Citizenship and Immigration Canada
Citoyenneté et Immigration Canada

OP 1

Procedures

Canada

OP 1 Procedures

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Updates to chapter

Listing by date:

Date: 2005-12-07

Section 5.12 – References to the sample letter to be used when requesting a DNA test (found at Appendix D) have been added.

Section 5.16 – "Where an application must be submitted" — now includes the Web site for a version of the document "Where to apply for a permanent resident visa, temporary resident visa, study permit, work permit and permanent resident travel document".

Section 5.17 – Additions were made to section "What is meant by 'lawfully admitted'".

Section 5.18 – Acknowledgement of Receipt (AOR) of the application (formerly section 5.42) has been amended.

Section 5.19 – Addition of section "File transfer".

Section 5.20 – Addition of section "Procedure— R11(1) - Permanent resident applications".

Section 5.21 – Addition of section "Procedure—R11(2) - Temporary resident visas, study permits, and work permits".

Section 5.22 – Addition of section "Permanent resident travel document (PRTD)".

Section 5.28 – "Working with lawyers and consultants" – The text of this section has been deleted and a link to IP 9 "Use of Representatives, Paid and Unpaid" has been inserted.

Section 5.30 – "Counselling applicants during interview" was formerly section 5.27.

Section 5.37 - "Invitations to attend functions" (formerly section 5.41) now includes a Web site to Conflict of Interest Measures found in the Values and Ethics Code for the Public Service

Section 5.38 – Addition of section, "Response to inquiries and representations – clients and representatives"

Section 13.1 – Reference to the sample letter to be used when requesting a DNA test (found at Appendix D) has been added.

Appendix C – "Service standards for communications with practitioners - lawyers and consultants" has been deleted and replaced by "Revocation of authorization and direction" (formerly Appendix D.).

Appendix D now is a sample letter to be used when requesting a DNA test. This new letter sets out for the applicant the reasons for requesting the DNA test. The letter also reinforces that the DNA test is not mandatory to prove a relationship.

Former Appendix E "Acknowledgment of receipt letter (sample wording)" has now become Appendix F.

Appendix formerly called "Appendix G – Where to apply for a travel document (permanent resident abroad)" has been deleted. (Information formerly available in this appendix is now part of Appendix A.

Appendix G is now "Disposal of paper documentation".

All appendices were reorganized according to the above-referenced changes.

The following sections were deleted:

Authority to disclose personal information—formerly section 5.24

Copying applicants on correspondence to a designated representative—formerly section 5.25

Refusing to communicate with a designated representative—formerly section 5.26

Letters of non-objection—formerly section 5.34

Advertising guarantees by practitioners—formerly section 5.35

Verification of information/documents with a third party—formerly section 5.36

Retention of visas for payment—formerly section 5.37

Offshore processing of immigration applications—formerly section 5.38

Service standards—formerly section 5.40

Date: 2004-11-09

Section 19—Document retention and disposal—has been added.

Appendix F has been modified to reflect the addition of Molecular World Inc. to the list of laboratories accredited by the Standard Council of Canada for DNA testing.

Appendix H—Disposal of paper documentation—has been added.

Date: 2004-08-09

Appendix F has been modified to reflect the addition of Genetrack Biolabs Inc. to the list of laboratories accredited by the Standards Council of Canada for DNA testing

2004-05-11

Section 5.31 (Presence of counsel) has been changed to reflect the decision of the Federal Court of Appeal in *Ha v. MCI* which found that in the particular circumstance of the case, procedural fairness required that counsel be allowed to be present at interview. Visa offices, when confronted with a request to have counsel present at interview, are asked to consult with NHQ/RIM.

2003-06-13

Appendix A - USA should read, Unites States of America.

2003-05-15

Appendix G added.

Section 5.16: reference to Appendix G added.

2003-05-05

Section 6: Authorization to Return to Canada and the download of Previously Deported Persons onto CPIC. Amendments have been made to the procedures for the issuance of an Authorization to Return to Canada (ARC) for offices outside Canada. New procedures have been implemented for inputting the ARC document into CAIPS, which has the effect of removing the PDP information from the CPIC-PDP database.

1. What this chapter is about

This chapter provides basic information that applies to activities described in other chapters.

Included in the basic information are general processing guidelines. Following them will help officers meet the objectives of immigration policy, as well as the mandate, principles and vision of the International Region.

2. Program objectives

A3(1) and A3(2) describe the objectives of the immigration program.

3. The Act and Regulations

For information about	Refer to this section of the Act or Regulation
Foreign national	A2(1)
Permanent resident	A2(1)
Objectives - immigration	A3(1)
Objectives - refugees	A3(2)
Application of Act and Regulations	A3(3)
Humanitarian and compassionate considerations	A25, R66, R67, R68, R69
Misrepresentation	A40
Authorization to return to Canada	A52(1)
Excluded relationships	R5, R125
What is an application	R10
Where an application must be submitted	R11, R150(1)
Returning an application	R12
Unenforced removal orders	R25
Inadmissibility of non-accompanying family members	R23
Issuance of a permanent resident visa	R70

3.1. Forms

The forms required are shown in the following table.

Form Title	Form number
Certificate of Departure	IMM 0056B
Authorization to Return to Canada pursuant to A52(1)	IMM 1203B
Application for Permanent Residence in Canada	IMM 0008
Application for a Study Permit	IMM 1294B
Application for a Work Permit	IMM 1295B
Application for a Temporary Resident Visa	IMM 5257B
Denial of Authorization to Return to Canada	IMM 1202B

4. Instruments and delegations

Nil.

5. Departmental policy

5.1. Mandate of the International Region

The International Region delivers immigration programs abroad by:

- selecting foreign nationals and refugees in accordance with the Government's plans and policies;
- facilitating the admission to Canada of genuine visitors for tourism, studies and temporary employment;
- directing overseas immigration control and enforcement activities;
- contributing to the development of Canada's migration, refugee and social policies by reporting and analysing international trends and developments in these fields;
- advising on the foreign policy implications of domestic policies and on the impact of international migration trends in the domestic arena; and
- maintaining liaison with foreign governments, international agencies and non-governmental organizations.

5.2. Principles of the International Region

International Region achieves excellence in fulfilling its mandate and realizing its vision through a shared commitment to:

- professionalism;
- client service;
- integrity;
- accountability;
- teamwork;
- fairness and compassion.

5.3. Vision of the International Region

International Region contributes to Canada's cultural diversity and to its economic prosperity and growth through our innovative, cost-effective and responsible management of Canadian immigration programs abroad.

International Region strives to achieve excellence in providing services which meet the diverse and changing needs of clients, partner agencies and the Canadian public.

As the principal representatives abroad of Canadian interests in the field of international migration, refugee and social policy issues, officers are active advocates of Canadian values and practices in the delivery of immigration programs. Officers also play a crucial role in maintaining the safety and good-order of Canadian society by ensuring that individuals who pose security or criminal risks are denied entry to Canada.

5.4. Relationships and dependency

For information on relationships and dependency see OP 2, Processing Members of the Family Class.

5.5. Adoptions

For information on adoptions see OP 3, Adoptions.

5.6. Categories of foreign nationals

The Act and Regulations distinguish between three broad categories of foreign nationals.

They are family class, economic class, and refugees or persons in refugee-like situations. The Act or the Regulations define members of the family class, Convention refugees abroad class, the Country of asylum class and the Source country class.

The Regulations also define the economic class which consists of the federal skilled worker class, the Quebec skilled worker class, the provincial nominee class, the investor class, the entrepreneur class and the self-employed persons class.

5.7. Children of unmarried parents

Children of unmarried parents may be sponsored by either parent. They may also be accompanying family members of either parent.

In some circumstances, children born to unmarried parents may be unable to obtain standard proof of relationship to their parents. Where this is this case, officers may consider documents that corroborate the claimed relationship.

These include the following:

- school records identifying the parent;
- proof of long term support by the parent, such as money order receipts or income tax statements listing the applicant or accompanying child as a dependant;
- affidavits from prominent citizens attesting to their knowledge of the child's paternity or maternity from birth.

For residents of the Province of Quebec, a legal ruling called “Reconnaissance de paternité” (Acknowledgment of Paternity), obtainable under provincial law, constitutes evidence of paternity. Other provinces may have similar declaratory judgments which would be equally acceptable. It is the sponsor's obligation to obtain such documents.

In the absence of these documents, officers may accept the results of a DNA test of relationship (see Section 5.9).

Where these conditions cannot be met but the sponsor or principal applicant has always contributed to the child's support, development and welfare, and where other circumstances corroborate the claim to parenthood, including the agreement of the other parent or legal guardian, if applicable, then a positive decision is appropriate. To preclude future custody disputes, officers should, whenever possible, obtain consent for the child’s immigration from their other parent or legal guardian.

In cases in which all possible proof of relationship is inadequate and the circumstances of the case do not warrant special consideration, officers should refuse the application. If the child has been listed as an accompanying family member, the principal applicant may delete the child from the application.

5.8. Divorced foreign nationals

Divorced applicants may have legal obligations arising from their divorce. These often include alimony or child-support payments, as well as the terms of child custody orders.

An obligation to pay alimony or child-support is only material to an applicant's ability to adapt to Canada.

Officers may not insist that applicants make arrangements to continue to pay alimony or child-support. Nor can officers insist they submit proof that their ex-spouses or common-law partners are satisfied with payment arrangements. If these break down, the ex-spouses or common-law partners must apply to a Canadian court to have their rights recognized.

As well, it is illegal to abduct a child under 16 [*Criminal Code*, section 280(1)] or under 14 (C.C. section 281) from the legal guardian (father, mother, guardian or other). Applicants accompanied by children under the legal guardianship of someone who has not agreed to let them travel, are about to commit a criminal offence. They do not commit the offence until they depart for and arrive in Canada. They would fall under A36.

If there are reasonable grounds to believe an applicant is described in A36, officers should explain their reasons to the applicant. The applicant must prove they are not inadmissible for this reason. Written consent of the legal guardian or, if that is not possible, permission of a court, is satisfactory proof.

If the court attached conditions to a custody order (usually visiting rights), the officer must ask for the same proof of consent.

See also OP 2, Processing Members of the Family Class.

5.9. DNA test for relationship

CIC accepts DNA test results as proof of parent/child and sibling relationships. The test compares DNA profiles extracted from genetic material, usually blood, taken from persons claiming to be father, mother, child(ren) or siblings.

5.10. When is a DNA test appropriate?

A DNA test to prove relationship is a last resort. When documentary submissions are not satisfactory evidence of a *bona fide* relationship, officers may advise applicants that positive results of DNA tests by a laboratory (listed in Appendix E) are an acceptable substitute for documents.

5.11. DNA results

In a standard, direct paternity or maternity test involving an alleged parent/child relationship, the DNA companies listed in Appendix E are to provide test results that are at least 99.8% certain. **Paternity test results below this level are not acceptable.**

If a DNA test result is presented as evidence of a relationship, officers must ensure the integrity of the testing procedure. As this test is offered in cases in which there are already doubts about claimed relationships, any possibility of fraud must be eliminated.

For more information, see:

- DNA tests, Section 13;

- Procedures for DNA testing, Section 14.

5.12. DNA test request letter and DNA companies

Four laboratories have been accredited by the Standards Council of Canada (SCC) for DNA testing. See Appendix E for a list of these accredited laboratories.

Note: CIC does not have the authority to direct clients to choose one laboratory over another (whether they are on our "list" or not).

Officers should provide applicants with information that will allow them to make an informed decision about the testing laboratory they choose and whether to undergo DNA testing or not. For information to be provided to applicants see Section 13, DNA tests, Appendix D for the DNA test request letter and Appendix E for the list of accredited testing companies.

5.13. Requirement for truthfulness

A16(1) and A127 require applicants to produce documentation and answer truthfully all questions related to their admissibility.

Untruthfulness may take the form of false oral or written statements, as well as false documents. Officers must decide if applicants intend to mislead an officer, or are simply inaccurate. Their untruths must have direct bearing on their own or their family members' admissibility.

Applicants who do not comply with A16(1)(a) and A127 may fall under A40(1) for misrepresentation.

Applicants who misrepresent themselves may do so to conceal other grounds for inadmissibility. For example, someone who does not admit to a conviction may also be criminally inadmissible. In such a case, an officer must find the appropriate inadmissible class in the Act and cite it in the refusal.

If there are no other grounds for refusal, an officer must consider whether the untruth was pertinent to the question of admissibility.

Applicants should be advised, where appropriate, that withholding or misrepresenting information that is material to their applications may result in the refusal of that application under A40(1), thereby rendering them inadmissible for entry into Canada for two years after that refusal.

For more information see Misrepresentation, ENF 2, Section 9.

5.14. Processing priorities

The Regulations do not establish processing priorities.

Operational priorities may be established. Departmental policy requires that applications in the Family Class for spouses, common-law and conjugal partners and dependent children be finalized within six months. OP 2 lists exceptional circumstances that could result in visa offices legitimately not meeting these service standards.

Refugee applications classified as urgent or vulnerable should also receive priority processing. OP 5 provides definitions and instructions on processing urgent and vulnerable refugee applications.

5.15. Who must apply for a visa?

Except in prescribed cases, A11(1) requires every foreign national to apply for and obtain a visa before they appear at a port of entry.

R6 requires foreign nationals who wish to become permanent residents of Canada to obtain a permanent resident visa.

R7 requires foreign nationals who wish to visit Canada to obtain a temporary resident visa unless the Regulations exempt them from doing so.

5.16. Where an application must be submitted

R11 impact

R11 specifies where applicants should submit their applications for permanent or temporary resident visas. The intent of R11 is to direct applications to the processing office best informed to assess the application thereby improving program integrity and security.

Appendix A, "Where to Apply for a permanent resident visa, temporary resident visa, study permit, work permit, permanent resident travel document" consists of a list of all countries in the world and the visa office responsible for each country. A version of Appendix A is also available on CIC's internet site at http://www.cic.gc.ca/english/index.html for reference by applicants who download their application forms and kits from CIC's internet site. For persons applying directly to offices, the attachment could be part of the kit which is sent back to the applicant.

Permanent resident applicants: Family and Economic (Federal skilled workers, Québec skilled workers, Provincial Nominee, Business classes):

R11(1) requires that all applicants for permanent residence must submit their applications to the visa office responsible for:

- the country where the applicant is residing, if the applicant has been lawfully admitted to that country for at least one year; or
- the applicant's country of nationality, or if the applicant is stateless, their country of habitual residence other than a country where they are residing without having been lawfully admitted.

