



Citizenship and
Immigration Canada

Citoyenneté et
Immigration Canada

ENF 11

Verifying Departure

ENF 11 Verifying departure

Updates to chapter	2
1. What this chapter is about	3
2. Program objectives	3
3. The Act and Regulations	3
3.1. Authorities	3
3.2. Transitional Provisions	4
3.3. Forms	4
4. Instruments and delegations.....	4
5. Departmental policy	5
6. Definitions	5
7. Procedure: Persons subject to departure verification.....	5
8. Procedure: Purpose of the Certificate of Departure	6
9. Procedure: Determining the method of enforcing a removal order	6
10. Procedure: Voluntary compliance.....	7
10.1. Requirements for voluntary compliance	7
10.2. What happens after voluntary compliance requirements are met.....	8
10.3. What happens when voluntary compliance requirements are not met	8
11. Procedure: Removal by the Minister	8
11.1. Removal to another country	9
11.2. Country of removal for persons who have violated human or international rights	9
12. Procedure: Criteria for a removal order to be enforced in Canada	9
13. Procedure: Verifying departure.....	10
13.1. Procedures to complete the Certificate of Departure [IMM 0056B].....	10
13.2. Verifying departure at airports	12
13.3. Verifying departure to the U.S. from airports with pre-clearance facilities	12
13.4. Verifying departure at land borders	13
13.5. Verifying departure by an officer outside Canada	13
13.6. Positive decision to enforce a removal order outside Canada	14
13.7. Negative decision to enforce a removal order outside Canada	15
14. Procedure: Verifying departure in the case of a removal order not in force.....	16
14.1. Port of entry procedures	16
14.2. Inland procedures.....	17
15. Procedure: Calculation of the applicable period for departure orders	18
15.1. Procedure: Stay of removal orders.....	18
15.2. Procedure: Detained in Canada on a departure order	19
16. Procedure: Persons refused entry to their country of destination after a Certificate of Departure has been issued	19
16.1. Procedure: Options available after being refused entry to another country.....	20
17. Procedure: Entering data on previously deported persons onto CPIC	21
17.1. Persons to be added to the Previously Deported Persons (PDP) database in FOSS	21
17.2. Persons be added to the Previously Deported Persons (PDP) database in CPIC	21
17.3. Completion of the Previously Deported Persons (PDP) document in FOSS for persons deported prior to the implementation of PDP	24
18. Procedure: Person departs Canada without obtaining a Certificate of Departure	24
19. Procedure: Counselling on the effect of the enforcement of removal orders	24
19.1. Requirements to return for deportation orders	24
19.2. Requirements to return for exclusion orders	25
19.3. Requirements to return for departure orders.....	25
19.4. Requirements to return for accompanying family members.....	25

ENF 11 Verifying departure

Updates to chapter

Listing by date:

Date: 2005-12-12

- Changes were made to reflect the transition from CIC to the CBSA.
- The term "delegated officer" was replaced with "Minister's delegate" throughout the text.
- References to "departmental policy" were eliminated.
- References to CIC and CBSA officers and the C&I and the PSEP Ministers were made where appropriate. Unless otherwise stated, the Minister spoken of throughout this entire chapter is the Minister of Public Safety and Emergency Preparedness.
- Other minor changes were made throughout the chapter.

2003-05-08

- Section 13.7
- Section 14.1

2003-04-30

Various amendments have been made to the manual chapter ENF11, Verifying Departure. Among these changes:

- Section 13.5, section 13.6 and section 13.7 have been amended to clarify the procedures that an officer at a visa office outside Canada must follow for verifying the departure of a foreign national who is the subject of an unenforced removal order.
- Section 14 is a new section to provide procedures for verifying the departure of foreign nationals who wish to voluntarily depart Canada before their removal order has come into force. Port of Entry and inland procedures are introduced.
- Section 16 has been amended to include instructions on cancelling the screen "Previously Deported Person (PDP)" in FOSS after a foreign national has been issued a Certificate of Departure and refused entry to their destination country.
- Section 17 is a new section on entering data on Previously Deported Persons (PDP) into the CPIC data bank. This section provides an overview of the PDP initiative, provides the procedures to complete the "PDP" screen in FOSS and the criteria for the PDP information to be downloaded to CPIC.

ENF 11 Verifying departure

1. What this chapter is about

This chapter focuses on verifying the departure of foreign nationals who are at a port of entry (POE) or a visa office outside Canada and are the subject of enforceable removal orders. It sets out the criteria for confirming the departure of persons from Canada who are the subject of departure, exclusion or deportation orders.

This chapter also outlines the procedures for enforcing a removal order and the requirements with which foreign nationals must comply to confirm the enforcement of such orders.

2. Program objectives

The objectives of the Canadian immigration policy for verifying departure are to:

- verify the removal of foreign nationals efficiently and expeditiously;
- ensure that foreign nationals required to leave Canada actually do so;
- ensure that foreign nationals who are the subject of enforceable removal orders leave Canada immediately and that the removal order is enforced as soon as reasonably practicable;
- maintain and protect public order and security in Canada;
- ensure that all the legal rights of foreign nationals are observed, and that removals are conducted effectively and equitably; and
- allow the Canada Border Services Agency (CBSA) and Citizenship and Immigration Canada (CIC) to update their records to indicate that a case has been concluded and no further enforcement action is required.

3. The Act and Regulations

3.1. Authorities

Officers responsible for verifying the departure of foreign nationals from Canada should be familiar with the legislative and regulatory authorities contained in the *Immigration and Refugee Protection Act* (IRPA) and its Regulations.

For legislation regarding the verification of departure, please refer to:

Provision	Act and Regulations
Foreign national	A2(1)
Enforceable removal order	A48(1)
Effect of an enforceable removal order	A48(2)
When a removal order comes into force – non-refugee protection claimants	A49(1)
When a removal order comes into force – refugee protection claimants	A49(2)
Authorization to return to Canada after an enforced removal order	A52(1)
Unenforced removal order – no visa shall be issued	R25
Requirements to return to Canada – departure order	R224(1)
Departure order becoming a deportation order	R224(2)
Requirements to return to Canada – one-year exclusion order	R225(1)
Requirements to return to Canada – two-year exclusion order	R225(2)
Requirements to return to Canada – deportation order	R226(1)
Modality of enforcement – voluntary compliance or removal by the	R237

ENF 11 Verifying departure

Minister	
Requirements for voluntary compliance	R238(1)
Voluntary compliance – choice of country	R238(2)
Requirements for removal by the Minister	R239
When a removal order becomes enforced	R240(1)
Circumstances when a removal order is enforced outside Canada	R240(2)
Country of removal when removed by the Minister	R241(1)
Circumstances under which the Minister selects removal to another country under R241(1)	R241(2)
Mandatory removal by the Minister and the Minister selects a country of removal	R241(3)
Transferred under the <i>Mutual Legal Assistance in Criminal Matters Act</i> – not authorized to enter their country of destination.	R242

3.2. Transitional Provisions

Application of transitional provision [A190]

Every application, proceeding or matter under the former *Immigration Act* that was pending or in progress immediately before the coming into force of A190 shall be governed by IRPA.

Decisions made under former Act: transitional provision [R317(1)]

A decision or order made under the former *Immigration Act* that was in effect immediately before the coming into force of IRPA continues to be in effect after that coming into force.

Removal orders: transitional provision [R319(1)]

A removal order made under the former *Immigration Act* that was unexecuted on the coming into force of the removal process continues to be in force and is subject to the provisions of IRPA.

Conditional removal order: transitional provision [R319(4)]

A conditional removal order made under the former *Immigration Act* continues to be in force and is subject to A49(2).

Executed removal order: transitional provision [R319(5)]

A52 (no return without prescribed authorization) applies to a person who, immediately before the coming into force of R319, was outside Canada after a removal order had been executed against them.

