



Citizenship and
Immigration Canada

Citoyenneté et
Immigration Canada

IR 5

Cost Recovery

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Updates to chapter

Listing by date:

Date: 2004-08-11

Section 7.12 (Fee Exemption) The Work Permit fee exempt status of NSERC and NRC researchers has been made explicit in the text.

Section 7.2. (Fee Exemption) Members of the protected temporary residents class have been included in the processing fee exemption for applications for permanent residence.

Section 7.25. (Fee Exemption) Principal applicants applying under humanitarian and compassionate grounds who are also dependent children (R66) have been added to the RPRF fee exemption.

Section 7.25. (Fee Exemption) Principal applicants in the permit holder class who are dependent children of a member of the permit holder class or of a Canadian citizen or permanent resident, have been added to the RPRF fee exemption.

Section 7.25. (Fee Exemption) Members of the protected temporary residents class have been added to the application for permanent residence fee exemption list.

Appendix A has been added. It highlights the amendment to the *Immigration and Refugee Protection Regulations* that have a bearing on fees.

2004-05-05

This chapter has been updated to reflect the *Immigration and Refugee Protection Regulations*. The fee titles and coding in the chapter have been revised to conform to IRPA terminology.

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1. What this chapter is about

This chapter describes Citizenship and Immigration's cost recovery system including the services and rights for which fees are charged, the exemptions to those fees and the principles and policies upon which the cost recovery system is based. It is for the use of program specialists and provides information on legislation, policy, finance, information systems and coding.

2. Program objectives

To sustain a revenue-generating cost recovery system by applying a charge to most aspects of immigration services in Canada and abroad.

2.1. Clients and charges

Processing fees apply to nationals of all countries except where government policy or international practice specifically exempts certain cases.

These charges apply to most services. The collection and safekeeping of fees will be assigned to designated individuals. A receipt shall be issued for every paid transaction. Ideally, there should be few refunds in the administration of the program. However, there may be instances where a refund is processed because the fee was collected in error, or because the client requested to withdraw the application before processing began. In rights and privileges cases, refunds must be made where the right or privilege is not conferred.

Please refer to <http://www.cic.gc.ca/english/applications/fees.html> for the most current fee schedule.

2.2. Principles in developing the fee schedule

The development and management of the Immigration Cost Recovery Program adheres to the following principles:

Recovery of the cost of immigration services through user fees is an approved means of shifting the burden of financing these services from the Canadian taxpayer generally to the user specifically.

Fee levels will be set to recover as much of the costs of each service as reasonable without imposing undue hardship or affecting access to service.

The fee for any service will not exceed the average documented global cost of providing that service.

Each fee will be applied universally; exemptions from established fees will only be applied in situations where the requirements for a fee would be incompatible with other government policy or international practice.

The fees will be comparable to the fees of other major immigrant receiving countries, where similar services are subject to user fees.

Revenue is deposited in the Consolidated Revenue Fund (CRF) and does not directly enter CIC appropriations.

2.3. Guidelines in administering the principles

Documented costs and established procedures exist for each item where a fee is charged.

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Charges apply to the application process leading to the end product, and thus, fees are not refunded in the event of unsuccessful applications, with the exception of family class cases where the sponsor has opted to withdraw the sponsorship application if found ineligible. In such cases, the \$75 sponsorship fee is retained and the balance of fees paid are refunded.

As per 2.1 above, this principle does not apply to “rights” fees, where the fee is refundable if, for any reason, the right is not conferred.

For ease of administration, the fee structure must be as simple as possible, with similar services being charged similar rates.

Not all processes and services will be charged for. It is recognized that there currently exists and may continue to exist a number of services offered without charge to our clients. The Department currently does not charge for information, advice, referrals, pamphlets, forms and documents, and liaison with other offices, private and group sponsorship of refugees including application, reception and monitoring of refugees, itinerant service to remote areas, community training and information sessions, and enforcement actions.

Cost recovery and the applicable fees will have no bearing on the program or operational decisions made by the officer.

Fees should have no unintended dissuasive effect on the flow of desirable immigrants and visitors to Canada.

For humanitarian reasons, refugees and members of the humanitarian-protected persons abroad classes prior to their arrival in Canada are to be exempted from most processing fees.