Temporary resident applicants:

R11(2) requires that applications for a temporary resident visa or a study or work permit must be made outside Canada at the visa office responsible for:

- the country where the applicant is present and has been lawfully admitted; or
- the applicant's country of nationality or, if the applicant is stateless, their country of habitual residence other than a country in which they are residing without having been lawfully admitted.

Presentation of a national passport should constitute satisfactory proof of the applicant's nationality and the office responsible for the country in question will generally process the application whether the applicant lives in that country or not. However, this does not prevent the office, if it sees fit, from running checks with the office responsible for the applicant's country of habitual residence.

5.17. What is meant by "lawfully admitted"

The intent of R11 is not to expend energy on front-end R11 eligibility screening, but rather to protect program integrity by ensuring that applications are submitted to offices with the appropriate expertise and local knowledge. However, there may be times when R11 eligibility will determine case processing actions (file transfers, for example) and the following information on "lawful admission" should assist in determining R11 eligibility in these cases.

1. For the purposes of R11, "lawful admission" is broadly defined and may cover many situations, a few of which are described below. However, the circumstances in which an individual *has not been lawfully admitted* and is therefore ineligible to apply at a visa office are limited to:

i) persons who entered a country without status and still have no status in that country. Per R11 they are not eligible to apply in the country where they currently are.

ii) persons who, at the time of the submission of their application, are not physically in a country served by the visa office through which they are applying. An applicant cannot send an application to a visa office if they are not physically in a country served by that visa office (unless it is their country of nationality).

2. For the purposes of R11, situations in which an individual is considered to *have been "lawfully admitted"* will include (but are not limited to):

i) persons who were lawfully admitted, but no longer have legal status when the application is submitted. For example, a person who has entered a country lawfully but at some time subsequent to lawful admission has lost legal immigration status is considered to have been lawfully admitted, whether or not status has been restored at the time of the application to the visa office. Such applicants may or may not qualify for a visa, but their application must be accepted for processing and assessed on its merits.

ii) persons who initially were not lawfully admitted, but have since gained legal status and have legal status at the time an application is submitted. For example, a person who enters a country illegally for the purpose of making a refugee claim and who subsequently remains lawfully in that country while the refugee claim is being processed is considered to have been lawfully admitted.

3. R11(1) also stipulates that an applicant must have been *lawfully admitted for at least one year when applying for permanent residence.*

Persons who are applying for permanent residence must be residing in and have been legally admitted for a period of at least one year to the country which the visa office receiving the application serves. The applicant is not required to have been residing in the country for one year at the time of application, but to have been lawfully admitted to that country for a minimum one-year period at the time of application.

For example, under R11(1), an individual may have lawfully entered and be currently residing in a country on the basis of a one-year work permit. Anytime during that year, the individual would be eligible under R11(1) to apply for permanent residence to Canada through the visa office responsible for applications from the country in which the individual is residing.

Refugee Class:

R150 requires that applications from foreign nationals submitted in the Refugee Class must be made at the immigration office outside of Canada that serves the applicant's place of residence.

Determining an applicant's status

Residency status - R11(1)(a)

In many countries, an official document (residency permit, employment authorization, etc.) is issued as formal proof of residency or extended temporary status and length of such status. The status of persons holding such documents is therefore easily determined.

In countries where there are no credible official documents to formally prove residency, or none that can satisfy our regulatory requirements regarding the length of stay authorized, or where the applicant is unable to obtain such documentation to establish for certain their status, various indicators of place and length of residence can be taken into consideration if they are substantiated by reliable documentation such as, for instance:

- visas, entry and exit stamps, and entries found in the applicant's passport;

- place of family residence and continuous presence there of applicant's family members;
- personal papers such as a local driver's licence, identification cards, or local bank cards;
- employment contract;
- place of employment;
- civil government to which applicant pays taxes;
- place where applicant's economic and day-to-day activities are carried out.

In short, when determining residency in a particular country, offices should take into account any official document showing that the applicant has been granted legal status in that country for a period of one year or has been living there lawfully for at least one year.

However, there will be no obligation to request any kind of official documentary evidence when it becomes obvious, upon initially examining the application, that the applicant does in fact legally reside in the country where the application is made and that the country in question is served by the office to which the application is submitted.

Change of status during processing of application

For applicants whose legal status in the country where they made their application changes or expires before completion of the processing of their application, processing of the application will be completed in the office where it was submitted.

However, if an office concludes that it cannot continue to process the application without jeopardizing the integrity of the program, that office must notify the applicant concerned that the application cannot be processed by it and will be transferred to the office that handles the new country of residence or nationality.

If it is determined, upon review, that the applicant does not meet the requirements of R11(1)(*a*) or (*b*), the applicant is to be notified and told why the application cannot be processed at that office. Also, pursuant to R12, the application form and any documents submitted, along with the processing fee, must be returned to the applicant. No part or record of the application should be kept.

When an application is returned to the applicant because it cannot be processed, pursuant to R11, the applicant is to be advised to which office the application should be submitted.

Special procedure for the family class

The application for permanent residence for members of this class no longer gives applicants a choice as to which office will process their applications. CPC-Mississauga, which receives the applications, will make this determination pursuant to R11 and will forward the file to the appropriate visa office. The option of selecting to which office the sponsor wanted the application to be processed has been deleted from the "application for sponsorship and undertaking."

5.18. Acknowledgment of Receipt (AOR) of the application

Visa offices will respond to applications for permanent residence within four (4) weeks from the date of receipt of the application. The response will include the following:

- **the applicant's file number;**
- **the approximate time within which the application should be completed based on the category of application; and**

- **other information concerning additional or missing documentation, medical examination instructions or the possible requirement of an interview.**

A sample of the AOR letter is included as Appendix F.

5.19. File transfer

Notwithstanding the reasons that may warrant creating a file before visa offices have determined if an applicant meets the requirements of R11, it is strongly recommended that visa offices avoid creating a file on an application until it has been determined their visa office is responsible for processing that person's application.

When some doubt exists regarding the applicant's residency status and/or the office's jurisdiction and available information is open to interpretation, a local procedure should be implemented to determine if the requirements under R11 have been met. Some visa offices may choose to automatically refer such a file to a visa officer for review and decision while some offices may entrust this responsibility to a designated individual who has the necessary expertise to make such an assessment

If a serious doubt exists about an applicant's country of residence or the office responsible for processing the application, and in order to avoid a situation where the recommended office could also refuse to process the application due to lack of jurisdiction, the applicant should be asked to make the determination based on information available on the CIC's Internet site, the address of which is to be provided. If it appears that the applicant has no access to Internet, the applicant should be given the necessary information, including a list of offices showing the countries for which the office is responsible, to assist the applicant to determine where to send the application.

Visa offices are not required to transfer applications for permanent or temporary residence to Canada upon the request of an applicant or their designated representative.

Visa offices should transfer files only if that transfer would enhance program integrity. Conversely, visa offices should refuse to transfer files if such a transfer diminishes program integrity. Officers should consider consulting potential receiving visa offices to seek assistance in finalizing cases before transferring a file.

The onus is on the applicant to demonstrate that the transfer of their file would not compromise the integrity of the application evaluation process.

Program integrity includes issues such as ability to effectively evaluate documents; knowledge of local security and criminality environments; or familiarity with business practices and procedures. Other factors may be taken into account when evaluating the impact of a file transfer on the program integrity of visa programs.

As part of program integrity considerations, officers should also be mindful that the intent of R11 is to ensure that, as much as possible, visa applications are reviewed by the offices with the local knowledge and expertise necessary to conduct an effective case review.

While the Regulations define where an application must be submitted, they do not stipulate where an application must be processed. At times, visa offices may independently decide that issues of program integrity merit the transfer of an application to another visa office. In these cases, the visa office should immediately inform the applicant of the file transfer. When transferring files, visa offices should be mindful of the resource implications for the receiving visa office and, therefore, should notify the receiving visa office of upcoming transfers particularly for multiple transfers. Officers should ensure that, when transferring a file to another office, the reasons for that transfer are clearly documented.

On those occasions where a case is facilitated through early admission, the file will be transferred to CPC-Vegreville to finalize the case once all statutory requirements have been completed abroad. For more information about early admission and issuance of a temporary resident permit, see OP 20, section 5.15.

For assessment purposes, visa offices receiving a transferred file must respect the original application received date as the “lock-in” date. For processing purposes, all processing steps for the files transferred into an office, including the scheduling of interviews, should be the same as all other applications received in the office on the date corresponding to the “lock-in” date of the received file. This means an application that is received in Paris in July 2002 and transferred to New Delhi in March 2003 will enter the New Delhi queue as of July 2002.

There are no fees applicable to file transfer requests.

5.20. Procedure—R11(1) - Permanent resident applications

New applications

When R11 was introduced on May 1, 2003, a decision was taken that for R11(1) cases and for program integrity reasons, permanent resident applications from persons ineligible under R11(1) should not be accepted by the receiving visa office. Per R12, if the receiving visa office is not legally responsible for processing an application under R11(1), *the entire application should be returned to the applicant* (including application forms, processing fees and supporting documents). No case processing should occur; the applicant should be told why the application is being returned and advised of the name of the visa office through which they may apply.

Applications in process

In rare instances, an applicant’s ineligibility under R11(1) may not be discovered until after the processing of the application by the visa office has begun. In these cases, once the ineligibility comes to light, the visa office should note the R11(1) ineligibility in CAIPS notes, inform the applicant they are ineligible for processing at that office and advise the applicant that their application is being transferred to the responsible visa office. If the application is a family class (FC) case, the officer should inform CPC-Mississauga (CPC-M) of the ineligibility for processing at the office where the application was initially received. CPC-M should be advised of the visa office to which the file is being transferred. The officer should then *transfer the application to the responsible visa office.*

5.21. Procedure—R11(2) - Temporary resident visas, study permits and work permits

The majority of applicants apply where they reside or where they are staying temporarily. However, a number of applications continue to be made to a country where the applicant is neither physically present nor has the right of admission. Program integrity issues arise when applications are not made to a visa office where the local knowledge and language expertise are available. Officers should be mindful that the intent of R11 is to ensure that, as much as possible, applications are reviewed by the visa officers in offices with the local knowledge and expertise necessary to conduct an effective case review.

Effective April 1, 2005, applicants were required to submit their application for a temporary resident visa, study permit or work permit to the visa office that is responsible for serving:

(a) the country in which the applicant has been lawfully admitted; or

(b) the applicant’s country of nationality or, if the applicant is stateless, their country of habitual residence.

Application provisions for a temporary resident visa continue to be very flexible. For example, the businessperson from India spending a day or two in the U.K. will be able to apply for a temporary resident visa in London, as long as they were lawfully admitted to the U.K. Similarly, a Chinese student currently studying in Singapore will be able to apply for a study permit at CIC’s visa office in Singapore. However, a Brazilian national who is physically in Brazil will not be able to make a temporary work permit application by mail to our office in New York City.

New applications

If upon receipt, an application is determined to be ineligible for processing under R11(2), the receiving visa office should, per R12, return the complete application together with accompanying processing fee to the applicant. The applicant should be advised they are not eligible to submit a non-immigrant application to that visa office per R11(2), and given the name of the responsible office through which they may apply.

Applications in process

In some instances, the R11(2) ineligibility of a non-immigrant application may not be determined until after case processing is underway. In these cases, the processing officer should note the R11(2) ineligibility in CAIPS notes and processing should continue to completion on the basis of the available information. However, on a case-by-case basis, a file transfer to the responsible visa office may be necessary where required to ensure program integrity.

5.22. Permanent resident travel document (PRTD)

Persons who require a travel document to return to Canada pursuant to A31(3) must apply to the specific office, as indicated in Appendix A, to ensure that a CIC-Canada-based officer is available for the processing of the application. More information about the travel document is available in OP 10, Permanent Residency Status Determination.

5.23. Applications from illegal residents

R11 stipulates that applicants cannot submit applications for temporary or permanent resident visas outside of their country of nationality, or, if stateless, their country of habitual residence, to a visa office in a country where the applicant has not been lawfully admitted. Therefore, visa offices should return applications, plus any accompanying documents or fees, if they determine that an applicant was not legally admitted to the country where the submission was made. Applicants should be counselled to apply for a visa to a visa office where they have been lawfully admitted for at least one year.

5.24. Lock-in date

The lock-in date is a reference point used to freeze certain factors for the purpose of processing applications. Neither the Act nor Regulations define it. It does not overcome any requirements of the Act and Regulations applicants must satisfy when an officer admits them.

Regulations in effect on the lock-in date usually apply to applications submitted that day. Changes in regulations after the lock-in date do not usually apply to applications submitted on or before the lock-in date.

Note: The Act allows the Governor in Council to apply changes in regulations to applications already submitted. When the Governor in Council does this, it states which applications are affected by the changes.

Family class: Lock-in (of age) is based on the day that the responsible Case Processing Centre receives a sponsorship application. The documents downloaded to CAIPS from the CPC will specify the lock-in date.

Refugee and Economic class: Lock-in (of age) occurs when a visa office has accepted a submission as an application. If a visa office determines that after date stamping a submission as received, the submission does not meet the definition of an application, the submisson should be returned to the appropriate party and lock-in set only once the submission is returned to the visa office with the missing information or documentation.

If age is a factor that makes an applicant admissible, officers should use their age on the lock-in date. As long as they are the right age on the lock-in date, they can surpass it before admission.

See Section 7.3, What is an application?

5.25. Language of application forms and form letters

Only application forms in English and French are official application forms. Forms printed in other languages are unofficial. They may serve only as models to help applicants complete the official form in English or French.

Refusal letters for all types of applications must be in English or French. Unofficial translations of refusal letters may accompany the official language letter. Such translations must state clearly that they may not be used for any official or legal purpose.

Other form letters may be in languages other than English or French.

5.26. Security screening of foreign nationals

Sections 15 and 16 of the *Access to Information Act* may exempt parts of the security screening process from public access. Officers should read these guidelines in conjunction with chapter IC 1, Security and Criminal Screening of Immigrants.

Security screening procedures identify persons seeking admission who are, or have been, involved in espionage, subversion, or terrorism, organized crimes, war crimes and crimes against humanity. Note that a security screening clearance does not mean applicants do not have a criminal record.

Officers are responsible for ensuring that persons who may threaten the safety and good order of Canadian society are denied entry. Officers also help promote international order and justice by denying use of our territory by such individuals. These goals are important and strict compliance with security screening procedures is required to achieve them.