3.3. Forms

The forms required are shown in the following table:

Form title	Form number
Certificate of Departure	IMM 0056B
Authorization to return to Canada	IMM 1203B
Envelope: Removal Documents	IMM 1226B

4. Instruments and delegations

Pursuant to A6(1) and A6(2), the Minister [C&I or PSEP] has designated persons or class of persons as officers to carry out any purpose of any provision, legislative or regulatory, and has specified the powers and duties of the officers so designated. Refer to the Designation of Officers and Delegation of Authority documents in IL3 for more details.

These documents are to be read in conjunction with the Designated/Delegated Authority Module and the Regional, National or International Annex in accordance with the physical location of the officer.

ENF 11 Verifying departure

5. Departmental policy

Nil.

6. Definitions

Authorization to return to Canada (ARC)	Written authorization by an officer, or under other prescribed circumstances, to allow a person to return to Canada after their removal order has been enforced.
Certificate of Departure	This document confirms that the person named on the removal order has appeared before an officer at the port of entry to verify their departure, will depart from Canada, and has been authorized to enter their country of destination. This document also confirms the enforcement of a removal order outside Canada.
Enforceable removal order	A removal order that has come into force and is not stayed.
Enforced removal order	A removal order is enforced only after the requirements of R240(1) or, in the case of a person outside Canada, R240(2) have been met.
Foreign national	A person who is not a Canadian citizen or permanent resident, including a stateless person.
Permanent resident	A person who has acquired permanent resident status and has not subsequently lost that status under A46.
Previously deported person (PDP)	A person who has been deported from Canada and is prohibited from returning to Canada without written authorization from an officer under A52(1).
Removal by the Minister	The Minister shall enforce a removal order where the foreign national does not voluntarily comply with a removal order; where a negative determination is made under R238(1); or where the foreign national's choice of destination is not approved under R238(2).
Removal order comes into force	A removal order made with respect to a person who is not a refugee protection claimant comes into force on the latest of the dates set out in A49(1). With respect to a person who has made a claim for refugee protection, a removal order comes into force on the latest of the dates set out in A49(2).
Stay of removal	The Minister cannot remove a person from Canada in circumstances where IRPA or the Regulations specify that the removal is prohibited or where there is a valid court order prohibiting the person's removal.
Unenforced removal order	A removal order that has not been enforced in accordance with the Act and Regulations.
Voluntary compliance	A person who is not a danger to the public, a fugitive from justice in Canada or another country, or seeking to evade or frustrate the cause of justice in Canada or another country may voluntarily comply with a removal order by appearing before an officer and satisfying the officer that the requirements of R238(1)(a), R238(1)(b) and R238(2) have been met.

7. Procedure: Persons subject to departure verification

An officer, when at a port of entry or Canadian visa office outside Canada, is responsible for verifying the departure of a foreign national (see definition of "foreign national" in section 6 above) from Canada who has been issued one of the following orders:

- a departure order;
- an exclusion order;

ENF 11 Verifying departure

- a deportation order; or
- a departure order that has become a deportation order.

In order to verify and confirm the departure of a foreign national, the removal order that has been issued to the foreign national must be enforceable under A48(1), meaning that it has come into force pursuant to A49(1) or A49(2) and has not been stayed. The effect of an enforceable removal order is that the foreign national must leave Canada immediately and the removal order must be enforced as soon as reasonably practicable [A48(2)].

In some cases, a person may ask to depart Canada before the removal order has come into force. For procedures on enforcing a removal order that is not in force (and the person wants to voluntarily depart Canada before the removal order becomes enforceable), refer to section 14 below.

8. Procedure: Purpose of the Certificate of Departure

The Certificate of Departure (see definition of “Certificate of Departure” in section 6 above) is otherwise known as an IMM 0056B. It is a departmental document that is issued under the following circumstances:

- by a POE officer, a removal officer or an officer (see section 4 above) at a Canadian visa office outside Canada;
- to a foreign national who is the subject of all types of enforceable removal orders (see definition of “Enforceable removal order” in section 6 above), including departure, exclusion or deportation orders or departure orders that become deportation orders;
- after a foreign national has satisfied an officer that they have met all of the departure requirements imposed by the Act and Regulations;
- to confirm that the person named in the IMM 0056B has verified that their removal order has been enforced;
- to record physically on the file and/or electronically in FOSS/NCMS the details for the enforcement of the removal order;
- to initiate the previously deported persons (PDP) record into FOSS and/or download PDP information to the Canadian Police Information Centre (CPIC); and
- to ensure that the person who was removed from Canada understands the type of order under which they were removed.

Officers must be aware of the importance and legal impact of the Certificate of Departure as it establishes that the removal order has been enforced (see definition of “Enforced removal order” in section 6 above). All information required on the Certificate of Departure must be complete and accurate. For information on the procedures for verifying departure, including the completion of the Certificate of Departure, refer to section 13.1 below.

9. Procedure: Determining the method of enforcing a removal order

The *Immigration and Refugee Protection Regulations* set out two methods whereby a foreign national who is in Canada can verify their departure and enforce a removal order. An officer must determine the method of enforcing their removal order by interviewing the foreign national. The final determination of how the removal order is enforced rests with the officer. Under R237, a removal order can be enforced by either:

- voluntary compliance by a foreign national (see section 10 below); or
- the removal of a foreign national by the Minister (see section 11 below).

ENF 11 Verifying departure

If the person does not meet the requirements of voluntary compliance, the Minister must enforce the removal order.

10. Procedure: Voluntary compliance

As set out in R238(1), voluntary compliance allows a foreign national who is the subject of an enforceable removal order to voluntarily remove themselves by appearing before an officer for a determination. The officer's assessment of the individual's circumstances will establish whether the foreign national meets the regulatory criteria for voluntary compliance. This determination can be made by a CBSA officer either inland or at a POE. The designated authority for approving or refusing voluntary compliance with the enforcement of a removal order under R238 is found in the Designation of Officers and Delegation of Authority documents in IL 3, item 200.

10.1. Requirements for voluntary compliance

Officers must be satisfied that the criteria set out in the Regulations have been met before permitting voluntary compliance with a removal order. Officers must be aware of the factors that will guide them in making a determination on whether the foreign national can depart through voluntary compliance. If a negative determination is made and the officer decides that the foreign national does not meet all of the prescribed criteria for voluntary compliance, the foreign national then becomes subject to removal by the Minister (see section 11 below).

Under R238(1), an officer must be satisfied that the foreign national meets all of the criteria for voluntary compliance through a close examination of the oral and physical information available. In order for a foreign national to depart Canada by voluntary compliance, the foreign national must demonstrate that they:

- have the sufficient means (i.e., financial and transportation arrangements) to effect their departure to a country that will authorize their entry;
- have the intent to voluntarily comply with R240(1)(a), R240(1)(b) and R240(1)(c) by
 - ◆ appearing before an officer to verify their departure,
 - ◆ obtaining a Certificate of Departure (IMM 0056B) from an officer, and
 - ◆ departing from Canada; and
- will be able to act on their intention to comply with R240.

A person does not have to meet the requirements in R240(1)(d) for authorization to enter the destination country after they have departed from Canada. These requirements should be considered during the assessment for voluntary compliance, but are not grounds for refusing a person to leave on their own initiative. If the person does not meet the requirements of R240(1)(d) after departing Canada, they remain the subject of an unenforced removal order. For instructions on the procedures to follow after a person has been refused admission to another country, refer to section 16 below.

Submission of a choice country of destination

In addition to the foreign national complying with the voluntary compliance criteria (set out above), they must submit their choice country of destination to the officer [R238(2)]. This process is to ensure that the person is not a danger and is not departing Canada to flee justice here or in another country. To make a determination on these grounds, the officer should conduct background searches [i.e., search of file information, FOSS, the National Case Management System (NCMS), CPIC, the National Crime Information Center (NCIC), Interpol] to determine previous, current or pending criminal involvement. During the voluntary compliance assessment, the officer must approve the chosen country of destination unless

- in the officer's opinion, the person poses a danger to the public,
- the foreign national is a fugitive from justice in Canada or another country, or

ENF 11 Verifying departure

- the foreign national is seeking to evade or frustrate the cause of justice in Canada or another country.