Once a decision is made to issue a document, or to refuse an application, or the client withdraws their application, the file is closed. If a client wishes to reopen a closed file or request additional processing, new fees will apply in all cases except where Citizenship and Immigration Canada (CIC) has erred.

The renewal or updating of any client information or the redoing of existing application forms for administrative purposes is not considered to be a new application, and additional fees will not be applied.

The family group, for cost recovery purposes when determining fees applicable for permanent resident applications or the family rate for temporary resident visa documentation, shall include the principal applicant and their family members.

The fee for a service is normally paid by the person who requests and benefits from the service. In the case of family class sponsorships, the fee is generally paid by the sponsor, although there is no specific regulatory requirement requiring the sponsor to be the payor. There are cases, such as sponsored students, where it is more practical for an organization to pay the required fee. The payment of a fee in these situations will be made in accordance with the established agreement between CIC/DFAIT and the third party involved.

For visa offices abroad, fees are set at the foreign exchange equivalent of the Canadian dollar amount. The local rate remains the same unless the exchange rate fluctuates more than 5% above or below this equivalent.

For visa offices abroad, refunds are also based on the current exchange rate equivalent to the Canadian amount of the fee.

3. The Act and Regulations

Authority to charge prescribed fees is based on the *Financial Administration Act*, Paragraphs 19(1)(a) and 19.1(a), and A89.

Remission of fees is based on the *Financial Administration Act*, paragraph 23(2.1)

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Fee regulations are found in Part 19 of the *Immigration and Refugee Protection Regulations*, sections 294 to 315 inclusively. Transitional fee regulations are found in R357 to R360 inclusive.

Highlights of the amendments to the *Immigration and Refugee Protection Regulations* that have a bearing on Fees may be found in Appendix A. These amendments came into force on July 22, 2004.

4. Instruments and delegations

Bonds, fees, loans and debt collection

Delegations are specifically created for the following sections of the fee regulations (as per IL 3 Designation and Delegation, Module 11):

Line 245.	R303(4)	Delegated authority – Remit fees paid for the acquisition of a permanent resident status where such status is not acquired.
Line 246.	R357	Delegated authority – Repay the right of landing fee(s) to the person who made payment where the prescribed conditions are met.
Line 247.	R359	Delegated authority – Repay the returning resident permit fee(s) to the person who made payment where the prescribed conditions are met.
Line 248.	R360	Delegated authority – Repay the fee paid with regard to a family business application to the person who made payment where the prescribed conditions are met.

5. Departmental policy

5.1. Fee exemptions

The exemptions and their codes are contained in COD 1 and are noted where appropriate to each service below.

Exemption Code “999”

The use of a “999” fee exemption code is restricted to very exceptional circumstances. It is used only for administrative control purposes, and must be authorized by local office management. The reason for its use must be noted in the Remarks box of the form issued or in the computer system. It cannot be used to grant a fee exemption where there is no regulatory basis for doing so. Except for departmental errors, visa offices abroad must obtain the approval of International Region Management Services for each situation before using such an exceptional code.

Outlined below is an example of the use of “999” .

Departmental error: No fee shall be collected where a CIC employee erred and this error causes the requirement of a process/service for which there is a fee.

A simple example of this would be where an office loses a sponsorship form (IMM 1344). The cost recovery processing fees were paid by the sponsor and the form so noted. The visa office abroad requires the IMM 1344 sponsorship form for overseas processing. A second sponsorship would be completed, but no fee is collected from the sponsor or proposed immigrant.

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5.2. File retention

Supporting documentation necessary to substantiate the applicability of any exemption from cost recovery fees should be retained on the Immigration or visa office file for a minimum of 7 years after the status confirming document has been issued. This practice will facilitate periodic monitoring and auditing, and is apart from any other file retention procedures which may be issued from time to time for the purpose of the *Privacy Act* or the management of recorded information.

5.3. Time and form of payment

Time of payment

Payment of the appropriate cost recovery processing fee or proof of payment must be included with the application for the service requested. The application for a service will not be processed without payment of the correct fee, and the application will not be considered “locked in” until either the fees or proof of payment have been received. However, this does not apply to the Right of Permanent Residence Fee (RPRF), which can be paid at any point during the process prior to the issuance of the immigrant visa or the acquisition of permanent resident status.