Responsibility for responding to queries about delays in immigration processing rests with the Department. Applicants or their representatives should not be referred to other Canadian Government departments or agencies that assist in the security or criminality screening of applications.

Officers may refer to the background inquiries carried out by the Department, but specific details of the process may be exempt from public access. No reference should be made to them explicitly.

Refusal letters should simply quote the part of the Act used to refuse the application. Officers need not explain the security screening process.

See OP 2 for information about using non-releasable information to refuse family class applications for security reasons.

5.27. Extending the validity of visas

The validity of a permanent resident visa may not be extended. Nor can replacement visas be issued with a new validity date. If foreign nationals do not use their visas, they must make a new application for a permanent residence visa.

They must pay a new application processing fee. If they have paid a right of permanent resident fee (RPRF), they do not need to pay it again. The RPRF may only be collected once.

Sometimes, due to factors out of their control, applicants receive visas valid for less than two months. If they cannot travel before their visas expire, officers should update whichever requirement (e.g., medical) used to fix the visa validity. When a new validity date has been obtained, a new visa will be issued.

5.28. Working with lawyers and consultants

Guidelines on working with immigration representatives have now been consolidated at IP 9, Use of Representatives Paid or Unpaid. See: http://www.ci.gc.ca/Manuals/index_e.asp

5.29. Responding to case status inquiries

Once the visa office is satisfied that a practitioner has been designated, the visa office may respond to straightforward case status inquiries verbally or in writing. If there is any doubt as to a representative's identity, information should not be given over the telephone.

Any complex or in-depth inquiry or discussion related to an individual case should be accepted and responded to in writing only.

Any case specific interchange of information should have a written record, including an annotation in the CAIPS/FOSS case notes to ensure that no misunderstandings occur.

5.30. Counselling applicants during interview

Once an applicant has signed an authorization, visa offices should not appear to suggest to or solicit an applicant to change or abandon their practitioner by asking applicants to sign another authorization/consent.

Officers should refrain from soliciting information from applicants concerning fees paid to representatives, as well as how and why the applicant has retained a representative.

The following situations have been cited as regular occurrences:

- during verification of mailing addresses at interview, the applicant provides an address different from the one indicated on the IMM 0008;
- applicants verbally indicate that they are no longer represented;
- applicants verbally indicate the designation of a new representative;
- applicants verbally indicate that CIC should no longer communicate with the designated representative; or applicants verbally indicate that they are still represented but request that the visa or other documents be sent directly to them rather than the representative.

If an applicant is represented, it is assumed that the representation remains valid and should not be the subject of any counselling between the visa office and an applicant unless the applicant revokes the representation in writing. If an applicant advises that the previous authorized counsel no longer represents them, the proper course is to obtain the direction for revocation of the previous representative and authorization for the new representative from the applicant.

See Appendix C for Revocation of authorization and direction, prepared by Legal Services.

5.31. Non-specific inquiries

Managers and officers should not allow themselves to be drawn into a "hypothetical" discussion, which could involve the facts of an actual case.

Similarly, no commitment should be made on how a case will be treated until a formal application has been made.

5.32. Private versus group information sessions

Many representatives request private sessions in order to obtain information on "local office procedures." This diverts scarce resources from case processing.

When major changes occur which affect processing, managers are encouraged to hold general group information sessions for local applicant representative organizations to inform them accordingly. It is recognized that some offices have little contact with lawyers and consultants, and as such group information sessions would not be appropriate.

Applicant representatives may join professional organizations which provide updates on changes as well as information and training services to their members.

5.33. Presence of counsel

On January 30, 2004 the Federal Court of Appeal found in *Ha v.MCI* that the failure of a visa office to allow an overseas refugee applicant to have counsel present during the selection interview was a breach of procedural fairness in the particular circumstances of the case. Details of requests to have counsel present should be forwarded to RIM, who will consult with legal services and provide advice.

5.34. Interpreters or translators

Some offices have had practitioner representatives or their employees presenting themselves as interpreters. Clearly, this is not acceptable and may place the practitioner in a conflict of interest situation since the practitioner cannot claim to be unbiased. Officers should therefore decline all such offers/requests.

Managers are encouraged to develop lists of interpreters by determining which local agencies meet requirements of honesty and competence, and direct applicants to them.

Instructions on hiring and using interpreters in Canada are contained in the SA 7 manual and may be useful reference material on this matter. LES may, however, continue to work as interpreters with consent being sought from the applicant and noted in CAIPS.

5.35. Taping interviews

Traditionally, the courts have ruled that a meaningful judicial review can be conducted by the courts and the failure to have available a full verbatim transcript of the proceedings does not prejudice a person's ability to carry out this judicial review nor does it deprive them of natural justice. Therefore, in the absence of a statutory right to tape proceedings, courts have the power to determine whether the record before it allows it to properly dispose of the application.

Accordingly, the absence of a transcript will not violate the rule of natural justice. There is, therefore, no obligation to allow applicants to tape interviews.

5.36. Representatives in CAIPS/FOSS/GCMS

Offices should capture the names of practitioners (lawyers and consultants) in the GCMS/CAIPS representative field and compile consistent lists.

5.37. Invitations to attend functions

Program managers and other staff who may be approached by applicant representatives and/or their organizations with requests to attend functions should be guided by Chapter 2, Conflict of Interest Measures found in the Values and Ethics Code for the Public Service at:

http://www.tbs-sct.gc.ca/pubs_pol/hrpubs/TB_851/vec-cve1_e.asp#_Toc46202807

5.38. Response to inquiries and representations – clients and representatives

The responsibility for responding to inquiries or representations is varied dependent on the issue. Listed below are the various categories of inquiries/representations and to whom the issue should be directed:

A) Individual case inquiries related to the decision or decision-making process:

1. Visa office or, depending on nature of case and inquiry, visa office program manager.

2. If no reply after 30 days or if disagree with the reply: Case Management, by fax, to the office of Director General, 613-941-6754.

B) Local office procedures:

1. Visa office or, depending on nature of case and inquiry, visa office program manager.

2. If no reply after 30 days, Director for the geographic region

C) Quality of service complaints, or situations involving possible professional misconduct or malfeasance:

1. Visa office or, depending on nature of case and inquiry, visa office program manager.

2. If no reply after 30 days, Director for the geographic region.

D) General procedures, procedural consistency between offices, operational policy, global processing times and levels.

1. Director, Operational Coordination.

E) Selection policy:

Write to the appropriate Director within Selection Branch

1. Family Class: Director, Social Policy and Programs

2. Skilled Workers, Provincial Nominees, Students, Temporary Workers: Director, Economic Policy and Programs

3. Business Class: Director, Business Immigration.

Citizenship and Immigration Canada (CIC) recently developed a protocol for email communications with clients. Implementation of the protocol began in May 2005 with the establishment of email enquiry addresses for all visa offices in the International Region.

At this time, all visa offices are equipped to receive enquiries via email including case-specific enquiries. While many visa offices may now systematically also respond to email enquiries by email, other visa offices are still working to put email management systems in place and are monitoring the reliability of email delivery in their countries of responsibility. The protocol encourages visa offices to respond to emails via email, but allows Immigration Program Managers the flexibility to use operationally feasible and efficient channels for response (whether this is email, fax, letter or other means) depending on local environment and conditions.

The protocol requires that visa offices:

receive client enquiries via email;

respond to emails (acceptable responses include automated replies, standard responses, and case-specific replies via email or other channels);

have a dedicated email enquiries mailbox and address;

handle email enquiries in the same way other enquiries are handled (e.g., have written consent to release personal information to third parties, ensure client is adequately "identified" before any personal information is released);

Email enquirers must therefore state:

the enquirer's full name;

who they are (i.e.,the applicant himself, the applicant's designated individual, the applicant's authorized representative, Canadian MP);

their email address;

and provide, as a minimum, the applicant's:

given name;

gamily name ;

date of birth;

visa office file number

establish, publish and adhere to response times for email enquiries;

have the client's consent to communicate via email;

respond to the client in the official language of the client's choice;

provide cautions to clients using email to protect their personal identifiers and to be aware that email is not a secure channel;

protect the privacy of CIC staff;

provide CIC identifiers in email replies: office name and address;

provide clear instructions to clients on what address to use and what information to include with an enquiry.

While some visa offices provided email enquiry services prior to the implementation of the protocol, for most offices, this is a new requirement. The process of implementation and email management is continuing; technical problems and other growing pains will occur.

Enquiries and representation should be sent to these mailboxes, not to individual officer's or program manager's mailboxes. Enquiries or representation should be sent **either** by e-mail **or** by fax/mail - **not** by both.

6. Authorization to Return to Canada (ARC) and the download of Previously Deported Persons (PDP) onto CPIC

After the implementation of the PDP (Previously Deported Persons), data on PDPs will be downloaded onto the Canadian Police Information Centre (CPIC) database. CPIC is a computerized database that provides tactical information on crimes, criminals and public safety. It is the only national information-sharing system in the country that links criminal justice and law enforcement partners across Canada and internationally.

The primary objective for entering data on Previously Deported Persons into CPIC is to enhance public safety and security by providing peace officers with the necessary information to form reasonable grounds that the person may be arrested without a warrant under A55(2)(a). The CPIC- PDP database will equip peace officers across Canada with information that a foreign national has been deported from Canada, has returned to Canada without authorization under A52(1) and, at the time of the person's removal, there were reasonable grounds to believe that the person was a danger to the public and/or was unlikely to appear.

In such cases, the deportee will be added to the FOSS-PDP database and a previous deportee (PREV.DEP) flag will be enabled in FOSS. After a name is queried in CPIC and it is a direct match to a person found in the PDP database, the information on CPIC will instruct law enforcement partners in Canada to contact the Immigration Warrant Response Centre (IWRC) for further assistance.

Information on individuals in the CPIC-PDP database originates from the FOSS-PDP database. For more information on: who will be added:

- to the FOSS-PDP database, see section 17.1 in ENF 11; and
- to the CPIC–PDP database, see section 17.2 in ENF 11.

As part of the PDP initiative, visa offices outside of Canada play a critical role in ensuring that the PDP information on FOSS and CPIC is accurate. In doing so, a PDP will be removed from FOSS and/or CPIC only after a positive decision on the Authorization to Return to Canada (ARC) has been electronically completed in CAIPS.

For further background information on the requirements for Previously Deported Persons to be added to the FOSS and/or CPIC database, see ENF 11, Section 13 (Verifying departure).

6.1. Who requires the authorization to return to Canada? (Under the authorization of the Minister of Citizenship and Immigration).

Under the provisions of A52(1), a foreign national must obtain written Authorization to Return to Canada (ARC) after the enforcement of any of the following removal orders:

- deportation order (lifetime ban from returning to Canada R226);
- departure order becomes a deportation order [lifetime ban from returning to Canada R224(2)];
- exclusion order:
  - one-year ban R225(1);
  - two-year ban R225(3).

Before an ARC can be issued, the removal order must first be enforced. A removal order can be enforced by two methods, either at a POE or at a visa office outside of Canada pursuant to R240(1) or R240(2). A removal order is enforced under these provisions only after an officer has issued a Certificate of Departure IMM 0056B. For further information on enforcing a removal order at a visa office outside of Canada, see ENF 11, Section 13.5.

Note: Persons that have been issued any removal order on the basis that the person is an accompanying family member under A42(b) do NOT require an ARC.

6.2. Issuing an Authorization to Return to Canada (IMM 1203)

At visa offices outside of Canada, only a Program Manager has the designated authority (see module 9, item 70 of IL 3 at http://www.ci.gc.ca/cicexplore/english/guides/immigration/il/il3/il3TOC.htm) to sign an IMM 1203B and enter the decision on the ARC screen in CAIPS. An ARC is issued to overcome a removal order.

There are two mandatory steps in issuing an Authority to Return to Canada (ARC), whether the decision is granted or denied, they are:

- complete the Authority to Return to Canada (ARC) screen on CAIPS; and
- complete form IMM 1203B (granted) or IMM 1202B (denied) both fillable forms available on CIC Explore.

The rationale for the decision to GRANT or DENY must be fully explained in the REMARKS field of the ARC document.

For further information on completing the Authorization to Return to Canada (ARC) screen, refer to the *CAIPS User Guide.*

In addition to an ARC, applicants from non-visa exempt countries will also require a temporary resident visa. For permanent residence applicants, officers should note in the Remarks block of the Confirmation of Permanent Residence IMM 5292B that Authorization to Return to Canada was granted A52(1). All applicable cost recovery fees must be paid prior the issuance of an Authorization to Return to Canada.

Officers should:

- make two copies of the original IMM 1203;
- give the original to the applicant;
- send one copy to the office that removed the applicant from Canada;
- send the second copy to the Microfilm Unit, Records Section, Information Management and Technologies Branch (BIM), CIC, NHQ, 2/F, Jean Edmonds Tower North, 300 Slater, Ottawa, Ontario, K1A 1L1;
- inform applicants that they must present the IMM 1203 at a port of entry.

If an applicant arrives at the port of entry without an IMM 1203, the person may be reported under A44(1) for non-compliance of not having the authorization to return to Canada pursuant to A52(1).

Note: The ARC document should be used to grant authorization to return to Canada whenever written authority is required (**including exclusion orders**). Its use is not limited to previous deportees where the PREV.DEP flag is enabled.

6.3. Effect of ARC decisions on the PDP database

Where there is a PREV.DEP flag enabled in FOSS, the effect of the ARC will be as follows:

- a decision to GRANT an ARC will disable the PREV.DEP flag in FOSS, remove the person from the Primary Inspection Line (PIL) at the POE 'Hit List' and automatically remove the record from CPIC; or
- a decision to DENY an ARC will maintain the PREV.DEP flag in FOSS, cause the client to remain on the PIL 'Hit List' and maintain the record in CPIC.

The previous deportee (PREV.DEP) flag in FOSS will be automatically disabled and the PDP information will be electronically removed from the CPIC-PDP database only after a Program Manager has granted an Authorization to Return to Canada under A52(1) IMM 1203B for a deportation order or a departure order that has become a deportation order **and** completes the ARC screen in CAIPS.

Failure to remove from the CPIC-PDP database a previous deportee who has been granted ARC and issued a valid visa or permit (if required) may result in wrongful arrest under A55(2)(a). It is essential, therefore, that an ARC document be completed where previous deportees are granted authorization to return to Canada before issuing a visa or permit.