If any of the criteria for voluntary compliance are not met, including refusal of a foreign national's choice country of destination, the foreign national must be removed by the Minister (see section 11 below). This ensures that the person is removed to the appropriate country where they are wanted.

For more information, see section 10.2 and section 10.3 below.

10.2. What happens after voluntary compliance requirements are met

When voluntary compliance is met at the POE, the officer should proceed to enforce the removal order and verify the departure of the foreign national from Canada.

When an officer determines that a foreign national meets the requirements of voluntary compliance under R238, the officer should take the following steps:

- counsel the person to settle their personal affairs and transportation arrangements as they are required to leave as soon as it is reasonably practicable;
- advise the person on their requirement to report to an officer at a POE to have their removal verified;
- when appropriate, give the foreign national a removal order information kit (see ENF 10, section 17.1) that includes instructions for the foreign national to verify departure, the consequences of not verifying departure, the consequences of a deportation after the lapse of the 30-day applicable period for departure orders, and the addresses and hours of the POEs that the foreign national should use;
- for control purposes, advise the appropriate POE in advance to ensure that the office is aware that the foreign national will be departing Canada through that POE on an intended date; and
- for security purposes, and if necessary, send the POE the "Envelope: Removal Documents" [IMM 1226B], including the person's passport/travel document, IMM 0056B, etc., before the person appears at the POE to verify their departure.

Once the foreign national appears before an officer at the POE, that officer should verify the departure (see section 13 below) of the foreign national from Canada.

Note: A foreign national who has been authorized to depart Canada voluntarily and has failed to leave as required will be the subject of a warrant for arrest for removal and should be counselled accordingly [A55]. For further information on the issuance of a warrant for arrest, refer to ENF 7, section 14.4.

10.3. What happens when voluntary compliance requirements are not met

When a foreign national does not want to depart Canada voluntarily or does not meet the requirements for voluntary compliance under R238, the officer, either at the inland office or POE, should take the following steps:

- consider whether arrest and detention is required for removal by the Minister pursuant to A55(2);
- contact the appropriate law enforcement authorities if the person is fleeing justice in Canada; and
- make further arrangements for removal by the Minister (see section 11 below).

11. Procedure: Removal by the Minister

R239 sets out mandatory criteria for the enforcement of a removal order by the Minister. The delegated level of authority for deciding whether a removal order shall be enforced by the Minister

ENF 11 Verifying departure

can be found in the Designation of Officers and Delegation of Authority documents in IL3, item 200..

Officers inland or at a POE must decide whether a foreign national will be removed by the Minister and proceed with removal arrangements when

- a foreign national did not enforce their removal order through voluntary compliance,
- an officer has determined that voluntary compliance is not allowed, or
- a foreign national's choice country of destination for voluntary compliance has not been approved because they are a danger to the public, a fugitive from justice in Canada or another country, or are seeking to evade or frustrate the cause of justice in Canada or another country.

When determining the country to which the foreign national should be removed, the Minister has the authority to remove the foreign national to any of the countries outlined in R241(1). The countries to which a foreign national can be removed include the following:

- the country from which they came to Canada;
- the country in which they last permanently resided before coming to Canada;
- a country of which they are a national or citizen; or
- their country of birth.

For more information, see section 11.1 and section 11.2 below.

11.1. Removal to another country

If it is determined by an officer that the foreign national is unable to return to any country listed in R241(1) because that country will not authorize their entry, R241(2) allows the Minister to

- select any country that will authorize the entry of the person within a reasonable time, and
- remove the foreign national to that country.

Note: The delegated level for selecting another country, other than those described in R241(1), that will authorize the person's entry is at an executive or managerial level, depending on the particular region. For further information on the delegated authorities to perform this function, refer to IL 3.

11.2. Country of removal for persons who have violated human or international rights

In the case of a person who is the subject of a removal order based on inadmissibility grounds for violating human or international rights under A35(1)(a), the person must be removed by the Minister in accordance with R241(3) to a country that the Minister determines will authorize their entry.

This provision allows the Department to have greater control over the removal of these serious cases.

Note: The delegated level of authority for selecting a country that will authorize the person's entry is at an executive or managerial level, depending on the particular region. For further information on the delegated authorities to perform this function, refer to IL 3.

12. Procedure: Criteria for a removal order to be enforced in Canada

A removal order should be enforced when the foreign national departs from Canada. This process is the final step in confirming a person's departure from Canada and recording that all of the departure requirements have been met.

ENF 11 Verifying departure

Note: These requirements apply only to enforcing a removal order in Canada pursuant to R240(1) and do not apply to the enforcement of a removal order at a Canadian visa office outside Canada pursuant to R240(2). For information on enforcing a removal order outside Canada, refer to section 13.5.

In order for a removal order to become enforced on the person's departure from Canada, R240(1) specifies that a foreign national, regardless of voluntary compliance or removal by the Minister, must take the following steps:

- appear before an officer at the port of entry to confirm their departure from Canada [R240(1)(a)]. Note: The designated authority to verify, at a POE, the departure of foreign nationals who are effecting their removal order can be found in the Designation of Officers and Delegation of Authority documents in IL 3, item 200;
- obtain a Certificate of Departure (IMM 0056B) from the Department [R240(1)(b)];
- physically depart Canada [R240(1)(c)]; and
- have been authorized to enter their country of destination (other than for transit purposes) [R240(1)(d)].

Note: Under R242, persons who have been transferred under an order made pursuant to the *Mutual Legal Assistance in Criminal Matters Act* have not been authorized to enter their country of destination.

13. Procedure: Verifying departure

Whether officers are at a land border, airport or Canadian visa office outside Canada, they must issue a Certificate of Departure [IMM 0056B] to a foreign national when enforcing a removal order. When completing the IMM 0056B, officers must clearly indicate the type of removal order that was enforced at the time of departure verification, and have the foreign national sign and write the date beside the appropriate removal order.

Before departure is verified, any outstanding warrants must be executed or cancelled, as appropriate. If a warrant is cancelled, officers must contact the local office that issued the warrant.

13.1. Procedures to complete the Certificate of Departure [IMM 0056B]

When verifying the departure of a foreign national, the officer should review their identity or travel documents and ensure that the person departing Canada is the same person named on the removal order. Accompanying family members issued a removal order for being inadmissible under A42(b) do not require a separate Certificate of Departure and should be included on the same Certificate of Departure as the family member who was the originating cause for the issuance of the removal order.

After the criteria for enforcing a removal order have been met (for port-of-entry cases, see section 12 above and for visa offices outside Canada, see section 13.5 below), the following fields in the Certificate of Departure (IMM 0056B) must be completed by the officer verifying departure:

- in part A, complete the required background information concerning the foreign national, including details of their travel document;
- in part B, determine the type of removal order that is being enforced. The type of removal order will be straightforward when the person has been issued an exclusion or deportation order. However, in the case of departure orders, officers must accurately record whether it is a departure order or a departure order that has become a deportation order. For example, in the case of a foreign national who has been issued a departure order and does not depart Canada within the applicable 30-day period, the removal order must be enforced as a departure order that has become a deportation order;