Form of payment in Canada

- **At inland offices and ports of entry**

Fees may be paid in cash (Canadian currency in Canada; Canadian or U.S. currency at ports of entry); with Visa or MasterCard; or by money order, traveller’s cheque or certified cheque. Personal cheques are not accepted, except in the case of Canadian citizens abroad who may send cheques or money orders.

- **At processing centres**

Payment are received through HPM receipts. For more detail, please refer to the “Guide to Handling of Public Money (HPM)” on CIC Explore at the following address:

http://www.ci.gc.ca/cicexplore/english/guides/guides/hpm_gdp/guide.htm

Form of payment at visa offices abroad

Due to the wide variations in banking conditions from visa office to visa office, forms of payment abroad are decided jointly between DFAIT and the CIC manager on a post-by-post basis. Decisions on alternate banking arrangements for payment of fees abroad require the approval of International Region Management Services in cooperation with DFAIT.

5.4. Policy on refunds

Please refer to the following Web address:

http://www.ci.gc.ca/cicexplore/english/guides/guides/fp/4_2.htm

5.5. Appeals

When an applicant for permanent resident status has a right of appeal against a negative decision and fails to file the appeal within the required time frame, the RPRF must be refunded.

If the applicant fails to win their appeal, the RPRF must be refunded after the appeal decision is rendered. If an applicant is granted another appeal mechanism, or if another level of appeal is available to the applicant, they will be required to repay the RPRF upon being notified that the appeal is granted, and prior to acquisition of permanent residence .

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6. Definitions

A “**fee**” is the amount specified under the Regulations for processing an application for a specified service or for legislated administrative purposes, such as enforcement activities.

A “**right**” confers a special permission or privilege on an individual for which they must pay a specific sum of money. There are two categories of “rights” fees in the Department: the- Right of Permanent Residence Fees (RPRF) and the Right of Citizenship Fees (ROCF).

7. Procedures

7.1. Financial coding for cost recovery revenue

In Canada, Citizenship and Immigration services have been assigned General Ledger (G/L) codes according to Business Lines.

At visa offices abroad, the revenue is coded to Foreign Affairs Canada’s General Ledger (G/L) accounts. Foreign Affairs Canada (FAC) transfers the revenue information to CIC’s G/L codes in the IFMS system on a monthly basis.

Services within a grouped business line all have the same fee. Revenue collected for the services within a Business Line are deposited using the same financial code.

With the introduction of the IRPA, a number of transitional rules were created to ensure the correct reporting of cost recovery items that bridge the old and new Regulations. The coding for these transitional items is given below.

This table shows the current fees and financial codes used in Canada and in visa offices abroad for new applications under the IRPA.

BUSINESS LINE	FEE	GENERAL LEDGER CODE	
		In Canada	Overseas
Right of Citizenship Fee	\$100	45090	21928(New)
Refund of Right of Citizenship Fee (current year)		45005	-
Change of Citizenship Grant of Citizenship Retention of Citizenship Resumption of Citizenship Renunciation of Citizenship	\$100	45095	21929(New)
Citizenship Status Document Proof of Citizenship Search for Record of Citizenship	\$75	45100	21930(New)
Right of Permanent Residence Fee	\$975	44075(New)	21937(New)
Refund of Right of Permanent Residence Fee (current year)		45010	21918
Refund of previous year ROLF or RPRF (previous year payment refunded in the current year)		45011	21920
FAMILY CLASS (in-Canada applications only)			
Sponsorship Application	\$75	44105(New)	N/A
Family Class: Principal applicant	\$475	44110(New)	N/A
Family Class: Principal applicant; dependent	\$75	44115(New)	-