6.4. Amending an ARC decision

In exceptional circumstances, there may be occasions where officers issued an ARC and information is later revealed that the document was issued in error. Officers should take note that once the Decision field has been filled and the document finalized, the ARC cannot be re-opened and amended because a positive decision will have electronically removed the person's record

from CPIC-PDP. It is therefore imperative for officers to be sure of their decision before completing the screen. The document can be edited until the Decision field has been filled. Should unanticipated circumstances occur requiring the decision be changed after the ARC has been finalized, the following protocol must be followed:

To reverse a positive decision:

- send an e-mail to IWRC with a short explanation requesting to re-enable the PREV.DEP flag;
- create a new ARC, choosing Value 3 (negative decision);
- copy and paste the e-mail sent to IWRC into the Remarks field of the new ARC.

To reverse a negative decision:

- create a new ARC, choosing values 1 or 2 (positive decision);
- explain the reason for the reversal in the Remarks field;
- no need to advise IWRC.

If the Decision field shows Application abandoned/withdrawn, a new ARC must be created. There is no need to advise the IWRC.

6.5. Repayment of removal expenses incurred by CBSA

Under the *Immigration and Refugee Protection Regulations*, the applicability of the fee to reimburse removal expenses has been widened to include persons who were removed at public expense, not just those who were deported. Removals are defined in R229 to include departure orders, exclusion orders and deportation orders. These fees only apply in situations where the relevant costs have not been recovered from a transportation company.

As set out in R243(a) and (b), a person must repay the costs incurred for removal to:

- U.S., or St. Pierre and Miquelon, the amount of $750;
- any other destination, the amount of $1,500.

Information on whether a person is required to repay the prescribed removal costs can be found in the Certificate of Departure screen through CAIPS/FOSS interface or the officer may contact the local CBSA Immigration Enforcement Centre. Collection of this fee will occur prior to the authorization to return to Canada being granted. Visa officers are required to mention in the CAIPS notes that payment was received.

Note: If the person is required to repay removal costs, there are no cost recovery exemptions. (This information should be available on the Certificate of Departure document viewable on CAIPS.)

If an individual advises that they are unable or unwilling to pay the fee immediately, they should be counselled to withdraw their request for an authorization to return to Canada. If the individual refuses to withdraw their request, the request for authorization to return to Canada under A52(1) should then be denied. A written IMM 1202B (Denial of Authorization to Return to Canada) should be issued and the ARC screen on CAIPS completed with the decision disposition as "denied".

7. Definitions

7.1. Who is a foreign national?

A foreign national is defined in A2(1) as a person who is not a Canadian citizen or a permanent resident.

7.2. Who is a permanent resident?

A permanent resident is defined in A2(1) as someone who has acquired permanent resident status and who has not subsequently lost that status under A46.

7.3. What is an application?

R10 dictates the form and content that a submission must take to be considered an application. R12 states that if the requirements of R10 and R11 are not met, the application and all documents submitted in support of the application shall be returned to the applicant. If a submission fails to meet these minimum requirements, then it should be returned to the applicant in its entirety with an explanation of why it cannot be accepted and a request for the missing information or documents. When returning a submission, visa offices should ensure that applicants who have pre-paid their fees have the option of requesting a refund should they decide not to provide missing documentation or information in a re-submission.

As far as language proficiency of applicants is concerned, when a submission in the Skilled Workers, Investor, Entrepreneur or Self-Employed Categories is received, front-screening LES's role should be limited to making sure that either language test results or other separate written explanation of the applicant's language proficiency is enclosed with the submission. If neither is included then the whole submission shall be returned to the applicant. If an applicant clearly indicates on their IMM 0008 and Schedule 3 or Schedule 6 that they have no speaking, listening, reading or writing ability in French and English, then no additional evidence of language proficiency is required. In such cases zero points may be safely assigned for language.

R102(1) sets the requirement to assess the language proficiency of any business applicant. Even if this language criterion makes little difference in the selection decision for business classes, R102(1) makes language as much a selection criterion as it does for the Skilled Workers class.

Visa offices should ensure that the decision on accepting a submission as an application is taken up front and before any processing has begun to avoid the situation where fees are accepted at post but a decision is taken later to return the submission due to incomplete information. As a reminder, once paper screening has taken place, processing fees are not refundable. Once an application has been accepted, it should not be returned to an applicant for re-submission. Any missing information should be requested during case processing.

For more information on language requirements for Skilled Workers, see OP 6, Section 10.3 to Section 10.10.

7.4. Who can be the principal applicant?

Either person of a married couple or a couple in a common-law relationship may elect to be the principal applicant. To be considered an application, submissions for permanent residence in Canada must clearly indicate who is the principal applicant according to R10(1)(e). Principal applicants cannot be alternated after the processing of an application begins. If applicants wish to have their spouse or common-law partners considered as the principal applicant, the original application should be closed and a new application, including new processing fees, should be submitted.

7.5. Who is an accompanying family member?

An "accompanying family member" is a family member of a principal applicant who receives a visa at the same time as the principal applicant, to accompany or follow the principal applicant to Canada. Accompanying family member cannot seek permanent resident status before principal applicants.

Family members of refugee applicants may, under certain circumstances, be processed and issued permanent resident visas up to a year after the principal applicant has been granted permanent resident status in Canada. See OP 5, Section 25, One-year window of opportunity provision.

With the following exceptions, according to R23, R70(1)(e) requires foreign nationals and their family members, whether accompanying or not, to meet the requirements of the Act and Regulations including admissibility requirements:

- spouses or common-law partners separated from and not living with applicants (the applicant must submit written evidence of the separation);
- children of an applicant or an applicant's spouse or common-law partner who are in the legal custody or guardianship of the spouse or ex-spouse or common-law partner.

If a family member is not covered by an exemption and is legitimately unavailable for examination (e.g., the subject of a missing persons report filed with the police before the application for permanent residence was made), an applicant should sign a statement indicating they understand they may be permanently separated from the unexamined family member.

Applicants who intend to eventually sponsor a child who is in the custody of a former spouse or common-law partner should be advised to have the child medically examined. However, officers should not issue a visa to separated spouses, common-law partners or children in the custody of the other parent, even if they are examined.

The person who sought to exclude them from examination in the first place cannot later sponsor family members who are exempted from examination. These unexamined family members are not members of the family class R117(9)(d).

8. Procedural fairness

Procedural fairness is a broad concept and difficult to define comprehensively. It applies to all types of applications and all facets of processing.

The following are some of the principles of procedural fairness:

Principle	Explanation
Communicating adequately and accurately with applicants	Officers should give applicants adequate notice regarding the process or the interview that will result or lead to a decision. Officers should accurately describe to applicants the documentation they are required to submit in order to address their concern.
Processing without undue delay	Officers must show diligence in processing applications. Visa offices must not appear to frustrate processing through unacceptable delays. A delay that cannot be justified is a denial of procedural fairness.
Whoever hears, must decide	“Hear” in this context does not mean interview. It simply means the person with legal authority to make a decision must do so. The Act, the Regulations and various delegation instruments are specific about who has authority to make decisions. When officers use their decision making authority, they assess information. If an officer is

	the only person who looks at information or deals with applicants, it is clear that they "heard" (not necessarily in an interview) and decided. When an officer is not the only person dealing with applicants, who hears and decides may be less clear to them. They may present information to someone not authorized to make the decision. This person is an intermediary who must pass all relevant information from applicants to the officer. The intermediary cannot assess the information for an officer and arrive at a decision. The record of decision must show that the officer made it after assessing all pertinent information from the applicant. Often officers rely on subjective assessments to make decisions. If a decision hinges on such assessments (e.g., abilities in English or French, personal suitability or credibility), it must be clear to the applicant that the officer made the assessment. Officers should not appear to rely on someone else's subjective assessment. The decision-maker must render the decision based on complete information. Therefore, all documents provided by the applicant must be forwarded to the decision-maker for consideration. A decision-maker should not indicate that they simply concur with the recommendations of an intermediary. They must indicate that they have weighed all salient factors of the application and have made their [own] decision on the merits of those factors.
Applicants must have an opportunity to disabuse officers of any concerns	Applicants must be allowed to bring evidence and to make an argument. This includes being provided with adequate translation/ interpretation. Officers must consider all the evidence and record (in CAIPS) on which they based their assessment, and for what reasons they did not consider some of the evidence. Officers must meet this requirement in all cases, but to different degrees. The opportunity should be proportionate to the complexity of the application. With visitor visa applicants, officers should express their own concerns and record the applicant's response in the case notes. The applicant must be made aware of the "case to be met", i.e., the information known by the officer must be made available to the applicant prior to the decision being made. For example, if an officer relies on extrinsic evidence (i.e., evidence received from sources other than the applicant), they must give the applicant an opportunity to respond to such evidence. Permanent residence applicants and some visitors may need extra time to address any concerns. The record of the exchange must be more detailed in such cases. When the concern is medical in nature, follow procedures outlined in OP 15 . Officers must also follow specific instructions to assess the occupational experience of skilled workers (see OP 6). Officers should give factual and objective reasons for their decision.
Decisions must be based on the *Immigration and Refugee Protection Act* and Regulations	The provision of the Act or Regulations must be cited in the record of a refusal. It is not acceptable to explain refusals with references to policies outlined in this, or any other manual. All communications, including refusal letters, should direct the reader's attention to the appropriate legislative provision.
Discretion must not be improperly fettered	If the Act or Regulations give officers complete authority to make a decision, they must clearly exercise that authority. Officers may, of course, take advice before making a decision. It should be plain to applicants though that the officer has used their authority to decide freely. The record of decision should also indicate that, after weighing guidance among all relevant factors, the officer came to their own conclusion. If an officer tells an applicant that a decision

	on their case is a result of advice from a superior, headquarters or procedures manuals, they restrain their discretion. They would be violating two other principles of procedural fairness, namely: (1) whoever hears must decide; and (2) applicants must have the opportunity to disabuse decision makers of their concerns.
Applicants must receive fair and equable treatment	Officers must be consistent in treatment of applicants in similar situations.

9. *Access to Information Act* and *Privacy Act*

9.1. Responding to requests for information: *Privacy Act*

Under the *Privacy Act*, Canadian citizens, permanent residents and all other persons present in Canada have a right to access their personal information held by a government institution.

The purpose of the *Privacy Act* is to protect the privacy of individuals with respect to personal information about themselves held by a government institution and to provide individuals with the right of access to such information.

Requests for personal information submitted pursuant to the *Privacy Act* should contain enough information for the officer to locate the requested information. This normally includes full name, including any alias, date of birth, immigration/visa file number, and an 8-digit client ID number. The request should also indicate specifically the information being sought by the client, i.e., visa file, immigration file, medical file, citizenship file. Written consent to disclose information is required from the requestor and any persons (over 18 years of age) who may have information on the file.

Clients may authorize the release of personal information to a representative. The representative must be a Canadian citizen or a permanent resident. The authorization to disclose should be specific to Citizenship and Immigration Canada as an appointment of counsel form is not sufficient in most cases. If appropriate, officers should tell authorized representatives of clients without access rights pursuant to the *Privacy Act* to request information under the *Access to Information Act* instead (see Section 9.5).

The *Privacy Act* does not prevent officers from contacting clients at c/o addresses they provide on their applications. The person or firm named in the address does not have to be a Canadian citizen, permanent resident or corporate entity in Canada.

Before releasing personal information, officers should confirm the identity of requesters and the authorization to release personal information to them. Personal information includes any information on or about a client of the Department that is recorded in any form. It also includes confirmation of the existence of a client's file or record.

Officers may disclose personal information by fax or by telephone, subject to security guidelines. When communicating by telephone, officers should ensure that they are talking to the person authorized to receive personal information.

There are no fees pursuant to the *Privacy Act.*

9.2. Members of Parliament

Paragraph 8(2)(g) of the *Privacy Act* permits a government institution to disclose personal information "to a Member of Parliament for the purpose of assisting the individual to whom the information relates in resolving a problem", without the written consent of the individual. Members of Parliament (MP) are sitting members of the House of Commons or the Senate. This discretionary privilege is not accorded to provincial members of Legislative Assemblies (MLA's), members of the National Assembly (MNA's - Quebec), and members of Provincial Parliaments (MPP's).

When Parliament is dissolved, personal information about other individuals cannot be given to MP's during this time unless authorized by the Minister. A decision will be made by the Minister, regarding the release of information, at the time each Parliament approaches the end of its allotted time and dissolution appears imminent. Appropriate directions will be issued to officers as necessary.

MPs usually delegate constituency business to constituency assistants. These assistants request personal information on the behalf of MPs. Officers may release personal information to constituency assistants provided it is clear MPs have named them for this purpose. Written requests for personal information on the letterhead of an MP, signed by constituency assistants, do not pose a problem. The written reply will simply be addressed to the MP.

Officers may release personal information to constituency assistants over the telephone when certain MPs have named them for this purpose. If uncertain, officers may ask the assistant to request the information in writing or by fax. Also, if the information is of an extremely personal nature, e.g., medical records, officers should require a request in writing or by fax. The request should confirm that the Member is assisting the individual to whom the information relates in resolving a problem.

While the *Privacy Act* allows departments to disclose personal information to MP's for the member to help resolve a constituent's problem, MP's have no special access rights to other individuals' records.

9.3. Exempt information

Only Public Rights Administration (BMX) at NHQ has the authority to exempt information requested under the *Privacy Act* or the *Access to Information Act* from release. The exempted information may make up the entire record or just a portion of it. If the visa office believes that certain information should not be released, they should provide BMX with a copy of the information along with an explanation as to why it should be exempt from release. Chapter 33 of the Privacy Manual and Chapter 9 of the Access to Information Manual contain guidelines for exempting information from release pursuant to the applicable sections of the *Privacy Act* and *Access to Information Act*.

9.4. Requests from CICs/CPCs for visa office files

CICs and CPCs have some responsibility for the administration of the *Privacy Act* and have the delegated authority to release information. Where exemptions must be made on certain documents, the documents in question will be sent to BMX for review. All requests submitted for personal information under the *Privacy Act* must be responded to within 30 days, even if the file is at a visa office. When a visa office receives a request for a file, officers will copy the entire file, including the file jacket, and send it to the CIC/CPC requesting the file by the next unclassified bag. If the next bag is not scheduled to depart within a week of receipt of the request, the records will be forwarded by commercial courier.

9.5. Responding to requests for information: *Access to Information Act*

Under the *Access to Information Act*, Canadian citizens, permanent residents and all other individuals or corporations present in Canada have a right of access to any information held by a government institution, regardless of its source, subject to exclusions and exemptions as described in the Act. Whereas the *Privacy Act* is limited to providing access to personal information only, *Access to Information Act* (ATI) requests may be about anything, including records on non-case files.