ENF 11 Verifying departure

- when a departure order is verified at a visa office outside Canada, regardless of whether it is within or beyond the 30-day applicable period, the departure order must be enforced as a deportation order pursuant to R224(2).
- in part B,, record whether the case involves criminality (yes/no). For clarification, the officer should indicate “yes” if there has been any history of criminality recorded in a previous A44(1) report;
- in part B, complete all fields and have the person concerned sign and write the date beside the applicable removal order that is being enforced. For departure orders that have become deportation orders, the person must sign the confirmation of a deportation order;
- in part B, include any additional names of accompanying family members who are the subject of a removal order under A42(b). Certificates of departure must not be issued for accompanying family members. If a separate IMM 0056B is created for an accompanying family member, the “PDP” screen in FOSS will automatically be prompted and should be deleted. Accompanying family members under A42(b) are not considered PDPs and therefore do not require authorization to return to Canada;
- in part B, complete the originating office field to record the responsibility centre code that commenced the removal arrangements for the person. For clarification, removal arrangements are considered to be arrangements made at the time that the person is removal-ready (the removal order is enforceable and is not subject to any legal impediments). These arrangements will likely have been made from an office in Canada and will include the acquisition of travel documents, the pre-removal interview, the itinerary, the booking of flights, notification of the Canadian visa office abroad and foreign consulate, and the preparation of the removal order information kit;
- in part C, complete the details of the person’s departure from Canada. These fields include the port of exit/mission, country of destination, carrier, time, date of departure, the CIC involved, and the signature of the officer who confirmed the departure. Officers verifying departure outside Canada must accurately record their office code in the port of exit/mission box. This information is important for statistical and tracking purposes;
- if an officer acting as an escort from an inland CBSA office has verified the departure of a person with a removal order, enter the CIC’s responsibility code in the “CIC Involved” section of the IMM 0056B. Where an inland CIC has not commenced any of the removal arrangements for the person but has assisted in the transport of a person to the airport or the border, or provided officers to the transit point or to the country of destination, the responsibility centre code for the inland CIC involved is recorded in this field. Officers at visa offices outside Canada should complete the “CIC Involved” box for the office in Canada that is the active holder of the removal file;
- the mandatory fields “Danger to the Public” and “Unlikely to Appear” are consistent with the grounds for arrest under A55(2)(a) and must be completed in accordance with the guidance provided in ENF 20, section 5.6 and ENF 20, section 5.7. These fields play a key role in identifying which deportee records should be downloaded to the CPIC-PDP database. See section 17 below for an overview of the joint CIC/RCMP initiative concerning previously deported persons.

Note: CBSA offices/responsibility codes are to be placed in fields on the IMM 0056B where applicable. The IMM 0056B document will be amended in the near future.

Many important decisions concerning removal functions will be made on the basis of the data retrieved from the “Certificate of Departure” screen in FOSS/NCMS. Immediately following departure verification, officers should complete the “Certificate of Departure” screen in FOSS/NCMS and ensure that they take the following steps:

- complete the “Status Entry” screen or “Full Document Entry Screen,” as appropriate;
- input information into all mandatory fields of the IMM 0056B in FOSS;

ENF 11 Verifying departure

- indicate the type of removal order at the time of departure verification;
- input any additional information into the “Remarks” screen in FOSS (i.e., airline, flight number, action on bond, counselling, comments, etc.);
- in the case of an overseas escorted removal, enter the details of the departure verification into FOSS/NCMS within 48 hours of the removal officer’s return to Canada; and
- distribute the copies of the Certificate of Departure accordingly, and as follows:
 - ◆ copy 1 to the person concerned;
 - ◆ copy 2 to the originating CBSA or CIC office that issued the removal order;
 - ◆ copy 3 to the Query Response Centre (QRC) at National Headquarters; and
 - ◆ copy 4 to be retained on file at the place of departure.

For procedures on enforcing a removal order at a visa office outside Canada and the distribution of documents, refer to section 13.5.

Following the completion of the “Certificate of Departure” screen in FOSS, the “Previously Deported Persons (PDP)” screen will be prompted and must be completed accordingly. The purpose of this screen is to flag in FOSS and CPIC that the person has been deported from Canada and requires authorization to return to Canada pursuant to A52(1). The “PDP” screen will appear (except in A42(b) cases) if the type of removal order was either

- a deportation order, or
- a departure order which becomes a deportation order.

For detailed instructions on the Previously Deported Persons initiative and completing a PDP document in FOSS, see section 17.

Note: In the case of a departure verified at a Canadian visa office outside Canada, officers in Canada will receive the manually completed IMM 0056B from the officer at that visa office. In such cases, it is the responsibility of the officer at the CBSA office in Canada who is the holder of the file to input the person’s Certificate of Departure into FOSS/NCMS. This is an important step in ensuring that the systems reflect that the removal order has been enforced. For more information, see section 13.5, below.

13.2. Verifying departure at airports

An IMM 0056B should be given to the foreign national only after the foreign national signs the Certificate of Departure just prior to boarding the aircraft. The officer should witness the departure of the aircraft from the airport departure gate in order to confirm that the foreign national has actually departed from Canada. FOSS/NCMS should be updated immediately.

13.3. Verifying departure to the U.S. from airports with pre-clearance facilities

If a foreign national is departing Canada for the United States from an airport with pre-clearance facilities, it is preferable that an officer issue an IMM 0056B after U.S. officials have pre-screened and accepted the foreign national. This process may not always be possible because of the physical layout of some POEs, but the Department strongly recommends this approach where facilities permit.

A Certificate of Departure [IMM 0056B] should be given to the foreign national only after the foreign national signs the Certificate of Departure just prior to boarding the aircraft. The officer should witness the departure of the aircraft from the airport departure gate to confirm that the foreign national has actually departed from Canada. FOSS/NCMS should be updated immediately.

ENF 11 Verifying departure

13.4. Verifying departure at land borders

Officers at a land border POE should issue a Certificate of Departure at the POE where the foreign national physically departs Canada for the United States.

- In the case of foreign nationals who are either U.S. citizens or U.S. resident aliens, an IMM 0056B can be completed and signed by an officer at a port of entry, or
- In the case of foreign nationals without U.S. status, an officer should obtain the address of the destination and/or a fax number where the IMM 0056B can be sent. Mailing or faxing the IMM 0056B will act as a safeguard to ensure the foreign national receives the Certificate of Departure *after* being lawfully admitted into the U.S.

Officers should counsel the foreign national to proceed to the U.S. port of entry to seek entry.

13.5. Verifying departure by an officer outside Canada

Officers outside Canada may encounter foreign nationals who are subjects of unenforced removal orders and who are applying to return to Canada. Pursuant to R25, an officer shall not issue a visa to a foreign national who is the subject of an unenforced removal order.

In limited circumstances, R240(2) authorizes officers outside Canada to enforce an unenforced removal order. To enforce a removal order outside Canada, officers must have the designated authority under IL 3, Module 9, item 203 of the International Region Instruments of Designation/Delegation.

The intention of R240(2) is to encourage persons under a removal order to voluntarily comply with their removal order by entering a country where they can obtain legal status. This provision is not intended to facilitate the confirmation of unenforced removal orders of foreign nationals who are illegally in a country where they are making an application. Rather, this provision addresses the oversight by certain foreign nationals to verify their removal orders at a port of entry at the time of their departure, and allows for enforcement of the removal order outside Canada, should a foreign national seek to return to Canada.

Officers should keep in mind that the CBSA's overriding priority is to maintain control of the removal process. The CBSA aims to ensure that persons who are subject to removal orders verify their departure at a POE when they depart from Canada. The enforcement of removal orders outside Canada is not to be encouraged, but applied in limited circumstances where a foreign national is applying for a visa or authorization to return to Canada [IMM 1203B] and satisfies a designated officer that all of the criteria under R240(2)(a) to (c) have been met.

Criteria for the enforcement of a removal order outside Canada

In order for an officer to enforce an unenforced removal order of a foreign national outside Canada, R240(2) establishes that the foreign national must make an application to an officer for one of the following documents:

- a permanent resident visa;
- a temporary resident visa; or
- an authorization to return to Canada under A52(1).

Before a visa or an authorization to return to Canada can be issued, the officer conducting the examination must first determine whether the person has been previously issued a removal order and whether the removal order has been enforced. If the foreign national is the subject of an unenforced removal order, the officer shall enforce the removal order under R240(2) only after the foreign national has demonstrated that they have met *all* of the following mandatory requirements:

- the person is the same person described in the removal order [R240(2)(a)]; and
- the person has been lawfully admitted to the country in which they are physically present at *the time the application is made* [R240(2)(b)]; and

ENF 11 Verifying departure

- the person is not inadmissible on grounds of security under A34, human or international rights violations under A35, serious criminality under A36(1), or organized criminality under A37 [R240(2)(c)].