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child of the sponsor; orphan or child to be adopted.			
Family Class: Dependent children under 22 years of age (not a spouse or common-law partner)	\$150	44125(New)	N/A
Family Class: Spouse, common law partner, dependent child 22 or over or under 22 and not a spouse or common law partner.	\$550	44120(New)	N/A
SKILLED WORKERS (overseas applications only)			
Skilled Workers: Principal applicant; spouse; common-law partner; dependent children over 22 (includes dependent children under 22 if spouse or common-law partner).	\$550	44155(New) Used only by NHQ Revenue Accounting to transfer revenue from FAC	21931(New)
Skilled Workers: Dependent children under 22 years of age (not a spouse or common-law partner)	\$150	44160(New) Used only by NHQ Revenue Accounting to transfer revenue from FAC.	21932(New)
ALL OTHER CLASSES			
All Other Classes: Principal applicant; spouse; common law partner; dependent children over 22 (includes dependent children under 22 if spouse or common-law partner).	\$550	44170(New)	21934(New)
All Other Classes: Dependent children under 22 years of age (not a spouse or common-law partner)	\$150	44175(New)	21935(New)
Business Immigrant under IRPA	\$1,050	44165(New) Used only by NHQ Revenue Accounting to transfer revenue from FAC.	21933(New)
Permanent Resident Card (In-Canada)	\$50	44675(New)	N/A
Travel Document – A31 (Overseas)	\$50	44875(New) Used only by NHQ Revenue Accounting to transfer revenue from FAC.	21939(New)
Visas and Permits	\$75	44250	21903
Temporary resident visa—Single entry and extension of temporary resident status in Canada			
Temporary resident visa—Multiple entry	\$150	44260	21904
Temporary resident visa—Family rate	\$400	44270	21905
Work permit	\$150	44300	21906
Work permit Group of Performing Artists Maximum Fee	\$450	44350	21907

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Study Permit	\$125	44400	21908
Restoration of temporary resident status (domestic)	\$200	44475(New)	N/A
Temporary Resident Permit	\$200	44450	21909
Rehabilitation—Serious Criminality R309(a)	\$1,000	44500	21910
Rehabilitation—Criminality R309(b)	\$200	44525(New)	21938(New)
Authorization to Return to Canada under A52(1)	\$400	44550	21911
Application by a member of the permit holder class to remain in Canada as a permanent resident	\$325	44625(New)	21936(New)
Certification and Replacement of an Immigration Document – Not a PRC	\$30	44650	21913
After-hours examination*	\$100	44850	
Immigration Statistical Data**	\$100	44860	21914
Alternative Means of Examination	\$30	44900	
Repayment of Removals—USA/St. Pierre & Miquelon	\$750	44950	21916
Repayment of Removals—Other Country	\$1,500	44960	21917
Rate of Exchange Differentia—Gain/Loss		44230/58040	
NSF Administration Charge			21921
Interest on Accounts Receivable			21920
IRPA REFUNDS AND REMISSIONS			
Refund – Family class – Previous year’s application fees	Various	45008(New)	-
Remission – Family Business Employment Offer	\$400	45002(New)	21941(New)
Remission – Returning Resident Permits	\$75	45001(New)	21940(New)
Remission – RPRF – Dependent child (current year)		45012	21941 (New)
Remission – RPRF – Dependent child (previous year)		45009	21943 (New)

* After-hours examination: Fee is set for the first 4 hours; \$30 per subsequent hour or part thereof.

** Immigration Statistical Data: Fee is set for the first 10 minutes of access to the departmental database; \$30 per subsequent minute or part thereof.

7.2. Applications for permanent residence

Since the introduction of the IRPA, the fee for the Permanent Resident Card is included in the fee for all applications for permanent residence. Only those clients who landed before the coming into force of the IRPA or who acquired permanent resident status under the IRPA but did not meet the regulatory requirement to pick up their Permanent Residence Card within 180 days of production will be required to pay the separate \$50 PRC processing fee. See section 7.8 below.

Fees

The following persons are not required to pay the Application for Permanent Residence fee:

- a person who makes an application as a member of the Convention refugees abroad class and the family members included in the member’s application;

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- a person who makes an application as a member of one of the humanitarian-protected persons abroad classes and the family members included in the member's application.
- A person who is a member of the protected temporary residents class and the family members included in their application.

Cost recovery fees are payable for processing an application for a permanent residence or a sponsorship undertaking:

- if the application is made by a person as a member of the family class [R295(1)(a)]; and
- if the application is made by a person as a member of the spouse or common-law partner in Canada class [R301(1)(a).