Clients who are outside of Canada, not a Canadian citizen or permanent resident, must have a representative in Canada submit a request on their behalf pursuant to the ATI. Appropriate authorizations to disclose information to the representative must be provided.

All ATI requests must be submitted to BMX at NHQ. Only senior officials at NHQ have the delegated authority to release and exempt information pursuant to this Act. There is a $5.00 application fee (payable by cheque or money order to the Receiver General of Canada). In some cases, clients may also be required to pay processing costs. All requests for information pursuant to the ATI Act must be responded to within 30 days.

If a visa office receives a request from BMX for information, officers should respond immediately. Officers will make one copy of the record(s) and file jacket of immigration files including any recommendations and rationale for any exemption on a separate page. They may wish to indicate their recommended exemptions on a separate copy of those specific pages. Officers will send a copy to BMX by the next unclassified bag. If the next bag is not scheduled to depart within a week of receipt of the request, the records will be forwarded by commercial courier.

For more information see Chapter 1, Access to Information Manual (AM).

10. Use of federal government identifiers

If visa offices become aware of the unauthorized use of Canadian government identifiers (e.g., Canadian flag) in commercial activities, they should take action to end the practice.

If the business address of the commercial venture is in Canada, visa offices should notify Legal Services with pertinent details. Legal Services will take the appropriate action on behalf of the visa office.

If the business has an address outside Canada, visa offices should determine if the country of record is a member of the World Trade Organization (WTO) or a party to the *Paris Convention* (1967). Members of the WTO and signators to the Convention are under an obligation to prohibit the unauthorized use of state armorial bearings or national emblems of other countries.

Visa offices should first contact the concerned business and request that use of the identifiers cease. If the business does not comply with this request, visa offices should contact the appropriate authorities in the country of record and request their intervention.

For visa offices located in countries that are not members of the WTO or parties to the *Paris Convention*, it is advisable to proceed according to instructions for business addresses exclusively within foreign jurisdiction.

Visa offices should consult with their Head of visa office and/or Head of Trade (given that commercial ventures are involved) if the assistance of foreign government authorities is sought to prevent the unauthorized use of identifiers.

LIST OF WEB SITE REFERENCES	
The Symbols of Canada	http://www.pch.gc.ca/progs/cpsc-ccsp/sc-cs/index_e.cfm
Commercial use of symbols abroad and in Canada	http://www.pch.gc.ca/progs/cpsc-ccsp/sc-cs/commuse_e.cfm
List of country members of WTO	www.wto.org/english/thewto_e/whatis_e/tif_e/org6_e.htm

11. Conducting interviews

Officers conduct interviews:

- to get information that is unavailable from the documents on file;
- to clarify information (e.g., intentions of dependent child);

- to give counselling;
- to provide applicants with an opportunity to respond to an officer's concerns regarding elements of the application;
- to inform applicants about decisions.

The following steps should be followed when conducting interviews:

Prepare	• Read the file in advance; • stay focussed on why an interview is required: what is needed to make a decision; • gather any tools needed to consult in order to make a decision.
Establish rapport	• Greet the applicant; • put the client at ease: help them through logistics (e.g., do they follow you? where do they sit?, do they have special needs?)
Explain the purpose and format of the interview	• Explain the officer's role and authority; • explain how the interview will be conducted; • if using an interpreter, ensure that the applicant and interpreter understand each other; • ensure that the applicant understands the officer and the process.
Elicit information	• Try to put the applicant at ease: most people will be more forthcoming if they feel relaxed; • keep vocabulary simple and sentence structure uncluttered; • avoid jargon, rephrase questions if it appears that the applicant has not understood a question; • maintain the dignity of the applicant. • What to ask: • only ask what can't be determined from the file; • use the application form as a guide; • be alert for inconsistencies, gaps, evasiveness, personal questions are acceptable as long as the officer is respectful.
Make a provisional assessment on eligibility/ admissibilit y and inform the applicant	Essence of decision: • Why is the applicant being interviewed? • Is the necessary information available in order to make a decision? **i) Identity:** Is the applicant who they claim to be? **ii) Relationship:** Is the applicant related to their sponsor? Are they related to their stated family member? **iii) Eligibility:** Does the applicant meet the selection criteria in the category in which they are applying? **iv) Admissibility:** Does the applicant meet statutory requirements? Is the applicant described in inadmissible classes?
Give the applicant the	• Remember the principles of procedural fairness;

opportunity to refute/ explain	• give the applicant reasonable opportunity to respond to the decision, clarify facts, provide new information or question the officer's interpretation of the facts; • don't be reluctant to change a decision if the applicant presents new relevant information; • explanation is very important if it is a refusal or if there are conditions upon acceptance; • explain the requirements and why the applicant does not meet them.
Explain what happens next	• If something is required of the applicant, write this down for them; • only ask for additional information/documentation if it is necessary in order to make a decision; • inform the client what will be done next; • as applicable, inform the applicant that they will also receive a written explanation; • inform the applicant if humanitarian and compassionate consideration, rehabilitation, etc., will be sought; • make clear who has the authority to make the decision.
Answer any questions	• Give the client an opportunity to clarify what was said and make sure they understand; • give counselling: refer the applicant to authoritative sources; • avoid giving information you are not certain of.

12. Case notes

Good case notes are of critical importance as a record of what transpired at an interview. Case notes are used to prepare refusal letters, respond to enquiries, as the record in the case of an appeal and for court challenges. Staff in other offices in the Department have direct access to individual electronic files. Officers should ensure that case notes not only document any decisions taken during case evaluation, but also clearly reflect the process the officer followed in reaching those decisions. Should an application refusal be reviewed, the integrity, transparency and equity of the decision- making process will be considered. Therefore, officers should ensure that irrelevant, inappropriate and prejudicial comments do not form part of the case notes.

Good case notes should include the following:

Setting the scene	• Include the "where", "when" and "who was present", language of interview, use of interpreters, etc.; • identify if a decision was made on reviewing the paper file or after an interview.
Use of signposts	• Make it easier for anyone reading the file by using headings to guide the reader by logically structuring case notes. Many officers choose to use a variety of entries/headings (e.g., paper file review, representation, pending, interview, inquiry).
Ensuring the electronic file	• Record all non-routine correspondence and telephone conversations;

is complete	• note all routine correspondence sent; • ALL information relevant to the case should appear in the notes.
Complete sentences/ thoughts	• Ensure that notes are easy to understand so that representations can be answered without asking for clarification and avoid jargon.
Identifying interpreter used	• Record of interpreter's name and relationship to applicant (if any); • record language of interpretation; • if interpreter is one which CIC provides, ensure that the applicant is comfortable with the quality of translation provided and note in CAIPS.
Objective facts	• Officers should avoid personal judgments; • officers should make sure they are qualified to make the conclusions at which they arrive. (For example, officers should not conclude that an applicant is mentally ill without the benefit of a professional opinion.)
Recording basis on which decision was made	• Explain thought processes; make no assumptions (e.g., "applicant has not satisfied me that she is a genuine visitor intending to enter Canada for a temporary purpose BECAUSE...").
Recording anything out of the unusual	• For example, if conducting interview and the applicant has a seizure... Was the atmosphere hostile, was applicant extremely nervous, sweated profusely, shook when asked about military service, etc.

13. DNA tests

13.1. Information for applicants

Visa offices should inform applicants of the following:

- the decision to be tested or not is entirely their own;
- they or their sponsor must pay all costs including sample taking, courier costs for shipping, the laboratory analysis of all samples and the final report submitted directly from the laboratory to CIC and the applicant;
- the Canadian Government bears no responsibility for the test. It is done by private laboratories which will forward copies of test results to immigration offices or visa offices. Applicants must sign a release and client consent form (supplied directly by the laboratory to the applicant) before laboratories will forward test results to CIC;
- tests undertaken by laboratories that are not SCC accredited could result in a lengthy delay of their immigration application while CIC verifies the reliability of the laboratory and its processes;
- in the event that the laboratory chosen is found unsatisfactory, they will be financially responsible for re-testing if they want to proceed with the application.

For more information, see:

- DNA test for relationship, Section 5.9;

- When is a DNA test appropriate, Section 5.10;
- DNA results, Section 5.11;
- DNA companies, Section 5.12; DNA test request letter, Appendix D
- Procedures for DNA testing, Section 14.

13.2. DNA testing of relatives

A relative or family member's DNA can be very useful to DNA test results (i.e. mother of dependent children being sponsored by father), even if that family member or relative is not specifically involved with the sponsorship application (i.e., mother is previous spouse of sponsor). Visa offices receiving requests to collect samples from one or more persons, who are not necessarily involved with the file, should simply collect the samples. If there are serious doubts about the need for testing of any specific individual, they should not decide that someone's sample is not required. Rather they should first discuss their concerns with the DNA testing company or ask their geographic desk to contact the DNA testing company on their behalf. This should be done prior to setting up the appointments for sample collection.

Finally, it is not always necessary to request a specific DNA report for each person who is being tested. If a paternity report is being requested and the mother is providing a sample (generally always the case when testing relationships of dependent children), then a maternity report is not necessarily required. DNA labs automatically include a covering letter with paternity reports indicating any negative relationship results between the alleged mother and any of the children. Otherwise, officers can assume that the alleged mother is the biological mother.

The table of examples below may help clarify the above issues.

Table: DNA samples that may be requested and DNA reports that may not be required:

Example:	Explanation:
In a simple paternity test between a child (overseas) and the sponsor (living in Canada), where the mother of the child is alive and available, it is useful to have a sample from her as well.	Since 50% of the DNA of a child comes from his father and 50% from his mother, DNA testing of the mother will ascertain which half of the child's DNA came from his mother. The remaining portion of the child's DNA will be deemed paternal and can easily be compared to the alleged father's DNA. While it is possible to run a paternity test without the mother, there is more work involved in the determination and it is, therefore, not more cost effective to eliminate DNA testing of the mother.
If siblings are being tested to determine if they are full or half siblings, and if their alleged parents are deceased, it is useful to have samples from the deceased parents' relatives.	If it can be determined, prior to the test, that the parents or siblings of the deceased alleged parents are alive and available, the DNA testing company may request samples from them to determine the sibling relationships. Therefore, visa offices should collect these samples for the DNA test.
If the alleged father is the sponsor and a paternity report is requested, the DNA lab automatically requests a sample from the mother.	A separate maternity report is not required unless it is strongly suspected that the mother is not the biological mother and she is also being sponsored. The DNA lab determines if the alleged mother is excluded or not while running the paternity test and issues a covering letter advising of any negative relationship results between the alleged mother and any of the children.

14. Procedures for DNA testing

Parentage tests should, whenever possible, involve samples of genetic material from both parents and the child(ren). If there is no possibility of obtaining samples from both parents, tests of samples from one parent (either father or mother) and the child(ren) are acceptable.

Laboratories listed in Appendix F will forward a tamper proof sampling kit (including instructions) to the client or the visa office (depending on the preference of the visa office). Some visa offices stockpile kits and distribute them on notification from the listed laboratory. The kit is self-contained with everything necessary to take, pack, and ship a sample. It also includes instructions for applicants and visa office staff witnessing sample taking. Following these instructions ensures the reliability of results from the sample.

Officers are responsible for assuring local sample taking arrangements are tamper proof. Immigration medical officers will identify suitable laboratories or itinerant medical personnel able and willing to take samples.

The following steps must be followed when samples for DNA testing are taken:

- Provide clients with the names and addresses of the laboratories listed in Appendix E Applicants, their sponsors or representatives are responsible for choosing a laboratory.
- Inform the applicant when and where they must give a sample. Applicants must provide two recent photos (passport size and quality). The photos form part of the documentation shipped with the sample blood.
- Applicants must also present documents to establish the identity they claim.
- An officer or other visa office official who has to be present when the sample is collectedmust:
    - ensure the person giving the sample is the applicant and the person identified in the sampling kit;
    - verify that the sample kit has not been tampered with and complete the chain of custody documents for the sample (or witness their completion);
    - package the sample and documentation according to instructions in the kit;
    - forward the package to the laboratory by the fastest, most reliable means possible. Ideally, no more than seven (7) days should elapse between the sample taking and receipt by the laboratory. Normally, private courier services, paid by the applicant, can deliver samples within this deadline.

15. High profile or contentious cases

High profile cases result from a variety of applications and situations. They are not limited to applications involving questions of security.

Case Management Branch (BCD) channels communications within the Department on high profile or contentious cases. However, Intelligence Branch, Canada Border Services Agency (CBSA) must be contacted for cases where there are security concerns, human rights violations or organized crime.

Report to BCM all cases of foreign nationals as well as visitors, that are potentially controversial or high profile for any of the following reasons. These types of cases could, but not exclusively, involve:

- applicants with public profiles;
- security concerns A34(1)(a)(b)(c)(d)(e)(f)
- human rights violations A35
- serious criminality A36;
- organized crime A37 –
- intense media interest;
- provincial jurisdiction over minors;
- highly-publicized cultural, sporting events, and international conventions.

NHQ need not be informed of routine visits of ministerial level representatives of other governments.

All communication should be addressed to the appropriate bureau(s) of BCD and Intelligence Branch, CBSA, as outlined below.

The International Region geographic desk should be copied when cases are of national interest, and when the program manager thinks there is potential impact on bilateral relations or another important facet of program operations.

BCD is divided into two directorates:

- BCL-Litigation Management;
- BCM-Case Review reviews applications for rehabilitation, requests for concurrence to issue temporary resident permits in cases of criminal inadmissibility, high profile cases, liaison with the Minister's office, and manages contentious cases.

Intelligence Branch, CBSA is divided into many divisions but the three that need to be advised of the above cases are:

- Security Review, which is responsible for cases where security is the major issue, including cases involving A34(1)(a)(b)(c)(d)(e) and (f);
- Organized Crimes Division, which is responsible for cases of members of criminal organizations described in A37. The Organized Crimes Division is also responsible for Intelligence Branch liaison with the RCMP;
- War Crimes Division, which is responsible for cases of human or international rights violations, members of the designated regimes or those against whom there are sanctions.

16. Applications from diplomatic, consular and official personnel

If an application for permanent residence is received from anyone with diplomatic, consular or official status in Canada, officers should notify Diplomatic Corps Services (XDC) in the Office of Protocol, Department of Foreign Affairs and International Trade and provide XDC with the name and position of the applicant.