The onus of proving that the above verification criteria have been met rests with the foreign national who is making the application to return to Canada, and not with the officer conducting the examination. If the foreign national cannot satisfy the officer who is assessing the application that each of the three requirements under R240(2) has been met, the removal order must remain unenforced and any application must be refused. See section 13.7 below for the instructions to be followed after an officer has made a negative decision to enforce a removal order outside Canada.

Clarification of R240(2)(b)

The foreign national must provide documentary proof to the officer conducting the examination, in order to satisfy the officer that the foreign national has been lawfully admitted to the country in which they are present at the time they make an application for a visa or an Authorization to Return to Canada. The following examples should assist officers in determining whether R240(2)(b) has been satisfied.

Example: 1. A foreign national is lawfully admitted to a country and maintains lawful status in that country on or before the date they make an application for a visa or an Authorization to Return to Canada.

Example: 2: A foreign national is lawfully admitted to a country but does not maintain their lawful status in that country. Subsequently, the foreign national regains lawful admission on or before the date they make an application for a visa or an Authorization to Return to Canada.

Example: 3: A foreign national is not lawfully admitted to a country but subsequently becomes lawfully admitted to that country on or before the date they make an application for a visa or an Authorization to Return to Canada.

Note: The term “lawfully admitted” is applicable to all countries, meaning that the person has been granted lawful immigration status in a particular country.

Depending on the particular country where the application is being made, sufficient proof of lawful admission and the retention of lawful status may include passport entry stamps, resident documents, citizenship records, etc. Officers should carefully examine any expiration dates on the foreign national’s documents to ensure the person has lawful status in the country that they are physically in at the time the application is made. For information on determining lawful admission to a country, refer to OP 1, section 5.16.

Based on the foreign national’s compliance with the requirements of R240(2), the officer must either enforce the removal order or make a decision not to enforce the order. For further information, see section 13.6 and section 13.7 below.

13.6. Positive decision to enforce a removal order outside Canada

After the foreign national has satisfied an officer that they have met the requirements for verifying departure outside Canada as outlined in section 13.5, the officer conducting the examination or a designated officer in the same office must enforce the removal order and issue a Certificate of Departure.

The Certificate of Departure [IMM 0056B] is a serialized, multi-copy document that serves as proof that a removal order has been enforced. This form is available in hard copy at visa offices outside Canada. Since the document cannot be entered into CAIPS, the officer must manually complete all fields on the form, including the port of exit/mission box in part C, as well as any details in the “Remarks” section. For detailed instructions on completing the Certificate of Departure, see section 13.1.

Once the Certificate of Departure has been completed, copies should be distributed as follows:

- copy 1 to the person concerned;
- copy 2 to the CBSA or CIC office in Canada that issued the removal order;

ENF 11 Verifying departure

- copy 3 to Data Quality at National Headquarters. This copy should be sent by mail to:
Record Services – Microfilm Unit
300 Slater Street, 2nd Floor
Jean Edmonds Tower – North
Ottawa, Ontario
K1A 1L1
- copy 4 is to be retained in the visa office file.

Copy 2 of the IMM 0056B should be accompanied by a memo instructing the in-Canada officer to input the IMM 0056B information into FOSS/NCMS. Upon receipt, the officer in Canada must input the IMM 0056B and other case details into FOSS/NCMS to ensure that the systems reflect the fact that the removal order has been enforced.

It is important to note that, pursuant to R224(2), all departure orders that are not enforced at a POE upon departure of the foreign national from Canada *must be enforced as deportation orders*, even if the 30-day period for enforcement at a POE has not yet passed.

If the removal order is a deportation order, exclusion order (within the excluded period), or a departure order that has become a deportation order through operation of law, the applicant should always obtain the Authorization to Return to Canada under A52(1) prior to the visa issuance. This is to avoid the contradictory situation of a person appearing at a POE with a visa but without an Authorization to Return to Canada issued by an officer pursuant to A52(1).

The decision to grant or deny authorization under A52(1) must be recorded on the Authorization to Return to Canada (IMM 1203B) and entered into the “Authority to Return (ARC)” screen in CAIPS.

Upon confirmation that the foreign national has met the requirements of R240(2), the details of the enforced removal order must be entered into CAIPS. Remarks should be added electronically in the “Authority to Return to Canada (ARC)” screen in CAIPS and in the visa file notes (if applicable) to indicate

- the type of removal order enforced,
- that the foreign national has had their removal order enforced outside Canada,
- the document number of the IMM 0056B,
- the date, time and visa office location where the removal order was enforced, and
- any other circumstances that have resulted from the verification procedures (i.e., visa issuance or Authorization to Return to Canada granted).

After an Authorization to Return to Canada is granted, officers outside Canada must ensure that any outstanding warrants are cancelled by contacting the CBSA office that issued the warrant.

13.7. Negative decision to enforce a removal order outside Canada

If a foreign national who has made an application does not satisfy the examining officer outside Canada that all of the verification requirements under R240(2) have been met, the foreign national’s removal order will remain unenforced. In such circumstances, any application for a visa must be refused [R25]. A foreign national who is the subject of an unenforced removal order is not entitled to obtain a visa or an Authorization to Return to Canada.

The officer should advise such persons that they are ineligible for a visa due to the outstanding unenforced removal order against them, and that if they attempt to re-enter Canada, they will be subject to arrest. The officer should also note the particulars of the interview in their reasons for the negative decision in CAIPS.

After an officer makes a negative decision to enforce a removal order outside Canada and refuses the application, the only available alternatives are as follows:

ENF 11 Verifying departure

- the foreign national acquires lawful status in the same country where they made an application and submits a new application; or
- the foreign national becomes lawfully admitted to another country and makes an application for a visa or Authorization to Return to Canada in that country.

14. Procedure: Verifying departure in the case of a removal order not in force

In some instances, officers may encounter a foreign national who has been issued a removal order and who requests to voluntarily depart Canada before the removal order comes into force under A49(1) or A49(2). Examples of these cases could include the following:

- a permanent resident or a foreign national is issued a removal order with a right of appeal and requests to depart Canada before their appeal period expires [A49(1)(b)];
- a permanent resident or a foreign national is issued a removal order; they have made an appeal and request to depart Canada before the final determination of the appeal is made [A49(1)(c)];
- a refugee protection claimant whose claim has been determined ineligible and requests to depart Canada before the expiry of the seven-day period [A49(2)(b)];
- a refugee protection claimant whose claim is rejected by the Refugee Protection Division (RPD) and requests to depart Canada before the expiry of the 15-day period [A49(2)(c)];
- a refugee protection claimant whose claim is declared withdrawn or abandoned by the RPD and who requests to depart Canada before the expiry of the 15-day period [A49(2)(d)]; and
- a refugee protection claimant whose claim is terminated because of misrepresentation or multiple claims and who requests to depart Canada before the expiry of the 15-day period [A49(2)(e)].

Note: The Department is not under any obligation to assess risk to persons who wish to leave voluntarily and whose removal order is not in force. Therefore, CIC does not provide notification of a pre-removal risk assessment (PRRA) to these persons.

For information on verifying departure with removal orders not in force, see section 14.1 and section 14.2 below.

14.1. Port of entry procedures

If persons subject to a removal order that is "not in force" have presented themselves to an officer at a POE and indicated a desire to leave Canada, the POE officer can allow them to depart from Canada. A Certificate of Departure should be initiated but not completed until the removal order has come into force under A49(1) or A49(2). IRPA only allows an officer to "enforce" a removal order that has come into force and is enforceable (there is no stay of removal). When faced with this scenario, the POE officer should follow the procedures set out below before the persons depart the POE:

- The officer must ensure that the person concerned is aware of the fact that the removal order is not yet in force and of the legal implications. The officer should obtain a statutory declaration indicating that the person was advised of these details.
- The officer should obtain an address for service of the IMM 0056B, which will be sent to the person concerned after the expiration of the seven-day or fifteen-day period under A49. If a statutory declaration is obtained, the address for service should be noted in the declaration.
- The officer should ensure that a general non-computer-based entry (NCB) in FOSS contains detailed notes explaining the case circumstances. The FOSS notes should reflect that the person wanted to depart Canada voluntarily, their reasons for departing, whether a statutory

ENF 11 Verifying departure

declaration was obtained, whether the statutory declaration was translated, and where and when the IMM 0056B should be sent.