Family class and spouse or common-law partner in Canada Class (CPC Mississauga and CPC Vegreville):

The fees are as follows:

- Sponsor (per application): \$75
- Principal applicant, including a conjugal partner with respect to the sponsor: \$475

Please note the exceptions that follow:

- Principal applicant less than 22 years of age, not a spouse or common-law partner and described in R117(1)(b) or (e) to (g): \$75 (Family class only);
- Family member of a principal applicant 22 years of age or older; or less than 22 years of age and is a spouse or common-law partner: \$550;
- Family member of a principal applicant less than 22 years of age and is NOT a spouse or common-law partner: \$150.

All other classes – R175(1), R295(1)(c), R301(1)(b) and R307:

Protected persons under R175(1): Federal skilled workers; Quebec skilled workers; Provincial nominees; Live-in caregivers; and Applications to remain in Canada under A25 (In-Canada only)

The fees are:

- Principal applicant: \$550;
- Dependant 22 years or older or less than 22 years and a spouse or common-law partner: \$550;
- Dependent less than 22 and not a spouse or common-law partner: \$150.

Business class – R295(1)(b)

Business immigrants (entrepreneurs, investors, self-employed)

The fees are:

- Principal applicant: \$1050;

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- Family member 22 years or older or less than 22 years and a spouse or common-law partner: \$550;
- Family member less than 22 and not a spouse or common-law partner: \$150.

Determining the fee

The basic rule of cost recovery is that all proposed immigrants are subject to payment of a processing fee, unless there has been an exemption identified.

Where family members are concerned, the determining factors for applying the cost recovery fee will be age, dependency or status as a spouse or common-law partner. As place of residence is not a factor in determining dependency status, it is also not a factor in determining the processing fee.

An applicant's family member who is either a spouse or common-law partner, regardless of age, will be charged \$550.

Family members under the age of 22 who are not spouses or common-law partners will benefit from a processing fee of \$150. It is not essential that such a family member be considered as "accompanying" their parent(s). The applicable fee will be the same whether a family member is included on a parent's application or is sponsored at a later time as long as the application is made before the family member turns 22.

Effective with the coming into force of the *Immigration and Refugee Protection Regulations* on June 28, 2002, the determinant for application of the maximum fee is the combination of the client's class, age and marital status.

The threshold age for maximum fees has been raised from 19 to 22 years of age for family members, if they are not spouses or common-law partners.

Fees shall be collected only for persons intending to immigrate. It is a requirement to list all family members on an application for permanent residence, however, care must be taken not to collect processing fees for those family members who will not be immigrating. [R294]

7.3. Family class applications

CPC Mississauga and CPC-Vegreville (Spouse or common-Law partner in Canada class)

Under the IRPA, sponsorship undertakings will be accepted in Canada only. Visa offices abroad will continue to play a role but not in the acceptance of sponsorship applications.

The cost recovery processing fee must accompany the undertaking form if a fee exemption is not identified. The undertaking will be appropriately coded "fee paid." The visa office abroad will code this information in CAIPS.

Sponsored family members

As part of the two-stage process for sponsorships, the *Immigration and Refugee Protection Regulations* introduced a sponsorship application fee of \$75. The sponsor is assessed against LICO and other criteria prior to the processing of the permanent residence application. If during the initial assessment by CPC, it is determined that the sponsor does not meet eligibility criteria and the sponsor has selected the refund option on the sponsorship application, all funds minus the \$75 sponsorship fee are returned.

In sponsorship cases, the fee for the principal applicant (either \$475 or \$75) will constitute the balance of the total fee for an application for permanent residence. In the case of principal applicants (other than a principal applicant described in the next sentence), the fee is \$475, for a total of \$550. For a principal applicant under 22 years of age, not a spouse or common law partner and defined in R117(1)(b) or (e) to (h), the fee is \$75 for a total of \$150.

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Example 1 – Family class

A family of four: father, mother and two children, ages 8 and 10, the children are sponsored for permanent residence by their parents.

Sponsorship fee (applied to principal applicant)	\$ 75
Father (principal applicant)	\$ 475
Mother	\$ 550
2 children under 22 (\$150 x 2)	\$ 300
Total fee	\$1,400

The RPRF may be paid at the time of application but **must** be paid prior to acquiring permanent resident status.

Example 2 – Family class

A Canadian citizen submits a family class sponsorship undertaking on behalf of his orphaned niece who is 12 years old. Although he has no intention of permanently adopting the child, he is fulfilling his obligation to his brother who had named him legal guardian in the event of death.