Applicants must be advised that, as well as meeting all other requirements for visa issuance, they must:

- prove their missions informed XDC their assignment is over and that XDC cancelled their official acceptance; and
- obtain an ordinary passport.

If an applicant cannot prove their visa office has notified XDC of the change in their status, they may submit proof of cancellation of official acceptance alone.

17. Responses to enquiries after refusal

Applicants or their representatives often submit information after a refusal. Officers should not acknowledge receipt and consideration of this information when responding. To do so could open the refusal decision to review beyond the time limits for applying for judicial review (30 days after the date of the refusal letter).

Also, when the response states the refusal decision was reviewed by someone other than the officer who made it, the courts may look on the review as a new decision.

Applicants or their representatives should be invited to submit new information with a new application. Appendix B contains a sample letter of response to this effect.

18. Humanitarian and compassionate considerations

A provision of A25 allows the Minister to grant permanent residence to applicants who do not meet certain requirements of the foreign national class in which they have applied (R67 and R68). Visa offices should refer to the delegation of instruments to determine who is permitted to act as the Minister's delegate when considering the issuance of a permanent resident visa under A25.

The Department has not restricted use of this authority to a list of defined circumstances. A list would not be sufficiently comprehensive or flexible. The Department trusts the good judgment and discretion of its officers [and managers] to recognize when humanitarian and compassionate conditions warrant consideration under A25.

The Department has given delegated authority with the expectation they will use it to resolve problems.

The Department also expects officers to be fully accountable for use of this authority. They must ensure a complete record of the background and rationale for their decision forms part of case files.

Officers' written recommendations to waive the regulations are part of this record. The decision makers must sign and date their own decisions.

The record of background and rationale, recommendations and program manager decisions must appear in the case notes of CAIPS files.

For further information on Humanitarian and Compassionate consideration under A25, see OP 4.

19. Document retention and disposal

When deciding whether to retain or dispose of a document on a permanent or temporary residence application, visa offices should consider:

- whether the document is directly germane to any positive or negative decision taken on the application;

- whether the document may be essential as evidence in any administrative or judicial proceedings resulting from a refusal of the application;
- whether CAIPS notes are sufficiently well documented concerning the material so that it can be disposed of or returned to the applicant;
- the need to ensure that applications are as thin as possible to ensure efficient space management at visa offices.

19.1. Principles guiding the retention and disposal of documents

Visa offices have authority to retain minimum paper documentation on immigrant and non-immigrant files in accordance with the guidelines in section 19.2.

Documentation obtainable from other sources is not retained on finalized files. Examples include copies of permanent resident counterfoils and confirmation of permanent residence, temporary resident permits, CAQs and CSQs. Relevant details from these documents should be recorded in CAIPS notes.

Visa offices should, on a regular basis, review the documents that clients submit with their applications to ensure that only those documents that are relevant to the processing of a case are requested. Should visa offices note documents routinely requested in the application kits that are not relevant to decision-making in a permanent or temporary residence application, they should notify RIM/NHQ to allow for a review of kits to determine if those documents should no longer be required.

Visa offices should look for administrative opportunities to dispose of unneeded documents throughout the application process. Where possible, decisions on retention or disposal of documents should not be made only at the finalization of an application.

There are no legal impediments to immediately microfilming or microfiching documentation on approved and refused files. Microfilmed documentation is admissible in court proceedings under section 31 of the *Canada Evidence Act*.

The National Archives of Canada requires that the paper file be retained where an applicant might have been involved in war crimes or crimes against humanity. Five years after finalization, these files are to be forwarded to the Government Archives Division (GAD) of the National Archives of Canada, 395 Wellington Street, Ottawa, Canada K1A ON3.

19.2. Guidelines for the retention and disposal of documents

During processing:

Documents that support routine processing are not to be filed. Examples of such documents include birth, marriage, education certificates, copies of passports on immigrant files and curricula vitae, school acceptances, statements of net worth, letters of invitation on non-immigrant files. The date of receipt and nature of contents, where applicable, are to be recorded in CAIPS notes.

After recording receipt, the documents are either discarded or, if they are originals, they are to be returned to the applicant.

The officer's record of information from returned or discarded documents must be sufficiently detailed to permit another officer to continue processing or to respond to representations. Officers must also ensure that CAIPS notes record any relevant information that may be used in administrative or judicial proceedings should a refusal be appealed. Visa offices should refer to RIM-03-110 and RIM-03-027 which outline guidelines to be considered regarding the document required by hearings officers for evidentiary purposes.

Officers may keep contentious or questionable documents on file during processing. If officers rely on a document to refuse an application, they will keep it on file, microfilm or microfiche after finalization. (See Appendix G).

Officers must retain all evidence of an applicant's involvement in war crimes or crimes against humanity.

Following finalization

For those visa offices that have the capability, contents of files may be microfilmed or microfiched for storage, except for documents relating to an applicant's involvement in war crimes or crimes against humanity. These documents are to be kept for five years and then forwarded them to the National Archives of Canada (see section 19.1 for the address). Except for the applications of persons involved in war crimes or crimes against humanity, the IMM 0008 may be microfilmed.

At visa offices without microfilm equipment, paper documents are retained according to the file retention and destruction schedule in Appendix G. This schedule also applies to the microfilming of documents. NHQ is currently reviewing the department's policy on electronic and other technical means to preserve file documents in modes other than hard copies. Equipment and human resource costs must be carefully reviewed before any policy decisions are made.

Where appropriate, the microfilming or microfiching of documents should immediately follow finalization.

Periods for document retention differ. Documents are to be separated and microfilmed according to the following file destruction periods.

- 65 years for IMM 0008 in all cases.;
- five years for criminal/medical/security refusals, controversial cases, or those of particular administrative interest;
- three years for successful entrepreneur cases;
- two years for other refusals and finalizations.

Appendix A Where to apply for a permanent resident visa, temporary resident visa, study permit, work permit, permanent resident travel document (PRTD).

:

If you are a citizen or permanent resident of, or have been lawfully admitted to one of the following countries or territories:	For Pemanent Residence (You must have been lawfully admitted for at least 1 year); and You must apply at the Corresponding Canadian Mission in this column	For Temporary Resident Visa You must apply at the Corresponding Canadian Mission in this column	For Study Permit You must apply at the Corresponding Canadian Mission in this column	For Work Permit You must apply at the Corresponding Canadian Mission in this column	For Permanent Resident Travel Document (PRTD) You must apply at the Corresponding Canadian Mission in this column
Afghanistan	Islamabad	Islamabad	Islamabad	Islamabad	Islamabad
Albania	Rome	Rome	Rome	Rome	Rome
Algeria	Paris	**Algiers - for processing in Paris**	**Algiers - for processing in Paris**	**Algiers - for processing in Paris**	**Paris**
American Samoa	Sydney	Sydney	Sydney	Sydney	Sydney
Andorra	Paris	Paris	Paris	Paris	Paris
Angola	Pretoria	Pretoria	Pretoria	Pretoria	Pretoria
Anguilla	Port of Spain	Port of Spain	Port of Spain	Port of Spain	Port of Spain
Antigua & Barbuda	Port of Spain	Port of Spain	Port of Spain	Port of Spain	Port of Spain
Argentina	Buenos Aires	Buenos Aires	Buenos Aires	Buenos Aires	Buenos Aires
Armenia	Moscow	Moscow	Moscow	Moscow	Moscow
Aruba	Caracas	Caracas	Caracas	Caracas	Caracas
Ascension	Accra	Accra	Accra	Accra	Accra
Australia	**Sydney**	**Sydney**	**Sydney**	**Sydney**	**Sydney**
Austria	**Vienna**	**Vienna**	**Vienna**	**Vienna**	**Vienna**
Azerbaijan	**Ankara**	**Ankara**	**Ankara**	**Ankara**	**Ankara**
Bahamas	Kingston	**Kingston**	**Kingston**	**Kingston**	**Kingston**
Bahrain	London	**Abu Dhabi**	**Abu Dhabi**	**Abu Dhabi**	**Abu Dhabi**
Bangladesh	Singapore	Dhaka	Dhaka	Dhaka	Dhaka
Barbados	Port of Spain	Port of Spain	Port of Spain	Port of Spain	Port of Spain
Belarus	Warsaw	Warsaw	Warsaw	Warsaw	Warsaw
Belau, Republic of (or Palau)	Manila	Manila	Manila	Manila	Manila
Belgium	Paris	Paris	Paris	Paris	Paris
Belize	Guatemala City	Guatemala City	Guatemala City	Guatemala City	Guatemala City
Benin	Accra	Accra	Accra	Accra	Accra
Bermuda	Buffalo	New York	New York	New York	New York
Bhutan	New Delhi	New Delhi	New Delhi	New Delhi	New Delhi
Bolivia	Lima	Lima	Lima	Lima	Lima
Bonaire (Netherlands Antilles)	Caracas	Caracas	Caracas	Caracas	Caracas
Boznia-Herzegovina	Vienna	Vienna	Vienna	Vienna	Vienna
Botswana	Pretoria	Pretoria	Pretoria	Pretoria	Pretoria
Brazil	Sao Paulo	Sao Paulo	Sao Paulo	Sao Paulo	Sao Paulo
British Indian Ocean Territory	Colombo	Colombo	Colombo	Colombo	Colombo
Brunei	Singapore	Singapore	Singapore	Singapore	Singapore
Bulgaria	Bucharest	Bucharest	Bucharest	Bucharest	Bucharest
Burkina-Faso	Abidjan	**Ouagadougou, for processing in Abidjan**	**Ouagadougou, for processing in Abidjan**	**Ouagadougou, for processing in Abidjan**	**Abidjan**
Burma (Myanmar, Union of)	**Singapore**	**Bangkok**	**Bangkok**	**Bangkok**	**Bangkok**
Burundi	**Nairobi**	**Nairobi**	**Nairobi**	**Nairobi**	**Nairobi**
Cambodia	Singapore	**Bangkok**	**Bangkok**	**Bangkok**	**Bangkok**
Cameroon	Abidjan	**Yaounde – for processing**	**Yaounde – for**	**Abidjan**	**Abidjan**

If you are a citizen or permanent resident of, or have been lawfully admitted to one of the following countries or territories:	For Pemanent Residence (You must have been lawfully admitted for at least 1 year); and You must apply at the Corresponding Canadian Mission in this column	For Temporary Resident Visa You must apply at the Corresponding Canadian Mission in this column	For Study Permit You must apply at the Corresponding Canadian Mission in this column	For Work Permit You must apply at the Corresponding Canadian Mission in this column	For Permanent Resident Travel Document (PRTD) You must apply at the Corresponding Canadian Mission in this column
		in Abidjan	**processing in Abidjan**		
Canada (for temporary lawful resident only)	Buffalo	**Buffalo Detroit Los Angeles New York Seattle Washington D.C.**	**Buffalo Detroit Los Angeles New York Seattle Washington D.C.**	**Buffalo Detroit Los Angeles New York Seattle Washington D.C.**	**N/A**
Canary Islands	Paris	Paris	Paris	Paris	Paris
Cape Verde	Abidjan	Abidjan	Abidjan	Abidjan	Abidjan
Caroline Islands	Manila	Manila	Manila	Manila	Manila
Cayman Islands	Kingston	Kingston	Kingston	Kingston	Kingston
Central African Republic	Abidjan	Abidjan	Abidjan	Abidjan	Abidjan
Chad	Abidjan	Abidjan	Abidjan	Abidjan	Abidjan
Channel Islands	London	London	London	London	London
Chile	Santiago	Santiago	Santiago	Santiago	Santiago
China (see People's Republic of China)	Beijing Hong Kong	Beijing Hong Kong Shanghai	Beijing Hong Kong	Beijing Hong Kong Shanghai	Beijing Hong Kong Shanghai
Christmas Island	Sydney	Sydney	Sydney	Sydney	Sydney
Colombia	Bogota	Bogota	Bogota	Bogota	Bogota
Comoros Island	Nairobi	Nairobi	Nairobi	Nairobi	Nairobi
Cook Islands	Sydney	Sydney	Sydney	Sydney	Sydney
Costa Rica	Guatemala City	**San Jose**	**San Jose**	**San Jose**	**Guatemala City**
Croatia	Vienna	Vienna	Vienna	Vienna	Vienna
Cuba	Havana	Havana	Havana	Havana	Havana
Curaçao (Netherlands Antilles)	Caracas	Caracas	Caracas	Caracas	Caracas
Cyprus	Ankara Damascus	Ankara Damascus	Ankara Damascus	Ankara Damascus	Ankara Damascus
Czech Republic	**Vienna**	**Prague**	**Prague**	**Prague**	**Prague**
Democratic Republic of the Congo	Abidjan	**Kinshasa, for processing in Abidjan**	**Kinshasa, for processing in Abidjan**	**Kinshasa, for processing in Abidjan**	**Abidjan**
Denmark	London	London	London	London	London
Djibouti	Nairobi	Nairobi	Nairobi	Nairobi	Nairobi
Dominica	Port of Spain	Port of Spain	Port of Spain	Port of Spain	Port of Spain
Dominican Republic	**Port-au-Prince**	**Port-au-Prince**	**Port-au-Prince**	**Port-au-Prince**	**Port-au-Prince**
East Timor	Singapore	Jakarta	Jakarta	Jakarta	Jakarta
Easter Island	Santiago	Santiago	Santiago	Santiago	Santiago
Ecuador	Bogota	Bogota	Bogota	Bogota	Bogota
Egypt	Cairo	Cairo	Cairo	Cairo	Cairo
El Salvador	Guatemala City	**San Salvador**	**San Salvador**	**San Salvador**	**Guatemala City**
England	London	London	London	London	London
Equatorial Guinea	Abidjan	Abidjan	Abidjan	Abidjan	Abidjan
Eritrea	Nairobi	**Asmara, for processing in Nairobi**	**Asmara, for processing in Nairobi**	**Asmara, for processing in Nairobi**	**Nairobi**
Estonia	Warsaw	**Warsaw**	**Warsaw**	**Warsaw**	**Warsaw**
Ethiopia	**Nairobi**	**Addis Abeba, for processing in Nairobi**	**Addis Abeba, for processing in Nairobi**	**Addis Abeba, for processing in Nairobi**	**Nairobi**