- The officer should follow up the case and mail the IMM 0056B to the address provided by the person after the removal order has come into force under A49(1) or A49(2).

Completion of the Certificate of Departure

The procedures to complete a Certificate of Departure (IMM 0056B) for removal orders not in force are different from the regular procedures for confirming departure set out in section 13. Officers are reminded that they cannot enforce the removal order until it comes into force and is enforceable. The enforcement of the removal order occurs only after the Certificate of Departure has been signed by an officer on the date of confirmation. When verifying departure of persons with removal orders not in force, POE officers must take the following steps *at the time of the person's departure*:

- complete boxes in parts A and B as provided for in section 13.1;
- have the person sign beside the applicable removal order that is to be enforced. For example, if a refugee claimant was issued a departure order and has subsequently withdrawn their refugee claim, the applicable removal order will be a departure order;
- leave the "Date of Confirmation" field blank;
- ensure that any accompanying family members under A42(b) are recorded; and
- complete the following fields in part C: port of exit; final destination; carrier; time and date of departure; and CIC involved.

Officers should calculate and note the date the removal order will come into force and bring forward the IMM 0056B for final completion. *At the time the removal order becomes in force*, officers must complete the following fields in the IMM 0056B to enforce the removal order:

- record the date of confirmation in part B. This date will be determined by calculating the period from which the removal order will come into force under A49(2).

Example: If a refugee claimant withdraws their claim on March 1, 2004, the removal order will come into force 15 days later [A49(2)(d)]. In this case, the date of confirmation will be March 16, 2004. For further information on establishing the date when a removal order comes into force, refer to ENF 10, section 9.3;

- sign in the box designated for "Signature of Officer" in part C; and
- ensure the form is accurately completed.

After the IMM 0056B is completed, it should be entered into FOSS/NCMS and mailed to the address provided by the foreign national. If the case was referred from an inland office, the POE officer should forward a copy of the IMM 0056B to the appropriate inland office for its file.

14.2. Inland procedures

When a person appears at an inland CBSA or CIC office requesting to voluntarily depart from Canada before the removal order comes into force, as in the case of a refugee claimant who has withdrawn their claim to the Refugee Protection Division, the inland officer should advise the person that their removal order has not yet come into force and that they should appear before an officer at the POE. On the arrival of the person at the POE, the POE officer should proceed according to the departure guidelines set out in section 14.1 and obtain the required information on the person's departure from Canada.

ENF 11 Verifying departure

15. Procedure: Calculation of the applicable period for departure orders

Under R224(2), a foreign national who is issued a departure order must meet the requirements set out in R240(1)(a), R240(1)(b) and R240(1)(c) within 30 days after the order becomes enforceable (see section 10.1 above). Failure to comply with the departure requirements within 30 days will automatically result in the departure order becoming a deportation order, and the removal order cannot be enforced as a departure order. This will affect the person's requirements to return to Canada. If the removal order is enforced as a departure order that has become a deportation order, the foreign national will require the Authorization to Return to Canada by an officer [A52(1)].

For persons issued departure orders who remain in Canada under an unenforced removal order, officers must, when verifying departure, consider and calculate the 30-day applicable period. In calculating the applicable period for departure orders, officers must determine if there are any stays of removal or whether the person is detained under IRPA during the 30-day applicable period. Either of these circumstances will have the effect of "stopping the clock" and suspending the 30-day period.

To ensure that the applicable 30-day period is applied consistently, officers must become familiar with the calculation periods and be aware that the applicable period is suspended when:

- the removal order against the person is stayed; or
- the person is detained under IRPA.

Under R224(3), the 30-day applicable period is *suspended* until the foreign national's release or when the stay is lifted. The applicable period *resumes* the day following the release or the removal of the stay. The number of days during the applicable period before the detention or stay is then subtracted from the time remaining in the original 30-day applicable period.

For further information, refer to section 15.1 and section 15.2 below.

15.1. Procedure: Stay of removal orders

The enforcement of removal orders can be stayed through the statutory and regulatory provisions of IRPA and through other stays imposed by a court order. A stay of removal (see ENF 10, section 11 and ENF 10, section 12) can be applied to a departure, exclusion or deportation order. When a stay of removal is applied, the stay renders the removal order unenforceable under A48(1). It is essential for the FOSS/NCMS systems to be updated when a stay of removal is in place and when it is lifted. Accurate information is paramount to ensuring that a person who is the subject of a stayed removal order is not removed.

Stay of removal on a departure order

If a foreign national is the subject of a departure order that is stayed, the officer must consider whether the person is on a valid stay or whether the stay has been lifted. If the stay has been lifted, the officer must calculate the 30-day applicable period during the time there was no stay of removal in effect. If this calculation shows that the person's time in Canada exceeds 30 days, the order becomes a deportation order. If the time period is within the 30-day applicable period, the order remains a departure order.

Example: Stay of departure order: A departure order becomes enforceable on January 2, 2003. The departure order is stayed on January 8, 2003. The stay is lifted on March 21, 2003. From January 2, 2003 to January 8, 2003, there are six days that are counted against the departure order. From January 8 to March 21, 2003, there are 72 days where the removal was stayed. This period is not calculated as part of the 30-day applicable period. The clock resumes on March 22, 2003, and the foreign national has 24 days remaining from this date to depart Canada and enforce their departure order. The departure order must be enforced by April 14, 2003, in order to avoid a deportation order against the foreign national.

When departure is verified, it is important for officers to accurately indicate on the IMM 0056B and in FOSS/NCMS whether the removal order is a departure or deportation order.

ENF 11 Verifying departure

15.2. Procedure: Detained in Canada on a departure order

In cases where a foreign national is the subject of a departure order and has been detained in Canada under IRPA, the 30-day applicable period is suspended until the foreign national's release from detention [R224(3)]. Once the foreign national is released, the remaining time, if any, resumes the day following the person's release.

It is very important that the FOSS/NCMS systems are updated when a person is detained or released under IRPA.

Example: Detained on a departure order within the 30-day applicable period: A departure order becomes enforceable on August 6, 2003. The foreign national is detained under IRPA on August 23, 2003. The foreign national is then released from detention on September 2, 2003. From August 6, 2003 to August 23, 2003, there are 17 days that are counted against the departure order. The clock resumes on September 3, 2003, and the foreign national has 13 days remaining to depart Canada and enforce the departure order. The detention period is not calculated as part of the 30-day applicable period. The foreign national should yield to the departure order by September 15, 2003, in order to avoid a deportation order.

Example: Detained on a departure order within the 30-day applicable period: A departure order becomes enforceable on July 1, 2003. The foreign national is detained under IRPA on July 10, 2003. The foreign national is released from detention on August 31, 2003. Even though the foreign national was detained for a period of more than 30 days, the person is not considered to be under a deportation order. From July 1, 2003 to July 10, 2003, there are nine days that are counted against the departure order. The clock resumes on September 1, 2003, which is day 10 of the applicable period. The foreign national has 20 days to depart from Canada before the departure order becomes a deportation order.

When departure is verified, it is important for officers to accurately indicate on the IMM 0056B and in FOSS/NCMS whether the removal order is a departure order or a departure order that becomes a deportation order.

