resident permit. A temporary resident permit has been approved.

YOU MUST BRING TWO PASSPORT-SIZE PHOTOGRAPHS OF YOURSELF FOR PRESENTATION TO IMMIGRATION AUTHORITIES WHEN YOU ENTER CANADA. THEY WILL BE ATTACHED TO YOUR TEMPORARY RESIDENT PERMIT ON ARRIVAL IN CANADA.

The temporary resident permit will be issued to you upon arrival in Canada. It will indicate that you may remain in Canada for _____ [insert duration].

[Insert one of the following two paragraphs:]

Upon the issuance of the permit on arrival in Canada, you will be given authorization to leave and re-enter Canada during its validity period. However, the temporary resident permit may NOT be used as a travel document for travel to Canada.

[OR]

Your temporary resident permit will not authorize you to re-enter Canada if you leave.

Extensions of temporary resident permit: Should it be necessary to extend the validity of your permit, you **MUST** ensure that your application for extension reaches a Canada Immigration Centre or Case Processing Centre at least thirty (30) days before the expiry date on the document in order to enable us to process your application in a timely manner. You should call the CIC Call Centre at 1-888-242-2100 and ask for the "Applying to Remain in Canada as a Temporary Resident Permit Holder" Guide [IMM 5554]. You may also download this application from the CIC Internet Web site at.

<http://www.cic.gc.ca/english/pdf/kits/guides/5554E.PDF>

Study and/or work in Canada: If you wish to work or study in Canada, you must apply for a study or work permit. If the course of studies you intend to follow is less than six months in duration, a study permit is not necessary. If your temporary resident permit is valid for longer than six months, you may apply for a work or study permit from within Canada.

The temporary resident permit that will be issued to you in Canada is **NOT** a travel document and may not be used to travel to Canada. If you have any questions about the above information, please contact the CIC Call Centre at 1-888-242-2100 or your local Canada Immigration Centre.

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Yours truly,

[insert name of visa officer]

(ENTER TEXT OF A24, A29, and A30).

Note: This is a sample with suggested wording. Preference as to final wording, or the use of pre- printed as opposed to micro-produced “originals” is left to the discretion of local managers provided the content remains consistent with the intent.

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Appendix E Sample letter to client when passport or TRP counterfoil is lost or stolen

File no:

Ref.: M.....

Date:

YOU MUST SHOW THIS LETTER TO THE CANADA BORDER SERVICES INSPECTION OFFICER UPON ARRIVAL IN CANADA.

THIS LETTER IS NOT VALID FOR TRAVEL AND IS NOT A PERMIT ALLOWING YOU TO REMAIN IN CANADA.

Name:

Address:

Dear:

This refers to your interview of _____ [insert date/month/year] relating to your temporary resident permit.

You may now travel to Canada. You must have a valid passport or travel document.

[If the holder is a national of a non visa-exempt country, insert]

To enable you to travel to Canada where the replacement permit will be issued, we are issuing a counterfoil to you. The counterfoil will be placed in your passport/travel document. It is valid ONLY until _____ [insert day/month/year]

YOU MUST BRING 2 PASSPORT-SIZE PHOTOGRAPHS OF YOURSELF FOR PRESENTATION TO IMMIGRATION AUTHORITIES WHEN YOU ENTER CANADA. THEY WILL BE ATTACHED TO YOUR REPLACEMENT TEMPORARY RESIDENT PERMIT ON ARRIVAL IN CANADA.

A replacement temporary resident permit will be issued to you upon arrival in Canada. It will indicate that you may remain in Canada for _____ [insert duration].

[Insert one of the following two paragraphs:]

Upon the issuance of the permit on arrival in Canada, you will be given authorization to leave and re-enter Canada during its validity period. However, the temporary resident permit may NOT be used as a travel document for travel to Canada.

[OR]

Your temporary resident permit will not authorize you to re-enter Canada if you leave.

The temporary resident permit that will be issued to you in Canada is NOT a travel document and may not be used to travel to Canada. If you have any questions about the above information, please contact the CIC Call Centre at 1-888-242-2100 or your local Canada Immigration Centre.

Yours truly,

[insert name of visa officer]

(ENTER TEXT OF A24, A29, and A30).

Note: This is a sample with suggested wording. Preference as to final wording, or the use of pre-printed as opposed to micro-produced "originals" is left to the discretion of local managers provided the content remains consistent with the intent.

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Appendix F Sample letter to client where confirmation of departure is desired

Dear

It has been determined that you are in violation of the *Immigration and Refugee Protection Act*. Therefore, I am required by law to submit forthwith a report to the Deputy Minister of Citizenship and Immigration or his delegated representative. This action could result in an admissibility hearing, and your removal from Canada.

If you wish to depart Canada prior to the convocation of an admissibility hearing, it is in your best interest to confirm departure by giving this letter to the Immigration authorities at the port of departure who will inform me that you have left Canada.

Failure to confirm your departure upon leaving Canada will result in the issuance of an arrest warrant against you.

For any further information, you may contact the CIC Call Centre at 1-888-242-2100.

Yours truly,