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Falkland Islands	Buenos Aires, London	Buenos Aires London	Buenos Aires London	Buenos Aires London	Buenos Aires London
Federated States of Micronesia	Manila	Manila	Manila	Manila	Manila
Fiji	Sydney	Sydney	Sydney	Sydney	Sydney
Finland	London	London	London	London	London
France	Paris	Paris	Paris	Paris	Paris
French Guiana	Port-au-Prince	Port-au-Prince	Port-au-Prince	Port-au-Prince	Port-au-Prince
French Polynesia	**Sydney**	**Sydney**	**Sydney**	**Sydney**	**Sydney**
Gabon	Abidjan	**Libreville, for processing in Abidjan**	**Libreville, for processing in Abidjan**	**Libreville, for processing in Abidjan**	**Abidjan**
Gambia	Accra	**Accra**	**Accra**	**Accra**	**Accra**
Gaza (Palestinian Authority)	Tel Aviv	**Cairo**	**Cairo**	**Cairo**	**Tel Aviv**
Georgia	Ankara Moscow	Ankara Moscow	Ankara Moscow	Ankara Moscow	Ankara Moscow
Germany	Berlin	Berlin	Berlin	Berlin	Berlin
Ghana	Accra	Accra	Accra	Accra	Accra
Gibraltar	Paris, London	Paris, London	Paris, London	Paris, London	Paris, London
Greece	Rome	Rome	Rome	Rome	Rome
Greenland	London	London	London	London	London
Grenada	Port of Spain	Port of Spain	Port of Spain	Port of Spain	Port of Spain
Guadeloupe	Port-au-Prince Paris	Port-au-Prince Paris	Port-au-Prince Paris	Port-au-Prince Paris	Port-au-Prince Paris
Guam	Manila	Manila	Manila	Manila	Manila
Guatemala	Guatemala City	Guatemala City	Guatemala City	Guatemala City	Guatemala City
Guinea	Abidjan- Immigrants Accra – Refugees	**Conakry**	**Conakry**	**Abidjan**	**Abidjan**
Guinea-Bissau	**Abidjan**	**Abidjan**	**Abidjan**	**Abidjan**	**Abidjan**
Guyana	**Port of Spain**	**Port of Spain**	**Port of Spain**	**Port of Spain**	**Port of Spain**
Haiti	Port-au-Prince	Port-au-Prince	Port-au-Prince	Port-au-Prince	Port-au-Prince
Honduras	Guatemala City	Guatemala City	Guatemala City	Guatemala City	Guatemala City
Hong Kong SAR	Hong Kong	Hong Kong	Hong Kong	Hong Kong	Hong Kong
Hungary	**Vienna**	**Budapest**	**Budapest**	**Budapest**	**Budapest**
Iceland	London	**London**	**London**	**London**	**London**
India	New Delhi	**New Delhi Chandigarh**	**New Delhi Chandigarh**	**New Delhi Chandigarh**	**New Delhi Chandigarh**
Indonesia	**Singapore**	**Jakarta**	**Jakarta**	**Jakarta**	**Jakarta**
Iran	Damascus	**Tehran**	**Tehran**	**Tehran**	**Tehran**
Iraq	Damascus	Amman	Amman	Amman	Amman
Ireland	London	London	London	London	London
Israel	Tel Aviv	Tel Aviv	Tel Aviv	Tel Aviv	Tel Aviv
Italy	Rome	Rome	Rome	Rome	Rome
Ivory Coast	**Abidjan**	**Abidjan**	**Abidjan**	**Abidjan**	**Abidjan**
Jamaica	Kingston	Kingston	Kingston	Kingston	Kingston
Japan	Manila	**Tokyo**	**Tokyo**	**Tokyo**	**Tokyo**
Johnston Atoll	Manila	Manila	Manila	Manila	Manila
Jordan	**Damascus**	**Amman**	**Amman**	**Amman**	**Amman**
Kazakhstan	Moscow	**Moscow**	**Moscow**	**Moscow**	**Moscow**
Kenya	Nairobi	Nairobi	Nairobi	Nairobi	Nairobi

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Kiribati	Sydney	Sydney	Sydney	Sydney	Sydney
Kosovo	Vienna	Vienna	Vienna	Vienna	Vienna
Kuwait	London	**Kuwait Citiy**	**Abu Dhabi**	**Abu Dhabi**	**Abu Dhabi**
Kyrgyzstan	**Moscow**	**Moscow**	**Moscow**	**Moscow**	**Moscow**
Laos	Singapore	**Bangkok**	**Bangkok**	**Bangkok**	**Bangkok**
Latvia	Warsaw	**Warsaw**	**Warsaw**	**Warsaw**	**Warsaw**
Lebanon	Damascus	**Beirut**	**Beirut**	**Beirut**	**Beirut**
Lesotho	Pretoria	Pretoria	Pretoria	Pretoria	Pretoria
Liberia	Accra	Accra	Accra	Accra	Accra
Libya	Paris	**Tripoli, for processing in Tunis**	**Tripoli, for processing in Tunis**	**Tripoli, for processing in Tunis**	**Tripoli, for processing in Tunis**
Liechtenstein	Paris Berlin	Paris **Berlin**	Paris **Berlin**	Paris **Berlin**	Paris **Berlin**
Lithuania	**Warsaw**	**Warsaw**	**Warsaw**	**Warsaw**	**Warsaw**
Luxembourg	**Paris**	**Paris**	**Paris**	**Paris**	**Paris**
Macao	Hong Kong	Hong Kong	Hong Kong	Hong Kong	Hong Kong
Macedonia (Former Yugoslav Republic of)	Vienna	Vienna	Vienna	Vienna	Vienna
Madagascar (Republic of)	Nairobi	**Antananarivo, for processing in Nairobi**	**Antananarivo, for processing in Nairobi**	**Antananarivo, for processing in Nairobi**	**Nairobi**
Mandeira	Paris	Paris	Paris	Paris	Paris
Malawi	Pretoria	Pretoria	Pretoria	Pretoria	Pretoria
Malaysia	Kuala Lumpur	**Kuala Lumpur**	**Kuala Lumpur**	**Kuala Lumpur**	**Kuala Lumpur**
Maldives	Colombo	**Colombo**	**Colombo**	**Colombo**	**Colombo**
Mali	Abidjan	**Bamako, for processing in Abidjan**	**Bamako, for processing in Abidjan**	**Bamako, for processing in Abidjan**	**Abidjan**
Malta	Rome	Rome	Rome	Rome	Rome
Marianas	Manila	Manila	Manila	Manila	Manila
Marie-Galante	Port-au-Prince	Port-au-Prince	Port-au-Prince	Port-au-Prince	Port-au-Prince
Marshall Islands (Republic of the)	Manila	Manila	Manila	Manila	Manila
Martinique	Port-au-Prince	Port-au-Prince	Port-au-Prince	Port-au-Prince	Port-au-Prince
Mauritania	Abidjan	Abidjan	Abidjan	Abidjan	Abidjan
Mauritius	Nairobi	Nairobi	Nairobi	Nairobi	Nairobi
Mexico	Mexico City	Mexico City	Mexico City	Mexico City	Mexico City
Micronesia (Federated states of)	Manila	Manila	Manila	Manila	Manila
Midway Island	Manila	Manila	Manila	Manila	Manila
Moldova	Bucharest	Bucharest	Bucharest	Bucharest	Bucharest
Monaco	Paris	Paris	Paris	Paris	Paris
Mongolia	Beijing	Beijing	Beijing	Beijing	Beijing
Montserrat	Port of Spain	Port of Spain	Port of Spain	Port of Spain	Port of Spain
Morocco	Rabat	Rabat	Rabat	Rabat	Rabat
Mozambique	Pretoria	Pretoria	Pretoria	Pretoria	Pretoria
Myanmar, Union of (Burma)	**Singapore**	**Bangkok**	**Bangkok**	**Bangkok**	**Bangkok**

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Namibia	Pretoria	Pretoria	Pretoria	Pretoria	Pretoria
Nauru	Sydney	Sydney	Sydney	Sydney	Sydney
Nepal	New Delhi	New Delhi	New Delhi	New Delhi	New Delhi
Netherlands	Berlin	Berlin	Berlin	Berlin	Berlin
New Caledonia	Sydney	Sydney	Sydney	Sydney	Sydney
New Zealand	Sydney	Sydney	Sydney	Sydney	Sydney
Nicaragua	Guatemala City	Guatemala City	Guatemala City	Guatemala City	Guatemala City
Niger	Abidjan	**Niamey, for processing in Abidjan**	**Niamey, for processing in Abidjan**	**Niamey, for processing in Abidjan**	**Abidjan**
Nigeria	Accra	**Lagos**	**Lagos**	**Lagos**	**Lagos**
Niue	Sydney	Sydney	Sydney	Sydney	Sydney
Norfolk Island	Sydney	Sydney	Sydney	Sydney	Sydney
North Korea	Beijing	Beijing	Beijing	Beijing	Beijing
Northern Ireland	London	London	London	London	London
Northern Mariana Islands	**Manila**	**Manila**	**Manila**	**Manila**	**Manila**
Norway	**London**	**London**	**London**	**London**	**London**
Oman	London	**Abu Dhabi**	**Abu Dhabi**	**Abu Dhabi**	**Abu Dhabi**
Pakistan	Islamabad	Islamabad	Islamabad	Islamabad	Islamabad
Palau (or Republic of Belau)	Manila	Manila	Manila	Manila	Manila
Palestinian Authority (West Bank & Gaza Strip)	Tel Aviv Persons resident in Gaza may apply in Cairo, Egypt if able to access Egypt to present application and/or attend interview	Tel Aviv **Persons resident in Gaza may apply in Cairo, Egypt if able to access Egypt to present application and/or attend interview**	Tel Aviv **Persons resident in Gaza may apply in Cairo, Egypt if able to access Egypt to present application and/or attend interview**	Tel Aviv **Persons resident in Gaza may apply in Cairo, Egypt if able to access Egypt to present application and/or attend interview**	Tel Aviv **Persons resident in Gaza may apply in Cairo, Egypt if able to access Egypt to present application and/or attend interview**
Panama	Guatemala City	Guatemala City	Guatemala City	Guatemala City	Guatemala City
Papua New Guinea	Sydney	Sydney	Sydney	Sydney	Sydney
Paraguay	Buenos Aires	Buenos Aires	Buenos Aires	Buenos Aires	Buenos Aires
People's Republic of China	Beijing Hong Kong	Beijing Hong Kong Shanghai	Beijing Hong Kong	Beijing Hong Kong Shanghai	Beijing Hong Kong Shanghai
Peru	Lima	Lima	Lima	Lima	Lima
Philippines	Manila	Manila	Manila	Manila	Manila
Polynesia, French	Sydney	Sydney	Sydney	Sydney	Sydney
Poland	Warsaw	Warsaw	Warsaw	Warsaw	Warsaw
Portugal (Azores, Madeira)	**Paris**	**Paris**	**Paris**	**Paris**	**Paris**
Puerto Rico	**Port of Spain**	**Port of Spain**	**Port of Spain**	**Port of Spain**	**Port of Spain**
Qatar	London	**Abu Dhabi**	**Abu Dhabi**	**Abu Dhabi**	**Abu Dhabi**
Republic of Congo	Abidjan	Abidjan	Abidjan	Abidjan	Abidjan
Republic of Madagascar	Nairobi	**Antananarivo, for processing in Nairobi**	**Antananarivo, for processing in**	**Antananarivo, for processing in**	**Nairobi**

If you are a citizen or permanent resident of, or have been lawfully admitted to one of the following countries or territories:	For Pemanent Residence (You must have been lawfully admitted for at least 1 year); and You must apply at the Corresponding Canadian Mission in this column	For Temporary Resident Visa You must apply at the Corresponding Canadian Mission in this column	For Study Permit You must apply at the Corresponding Canadian Mission in this column	For Work Permit You must apply at the Corresponding Canadian Mission in this column	For Permanent Resident Travel Document (PRTD) You must apply at the Corresponding Canadian Mission in this column
			Nairobi	**Nairobi**	
Reunion	Nairobi	**Paris**	**Paris**	**Paris**	**Nairobi**
Romania	Bucharest	**Bucharest**	**Bucharest**	**Bucharest**	**Bucharest**
Russia	Moscow	**Moscow** **St-Petersburg**	**Moscow** **St-Petersburg**	**Moscow** **St-Petersburg**	**Moscow** **St-Petersburg**
Rwanda	**Nairobi**	**Kigali, for processing in Nairobi**	**Kigali, for processing in Nairobi**	**Kigali, for processing in Nairobi**	**Nairobi**
Saba (Netherlands Antilles)	Port-au-Prince	Port-au-Prince	Port-au-Prince	Port-au-Prince	Port-au-Prince
Samoa	Sydney	Sydney	Sydney	Sydney	Sydney
Samoa (American)	Sydney	Sydney	Sydney	Sydney	Sydney
San Marino	Rome	Rome	Rome	Rome	Rome
Sao Tome and Principe	Accra	**Accra**	**Accra**	**Accra**	**Accra**
Saudi Arabia	London	**Riyadh**	**Riyadh**	**Riyadh**	**Riyadh**
Scotland	London	London	London	London	London
Senegal	Abidjan	**Dakar**	**Dakar**	**Abidjan**	**Abidjan**
Serbia-Montenegro	Vienna	**Belgrade**	**Belgrade**	**Belgrade**	**Belgrade**
Seychelles	Nairobi	Nairobi	Nairobi	Nairobi	Nairobi
Sierra Leone	Accra	Accra	Accra	Accra	Accra
Singapore	Singapore	Singapore	Singapore	Singapore	Singapore
Slovakia	Vienna	Vienna	Vienna	Vienna	Vienna
Slovenia	Vienna	Vienna	Vienna	Vienna	Vienna
Solomon Islands	Sydney	Sydney	Sydney	Sydney	Sydney
Somalia	Nairobi	Nairobi	Nairobi	Nairobi	Nairobi
South Africa	Pretoria	Pretoria	Pretoria	Pretoria	Pretoria
South Korea	Seoul	Seoul	Seoul	Seoul	Seoul
Spain	Paris	Paris	Paris	Paris	Paris
Sri Lanka	Colombo	Colombo	Colombo	Colombo	Colombo
St Pierre et Miquelon	Buffalo Paris	Buffalo Paris	Buffalo Paris	Buffalo Paris	Buffalo Paris
St. Barthélemy	Port-au-Prince	Port-au-Prince	Port-au-Prince	Port-au-Prince	Port-au-Prince
St. Eustatius	Port-au-Prince	Port-au-Prince	Port-au-Prince	Port-au-Prince	Port-au-Prince
St.Helena	Accra	Accra	Accra	Accra	Accra
St. Kitts and Nevis	Port of Spain	Port of Spain	Port of Spain	Port of Spain	Port of Spain
St. Lucia	Port of Spain	Port of Spain	Port of Spain	Port of Spain	Port of Spain
St. Maarten/St. Martin (Netherlands Antilles)	Port-au-Prince	Port-au-Prince	Port-au-Prince	Port-au-Prince	Port-au-Prince
St. Vincent and the Grenadines	Port of Spain	Port of Spain	Port of Spain	Port of Spain	Port of Spain
Sudan	Cairo	Cairo	Cairo	Cairo	Cairo
Suriname	**Port of Spain**	**Port of Spain**	**Port of Spain**	**Port of Spain**	**Port of Spain**
Svalbard	**London**	**London**	**London**	**London**	**London**
Swaziland	**Pretoria**	**Pretoria**	**Pretoria**	**Pretoria**	**Pretoria**
Sweden	**London**	**London**	**London**	**London**	**London**
Switzerland	**Paris**	**Paris**	**Paris** **Berlin**	**Paris** **Berlin**	**Paris**
Syria	**Damascus**	**Damascus**	**Damascus**	**Damascus**	**Damascus**
Tahiti	Sydney	Sydney	Sydney	Sydney	Sydney
Taiwan	Taïpei	Taïpei	Taïpei	Taïpei	Taïpei
Tajikistan	Moscow	Moscow	Moscow	Moscow	Moscow