16. Procedure: Persons refused entry to their country of destination after a Certificate of Departure has been issued

When a foreign national has been issued a Certificate of Departure [IMM 0056B] and is subsequently refused admission to another country, they remain the subject of an unenforced removal order (see definition of "Unenforced removal order" in section 6 above). When refusal occurs and the person appears back at the port of entry, officers should take the following steps:

- examine the person [A18(1)];
- delete the "PDP" screen in FOSS;
- delete the IMM 0056B if it has not been microfilmed or, if it has received a microfilm number, send an e-mail to FOSS Data Quality Control at National Headquarters (Data-Quality@cic.gc.ca) with instructions to delete the IMM 0056B from FOSS. Send the voided IMM 0056B to FOSS Data Quality. The mailing address is:

Record Services – Microfilm Unit
300 Slater Street, 2nd Floor
Jean Edmonds Tower - North
Ottawa, Ontario
K1A 1L1

- create a general information NCB entry in FOSS and note that the removal order has not been enforced. Also include any circumstances surrounding the person's refusal into another country and include instructions to the Immigration Warrant Response Centre (IWRC) to delete the PDP information from CPIC;

ENF 11 Verifying departure

Note: The IWRC will receive daily reports on the deletion of “PDP” screens in FOSS. Based on instructions in the NCB entry in FOSS, the IWRC will delete the PDP information from CPIC.

- in the case of a departure order, advise the person of the time remaining before the departure order becomes a deportation order. The departure order remains enforceable and can be enforced like any other removal order. Under R224(2), if a departure order is not enforced within 30 days, the foreign national has not complied with the departure requirements under R240(1) and the departure order becomes a deportation order;
- advise the foreign national that after being refused entry to yet another country, they will be allowed back into Canada, but the removal order against them remains unenforced. (for the options available to officers after a foreign national has been refused entry to another country, refer to section 16.1 below); and
- later, when the person departs Canada, the officer should complete and issue a new Certificate of Departure.

16.1. Procedure: Options available after being refused entry to another country

When a foreign national has been previously issued a Certificate of Departure and has been refused entry to another country, the officer at the POE must conduct an interview to determine the method of enforcing the removal order (see section 9 above). Although this assessment was previously conducted before the foreign national departed Canada, they are subject to a new determination of how their removal order should be enforced since the circumstances surrounding their removal may have changed. In addition, officers should keep in mind that the removal order is unenforced and the foreign national must comply with the criteria for a removal order to become enforced (see section 12 above). The following options are available to officers after a person has been refused entry to another country and is being examined under the authority of A18(1).

1. Allow the person to proceed into Canada

Officers should interview the person to determine the person's ability and intent to depart Canada, and, in the case of a departure order, the likelihood of the person's leaving Canada within the 30-day applicable period (if any). When an officer believes that the person will continue to make every effort to leave Canada as soon as reasonably practicable or within the time remaining in their 30-day applicable period, they should allow the person to enter Canada under R27(3). Before the foreign national is allowed to proceed into Canada, the officer should take the following steps:

- obtain information that would be useful to investigators, such as the person's Canadian address and the addresses of relatives and friends in Canada;
- remind the foreign national of the importance of leaving Canada and that they remain the subject of an enforceable removal order (if there are no stays of removal);
- counsel the person that, under A55, they may be arrested for removal if they fail to depart Canada, in the case of a departure order, after the 30-day applicable period or, in all other cases, as soon as reasonably practicable;
- counsel the person that they will have to appear before an officer at a POE to verify their departure from Canada; and
- amend FOSS/NCMS to reflect the action taken, for example by creating a general NCB entry indicating that the person has returned to Canada, and provide other information concerning the person's travel plans.

2. Impose conditions and/or the payment of a deposit or the posting of a guarantee for compliance

Under A44(3), an officer may impose any conditions, including the payment of a deposit or the posting of a guarantee for compliance with the conditions, on persons subject to a removal order. The purpose of the conditions and/or the deposit or guarantee for compliance is to encourage

ENF 11 Verifying departure

compliance with IRPA after the officer is satisfied that the person will leave Canada. Refer to ENF 8, section 6.1 for further information on taking a deposit, and to ENF 8, section 6.3 for taking a guarantee for compliance. After an officer issues a deposit or guarantee for compliance, the officer should follow the procedures outlined in Option 1 above. It is important that all deposit or guarantee information, including any conditions imposed, are input into FOSS/NCMS.

3. Arrest and detention for removal

Where an officer has reasonable grounds to believe that the foreign national who is the subject of a removal order is a danger to the public or is unlikely to depart Canada and present themselves before an officer to verify their departure from Canada, the officer may arrest and detain the person for removal [A55(2)]. After a foreign national has been arrested and detained, this information should be input into FOSS/NCMS. For procedures on making an arrest, see ENF 7, section 15.

17. Procedure: Entering data on previously deported persons onto CPIC

The primary objective for entering data on previously deported persons into the Canadian Police Information Centre is to enhance public safety and security by providing peace officers with the necessary information to establish reasonable grounds for arresting the person without a warrant under A55(2)(a). The CPIC-PDP database will equip peace officers across Canada with the information that a foreign national has been deported from Canada, has returned to Canada without authorization pursuant to 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.

After a name is queried in CPIC and is a direct match to a person in the PDP database, CPIC will instruct law enforcement partners to contact the Immigration Warrant Response Centre for further assistance. For the purpose of arrests made without a warrant under IRPA, peace officers as defined in section 2 of the *Criminal Code* have the authority under A55(2)(a) to arrest and detain a foreign national without a warrant. For further information on the arrest and detention by peace officers under IPRA, see ENF 7, section 15.

Information on individuals in the CPIC-PDP database originates from the FOSS-PDP database. See section 17.1 below for more information on who will be added to the FOSS-PDP database, and section 17.2 below for information on who will be added to the CPIC-PDP database.

17.1. Persons to be added to the Previously Deported Persons (PDP) database in FOSS

Persons issued a Certificate of Departure (IMM 0056B) and removed from Canada under a

- deportation order, or
- departure order that has become a deportation order

will be added to the FOSS-PDP database (except where the removal order was issued to a person who is described in A42(b) as an accompanying family member and is therefore exempted from the need for authorization to return to Canada as required under A52(1)).

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.

Note: Persons removed pursuant to exclusion orders and departure orders will not be added to the FOSS-PDP database at this time.

17.2. Persons be added to the Previously Deported Persons (PDP) database in CPIC

PDP information on individuals who meet the criteria in section 17.1 above will be automatically transferred to the CPIC system if, at the time of departure, there are reasonable grounds to believe that the person is either

- a danger to the public, or

ENF 11 Verifying departure

- unlikely to appear for an examination, an admissibility hearing, removal from Canada, or a proceeding that could lead to a removal order by the Minister under A44(2).

Adding a person to the CPIC-PDP database

Adding a deportee to the CPIC-PDP database is a two-step process:

- step 1 involves filling mandatory fields on the “Certificate of Departure” screen that are key elements to support the PDP initiative; and
- step 2 involves completing the “PDP” screen in order to identify a deportee for download to the CPIC-PDP database.

Step 1: Completion of the “Certificate of Departure” screen in FOSS

A person removed under a deportation order or a departure order that has become a deportation order will be automatically added to the FOSS-PDP database (enabling the PREV.DEP flag) after an officer enforces the removal order, fills in the mandatory fields on the “Certificate of Departure” screen in FOSS, and completes the “PDP” screen in FOSS.

When completing the “Certificate of Departure” screen, the officer enforcing the removal order must ensure that the following fields are completed in each case:

- Photograph (y/n)
- Fingerprints (y/n)
- Danger to the Public (y/n)
- Unlikely to Appear (y/n)
- Minister’s Danger Opinion Issued (y/n)

Even in cases where existing photographs and fingerprints are on file, the officer should take new photographs and fingerprints at the time of the person’s removal. Updating this information is important for future identification purposes and to ensure the information in CPIC accurately reflects the person who was actually deported. For the procedures and authorities for fingerprinting and photographing, refer to ENF 12, section 12 and ENF 12, section 13.

It is also important that the fields “Danger to the Public,” “Unlikely to Appear” and “Minister’s Danger Opinion” are accurately completed, as they will have an impact on determining whether the information is relayed to CPIC. These are factors that must be assessed by the officer at the time of the person’s removal from Canada. They may later be used as reasonable grounds for arrest and detention by a peace officer under A55(2)(a) and should be completed in accordance with the guidance provided in ENF 20, section 5.6 and ENF 20, section 5.7.