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Tanzania	Nairobi	**Dar es Salaam, for processing in Nairobi**	**Dar es Salaam, for processing in Nairobi**	**Dar es Salaam, for processing in Nairobi**	**Nairobi**
Thailand	Singapore	**Bangkok**	**Bangkok**	**Bangkok**	**Bangkok**
Togo	Accra	Accra	Accra	Accra	Accra
Tokelau Island	Sydney	Sydney	Sydney	Sydney	Sydney
Tonga	Sydney	Sydney	Sydney	Sydney	Sydney
Trinidad & Tobago	Port of Spain	Port of Spain	Port of Spain	Port of Spain	Port of Spain
Tristan da Cunha	Accra	Accra	Accra	Accra	Accra
Tunisia	Paris	**Tunis**	**Tunis**	**Tunis**	**Tunis**
Turkey	Ankara	Ankara	Ankara	Ankara	Ankara
Turkmenistan	**Ankara**	**Ankara**	**Ankara**	**Ankara**	**Ankara**
Turks & Caicos	**Kingston**	**Kingston**	**Kingston**	**Kingston**	**Kingston**
Tuvalu	**Sydney**	**Sydney**	**Sydney**	**Sydney**	**Sydney**
Uganda	Nairobi	**Kampala, for processing in Nairobi**	**Kampala, for processing in Nairobi**	**Kampala, for processing in Nairobi**	**Nairobi**
Ukraine	Kyiv	**Kyiv**	**Kyiv**	**Kyiv**	**Kyiv**
United Arab Emirates	London	**Abu Dhabi**	**Abu Dhabi**	**Abu Dhabi**	**Abu Dhabi**
Uruguay	Buenos Aires	Buenos Aires	Buenos Aires	Buenos Aires	Buenos Aires
US Trust Territories of the Pacific Island	Manila	Manila	Manila	Manila	Manila
United States of America	Buffalo	**Buffalo Detroit Los Angeles New York Seattle Washington, D.C.**	**Buffalo Detroit Los Angeles New York Seattle Washington, D.C.**	**Buffalo Detroit Los Angeles New York Seattle Washington, D.C.**	**Buffalo Detroit Los Angeles New York Seattle Washington, D.C.**
Uzbekistan	Moscow	Moscow	Moscow	Moscow	Moscow
Vanuatu	Sydney	Sydney	Sydney	Sydney	Sydney
Vatican City	Rome	Rome	Rome	Rome	Rome
Venezuela	Caracas	Caracas	Caracas	Caracas	Caracas
Vietnam	Singapore	**Ho Chi Minh City**	**Ho Chi Minh City**	**Ho Chi Minh City**	**Ho Chi Minh City**
Virgin Islands (British & US)	Port of Spain	**Port of Spain**	**Port of Spain**	**Port of Spain**	**Port of Spain**
Wake Island	Manila	Manila	Manila	Manila	Manila
Wales	London	London	London	London	London
Wallis & Futuna	Sydney	Sydney	Sydney	Sydney	Sydney
West Bank (Palestinian Authority)	Tel Aviv	Tel Aviv	Tel Aviv	Tel Aviv	Tel Aviv
Western Sahara	Rabat	Rabat	Rabat	Rabat	Rabat
Yemen	London	**Abu Dhabi**	**Abu Dhabi**	**Abu Dhabi**	**Abu Dhabi**
Zambia	Pretoria	**Lusaka**	**Lusaka**	**Pretoria**	**Pretoria**
Zimbabwe	Pretoria	**Harare**	**Harare**	**Pretoria**	**Pretoria**
Seafarers on tankers at sea destined to offload oil and gas in the Atlantic provinces				**London New York**	

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For specific information on requirements for each visa office, please check the Citizenship and Immigration Canada Web site at: www.cic.gc.ca under the tab “visa offices.”

Appendix B Sample response to enquiries after refusal

Dear.....

This letter is in response to your letter of (date) regarding the application for permanent residence in Canada made by (name).

(Name)'s application for permanent residence in Canada was considered on its substantive merits [and if applicable for possible humanitarian and compassionate grounds] and was refused. (Name) was provided with the decision containing the reasons for refusing (his/her) application for permanent residence in Canada by letter addressed to (him/her) date (date), thereby fully concluding (his/her) application.

Should (name) have different or additional information, (he/she) may wish to submit a new application for permanent residence in Canada.

Yours truly,

(name)

Appendix C Revocation of authorization and direction

(i) Revocation of authorization and direction (Family/Skilled Workers categories)

DATE

I hereby revoke my Authorization and Direction signed by me on the ____ day of _____ which is contained in the Authority to Release Information to Designated Individuals (IMM 5476) of my Application For Permanent Residence in the Family/Skilled Workers category authorizing the Department of Citizenship and Immigration to release information from my immigration records to _____ and this shall be your good and sufficient authority for so doing.

Hereafter this date, I further direct you to communicate with (me directly or with my new representative) with respect to any and all matters pertaining to my application for permanent residence and to forward to (that person) any information and documentation that may be relevant to my application.

(ii) Revocation of authorization and direction (Business category)

DATE

I hereby revoke my Authorization and Direction signed by me on the ___ day of _____ which is contained in the Authority to Release Information to Designated Individuals (IMM 5476) of my Application For Permanent Residence in the Business category authorizing the Department of Citizenship and Immigration to release information from my immigration records to _____ and this shall be your good and sufficient authority for so doing.

Hereafter this date, I further direct you to communicate with (me directly or with my new representative) with respect to any and all matters pertaining to my application for permanent residence and to forward to (that person) any information and documentation that may be relevant to my application.

Appendix D Sample letter requesting a DNA test (to be adapted to your needs)

[Date]
[File number]

[Name and Address]

Dear [Applicant]:

This refers to your application for permanent residence in Canada.

Include the following paragraph if no documentary evidence is submitted in support of the application.

After reviewing the information provided in support of your application, I am not satisfied that there is sufficient evidence to prove the parent-child relationship between you and [NAME OF CHILD].

Include the following paragraph if some documentary evidence is submitted but is not satisfactory. Add brief reasons for suggesting a DNA test as well. Sample reasons are listed below.

After reviewing the information provided in support of your application, I am not satisfied that there is sufficient evidence to prove the parent-child relationship between you and [NAME OF CHILD].

- The birth certificate you provided was issued after you submitted your application for permanent residence;
- The birth certificate you provided was sent for verification to the (name of the authorities). [Name of the authorities] have confirmed that the certificate was never issued by them.

Since the documentary evidence you have provided does not enable us to establish parentage between you and the child, and you are unable to obtain other documentary evidence, in place of documentary evidence we will accept the results of a DNA analysis carried out by a laboratory accredited by the Standard Council of Canada for DNA testing. You are responsible for the selection of such an accredited laboratory in Canada and for the costs associated with sample taking, shipping, laboratory analysis, and report submission. A list of accredited laboratories is attached.

Once you decide to undergo DNA testing, the chosen laboratory will send us a letter informing us that you are prepared to undertake testing. Upon receipt of this letter, we will then contact you with a date for sample collection at an [APPROVED COLLECTION SITE]. We will also inform you of the requirements for a valid passport, an identification card, two passport-size photos, and the fees for the sample collection procedure and courier services to send each sample to Canada. Please note that it is important for you to have on hand the necessary identification documents so we may proceed with the sample collection.

The results of the DNA tests will be sent to us by the laboratory when analysis has been completed. This can take approximately four to six weeks.

If the tests confirm the relationship between you and [NAME OF CHILD], we will be in a position to proceed with the processing of your application or issue new medical instructions if your medical results have expired by that time.

<u>DNA tests are not mandatory.</u>

If we are not advised within 90 days by a laboratory that you will undergo DNA testing, we will assume that you are no longer interested in providing a DNA test result and will render a decision based on the information available to us at that time.

Sincerely,

[VISA OFFICER]

Appendix E Laboratories accredited by the Standards Council of Canada for DNA testing

MAXXAM ANALYTICS INC. Applicants, their sponsors and representatives anywhere in Canada can request testing kits by calling the national toll-free number 1-877-706-7678 or writing to the address below.
335 Laird Road, Unit 4 Guelph, Ontario N1H 6J3

HELIX BIOTECH LTD.
Applicants, their sponsors and representatives should contact one of the following offices to set up a DNA test:

In Ontario:	In Quebec:	BC and elsewhere in Canada:
157 Adelaide Street West, #102	5130 rue St-Hubert, # 210	635 Columbia Street
Toronto, ON	Montreal, QC	New Westminster, BC
M5H 4E7	H2J 2Y3	V3M 1A7
Telephone: (416) 657-2428	Telephone: (514) 272-5545	Telephone: (604) 523-2945
Toll Free: 1-800-395-4995	Toll Free: 1-800-565-4505	Toll Free: 1-800-563-4363
Toll Free fax: 1-888-304-1068	Fax: (514) 272-5622	Fax: (604) 523-2974

GENETRACK BIOLABS INC. Applicants, their sponsors and representatives from anywhere in Canada may contact the address below to set up a DNA test:
401-1508 West Broadway Vancouver, BC. V6J 1W8 T. 604-325-7282 F. 604-325-2208 Toll Free Telephone:1-888-828-1899 Toll Free Fax:1-888-655-8877 E-mail:immigration@genetrack.bc.ca Web site:http//www.genetrack.bc.ca/

MOLECULAR WORLD INC. Applicants, their sponsors and representatives from anywhere in Canada may contact the address below to set up a DNA test.
1 South Cumberland Street Thunder Bay, Ontario P7B 2T1 Telephone: 807-346-2891 or 807-344-7666 Toll Free: 1-877-665-9753 Fax: 1-807-344-7800 Email: info@MolecularWorldinc.com Web Address: WWW.MolecularWorldinc.com

Appendix F Acknowledgment of Receipt (AOR) letter (sample wording)

Dear .....

This refers to your application for permanent residence in Canada which was received at this office on (date).

Processing time

Applications for permanent residence in Canada in the foreign national category that you have applied to require on average ..... months to process at this office. If you have not received any instructions from this office by (date), you are requested to contact this office directly. You will be notified of the appointment for your interview, if required, approximately ..... months prior to the date of the interview, and you will be provided with further instructions at that time. If you have not received notification of your interview appointment by (date), please contact this office directly.

Interview

Section 15 of the *Immigration and Refugee Protection Act* authorizes an officer to proceed with an examination where a person makes an application for permanent residence in Canada for the purpose of determining whether the person and all his or her accompanying family members, appear to be persons who may be granted entry into Canada. To proceed with an examination, a personal interview is frequently required. Section 16 of the *Immigration and Refugee Protection Act* states that a person who makes an application must answer truthfully all questions put to them for the purpose of the examination. If an applicant appears for the interview without all the family members as required by the officer, then the required examination cannot be completed. This means that the applicant would be found to be inadmissible to Canada as a foreign national by virtue of the fact that he or she is unable to comply with all the requirements of the *Immigration and Refugee Protection Act* and the Regulations, following sections 11 and 41 of the Act.

Interpreters

Interpreters must be arranged in advance for any family members who will be interviewed and who are unable to communicate well in either of Canada's official languages of English or French. Instructions for the provision of interpreters will be provided to you prior to your interview appointment.

Non-resident applications

If you or any of your accompanying family members are not normally resident in the area of responsibility of this office, then you should be aware that there may be additional delay in the processing of your application for permanent residence in Canada. This delay will result from the need to refer your case to the Canadian Immigration office which is responsible for the country in which you or your family members normally reside. This referral is necessary to verify any information that you have provided with your application, or for advice concerning qualifications or other matters of a local concern that should be taken into account when assessing your application.

I trust that this information concerning your application for permanent residence in Canada is helpful. Thank you for your interest in Canada.

Appendix G Disposal of paper documentation

Documents noted in column 4 “Retain hard copy” i.e., IMM 0008, refer to item 2 at the bottom of the table. All other documents refer to item 1, also at the bottom of the page.

Document	Note and discard on receipt (see 1 below)	Note and discard on selection (see 1 below)	Retain hard copy	Microfilm
IMM 0008			See 2 below	4
IMM 1344A, IMM 1344B				
CAQ/CSQ				
Family Composition			See 2 below	
Birth/Marriage Certificates				
Education Certificates				
Copies of passports				
Job descriptions or job offers				
Verification of relationship				
Proof of net worth				
Business history				
Business proposal				
Form letters				
Convocation letter				
Status inquiries				
Certificate of no conviction				
Certificate of conviction			See 2 below	
Stage B "NRT" stamp				
Security concerns			See 2 below	
Evidence of war crimes				
Evidence of crimes against humanity				
Medical results (M1 to M3)				
Medical results (M4 to M7)				
Contentious information			See 2 below	
Refusal letter			See 2 below	
Statutory declaration			See 2 below	

* Individual file circumstances may justify modifications to the retention and disposal schedule

1. Visa offices may retain documents if they consider that notation in CAIPS notes is insufficient to justify the refusal of an application (i.e., selected photographs in FC cases). Documents relevant to refusals for reasons of war crimes or crimes against humanity cannot be microfilmed.

2. At visa offices without microfilm or microfiche equipment, documents and files are to be retained in paper format according to file retention and disposal schedules.