Upon completion of the “Certificate of Departure” screen in FOSS, the “PDP” screen will *automatically be prompted to an officer’s attention* whenever the following criteria are met:

- the type of removal order is a deportation order or a departure order that becomes a deportation order (formerly a deemed deportation order), except where A42(b) is the sole reason for inadmissibility; and
- a confirmed date of departure has been entered.

If the “PDP” screen does not appear automatically, FOSS has recognized that the deportee does not meet the PDP database criteria and no further action is required on the part of the officer.

Step 2: Completion of the “Previously Deported Persons (PDP)” document in FOSS

Completion of the “PDP” screen is mandatory whenever it is automatically prompted to an officer’s attention. It is the instrument used to enable the PREV.DEP flag in FOSS and to identify a record for download to the CPIC-PDP database.

Upon first access, the “PDP” screen will be pre-filled with the client’s basic tombstone data and physical characteristics, replicating the details that will be displayed in CPIC. Officers will

ENF 11 Verifying departure

recognize their responsibility to provide peace officers with information that will help them confirm identity in the event of a positive CPIC "hit." This includes ensuring that the "PDP" screen is updated with any known information that is missing or requires updating, such as eye colour, appearance (e.g., caucasian), identifying marks (scars, tattoos), etc.

In addition to the tombstone information and physical description fields (which can be updated or edited on the "PDP" screen), the following fields will also be copied over to the "PDP" screen from the Certificate of Departure:

- Photograph (field can be updated or edited);
- Fingerprints (field can be updated or edited);
- Danger to the Public (field can be updated or edited);
- Unlikely to Appear (field can be updated or edited);
- Minister's Danger Opinion (issued under A101(2)(b));
- Contrary to the National Interest (Minister's danger opinion issued under A115(2)); and
- Confirmed Date of Departure.

The "Danger to the Public" and "Unlikely to Appear" fields should be updated in accordance with the guidance provided in ENF 20, section 5.6 and ENF 20, section 5.7. The information in these fields guides peace officers in determining whether there are reasonable grounds for arrest under A55(2).

If any *one* of the fields "Danger to the Public," "Unlikely to Appear" or "Minister's Danger Opinion Issued" shows a Y[es], the record will be downloaded to the CPIC-PDP database as a national lookout for peace officers.

The PDP document is an electronic record and not a printable form. Therefore, if the deportee's file has been identified for download to CPIC, the officer must use the "Print Screen" function to print a hard copy of the "PDP" screen. This copy, as well as the photographs and certified copies of fingerprints (with the client ID number written on the back) taken at the time of removal, must be sent to the following address within 48 hours:

Immigration Warrant Response Centre (IWRC)
NRAC - CBSA
2265 St. Laurent Blvd., 2nd Floor
Ottawa, Ontario

Once the valid "Option" command has been entered to complete the PDP document:

- the PDP document will be added to the client history;
- the "PREV.DEP" flag will display when queried in FOSS (also viewable by CAIPS users) so that at the port of entry, the deportee will be flagged to officers on the primary inspection line as an automatic referral; and
- as soon as records identified for download to CPIC have been transferred via the FOSS/CPIC interface, the "PDP" screen will display a "Sent to CPIC" message.

The IWRC will be responsible for the following:

- maintaining a file of photographs and fingerprints related to the CPIC-PDP database;
- verifying the information to be downloaded to CPIC;
- transferring the PDP information to the CPIC-PDP database using the FOSS/CPIC interface;
- validating the records in accordance with the rules governing CPIC users; and
- responding to inquiries from peace officers and CIC.

ENF 11 Verifying departure

The process of adding PDP information to CPIC will parallel the manner in which warrants for arrest are handled.

17.3. Completion of the Previously Deported Persons (PDP) document in FOSS for persons deported prior to the implementation of PDP

To the extent that local resources permit, the CBSA and CIC managers are encouraged to authorize the names of previously deported persons (who were removed prior to the implementation of PDP) to be added to the PDP database in CPIC. These cases will involve persons who should be added to the CPIC-PDP database in the interest of public safety, for example, persons who could be a terrorist or security threat or a danger to the public, or repeat offenders who are unlikely to appear.

When authorized by a manager, persons who have been deported from Canada prior to the implementation of PDP can be added to the FOSS-PDP database from the "Full Document Entry (FDE)" menu, by choosing option "PD-Prev.Dep.Pers." The client must be an existing client on FOSS, and the value entered in the "If Existing Case – Identify Case Serial No." field must be the document serial number of the Certificate of Departure on file. Once this number is entered, the "PDP" screen will be updated with the client's personal information. Before deciding to add a case, officers are reminded to check the client history to ensure that no visas or permits have been issued since the most recently confirmed date of departure.

18. Procedure: Person departs Canada without obtaining a Certificate of Departure

A foreign national who leaves Canada and does not comply with the departure requirements of R238 cannot be said to have enforced their removal order. In these cases, the order remains unenforced.

In the case of a departure order where a foreign national does not meet the requirements under R240(1)(a), R240(1)(b) and R240(1)(c) within the prescribed period of time, the order becomes a deportation order by operation of law [R224(2)].

If a foreign national subject to a departure order departs from Canada without complying with the requirements under R240(1)(a), R240(1)(b) and R240(1)(c) and reappears before an officer at a POE within the applicable period, the officer should enforce the removal order as a departure order. In these cases, the person is appearing before an officer at a port of entry to verify their departure and must comply with all the requirements set out in R240(1)(a), R240(1)(b) and R240(1)(c). In limited circumstances where the person is applying for a visa or an Authorization to Return to Canada and the person complies with all the requirements set out in R240(2), the removal order must be enforced outside of Canada. For further information on the enforcement of a removal order outside Canada, refer to section 13.5 above.

19. Procedure: Counselling on the effect of the enforcement of removal orders

When an officer verifies the departure of a foreign national and enforces the removal order, it is essential that the person be made aware of the requirements should they want to return to Canada. The requirements for return and the fact that the person was counselled on the effect of the removal order should be included on the IMM 0056B and also input into FOSS and NCMS.

During counselling, officers should consider the following circumstances relating to the type of removal order that has been enforced.

19.1. Requirements to return for deportation orders

Under R226(1), deportation orders or departure orders that have become deportation orders under R224(2) always require a foreign national to obtain authorization to return to Canada under A52(1). This requirement extends any time after the deportation order was enforced.

ENF 11 Verifying departure

19.2. Requirements to return for exclusion orders

There are two types of exclusion orders:

- exclusion orders issued for a one-year ban; and
- exclusion orders issued for a two-year ban.

Exclusion orders with a one-year ban under R225(1) require a foreign national to obtain authorization to return to Canada under A52(1) if they wish to return to Canada within one year after their removal order was enforced.

Exclusion orders with a two-year ban under R225(2) require a foreign national to obtain authorization to return to Canada under A52(1) if they wish to return to Canada within two years after their removal order was enforced.

19.3. Requirements to return for departure orders

Only departure orders that have been enforced at a POE within the 30-day applicable period under R224(1) do not require foreign nationals to obtain an authorization to return to Canada under A52(1). Officers should ensure that, if a removal order information kit is issued in Canada, persons are fully counselled that they must meet the requirements of R240(1)(a), R240(1)(b) and R240(1)(c) and present themselves before an immigration officer at a POE. Persons should be counselled that failure to meet these requirements will result in the departure order becoming a deportation order under R224(2).

19.4. Requirements to return for accompanying family members

Foreign nationals included in removal orders (exclusion or deportation orders) that have been made on the basis that the person is an accompanying family member under A42(b) will not require the authorization to return to Canada under A52(1). Officers should counsel these persons accordingly pursuant to R225(4) and R226(2).

The files of persons removed under A42(b) must not be downloaded into the PDP database and will not be placed on CPIC.