Sponsorship application (applied to principal applicant)	\$ 75
Principal applicant less than 22 years of age *	\$ 75
Total fee	\$150

*Under the IRPA, a lone, sponsored child who is less than 22 years of age (as per R295(1)(a)(ii): “and is not a spouse or common-law partner”) is the “principal applicant” but is not required to pay the higher cost recovery processing fee. Instead, the \$150 processing fee for a dependent child is levied. The amount of \$75 is collected for the sponsorship application and the balance is levied against the “principal applicant.” If other dependent children are included in the application, they pay \$150 each.

7.4. Applications in Canada from protected persons under R175(1), live-in caregivers (CPC-Vegreville)

The cost recovery processing fee (HPM receipt) must accompany the application form (IMM 0008EGen – Application for Permanent Residence in Canada).

7.5. Applications overseas (all visa offices)

Processing an application for permanent residence at a visa office abroad

The fee will be paid by the applicant upon submission of the Application for Permanent Residence in Canada (IMM 0008EGen).

Applicants destined to the Province of Quebec

In the case of a skilled worker applicant destined for Quebec, the visa office will request payment of the fee as soon as it has been notified of the pre-selection decision made by an officer of the immigration service of the Province of Quebec. In no case will the federal interview, if required, take place before fees are collected. Further processing will not be initiated if the client cannot or will not pay. Please refer to the next paragraph.

Applicants who indicate that they wish to settle in the Province of Quebec must receive approval from provincial authorities. The joint directives of the Canada/Quebec Accord deem that an application is received by Canada when it has been received by the provincial office.

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Indication that payment has been made, or that the client is fee-exempt will be provided in CAIPS for statistical control purposes. In the case of applicants destined Quebec, CAIPS may be coded "FPS", as payment may not actually be received until the selection stage.

Example 3 – Skilled worker (Federal or Québec)

A foreign national submits an application to enter Canada as a skilled worker and is accompanied by his wife and two children one of whom is 15 and the other 23. Both children are in school on a full-time basis and neither is a spouse nor common-law partner. The cost recovery fees would be charged as follows:

Principal applicant	\$ 550
Spouse	\$ 550
Family member under 22 and not a spouse or common law partner	\$ 150
Family member over 22 and not a spouse or common law partner	\$ 550
Total	\$1,800

Example 4 – Business immigrant (includes investor, entrepreneur or self-employed)

A business immigrant with a spouse and three children applies for permanent residence at a visa office. Two of his children by his present wife are respectively 9 and 11 years of age, while his daughter by a previous marriage is 23 and is married but estranged and living with her father. The cost recovery fees would be charged as follows

Principal applicant	\$1,050
Spouse	\$ 550
Family members under 22 years of age (2 x \$150)	\$ 300
Family members over 22 and married	\$ 550
Total	\$2,450

The fees collected for the sponsorship of children are determined by age and status at the time of a completed application.

Special procedures for Convention refugees and humanitarian-protected persons abroad classes (CR/HPPC) cases

Visa offices processing large numbers of CR/HPPC cases often have arrangements whereby Applications for Permanent residence in Canada (IMM 0008) are distributed on their behalf by NGOs. In most cases, any application (IMM 0008) received through an NGO channel is screened as CR/HPPC and the applicant is fee-exempt.

Work permits for applicants for permanent residence

Applicants for permanent residence in Canada (or those granted early admission by a visa office abroad) who also wish to obtain a work permit shall be charged the required fee for each transaction. See section 7.12 below dealing with work permits.

Fee Exemptions

Please refer to Coding Handbook at the following address:

http://cicintranet/Manuals/immgration/cod/codTOC_e.asp

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7.6. Application by a person as a member of the permit holders class to remain in Canada as a permanent resident

Order-in-Council landings were not carried into the IRPA. However, fees paid under the *Immigration Act* for OIC landings can be used to finalize cases under the IRPA. No additional fees are payable for finalizing these applications. [R358]

Processing and collection of the fee: \$325 per applicant.

Persons who are granted permanent residence by virtue of R64 are required to have resided continuously in Canada for at least three years if they are inadmissible on health grounds under A38 for at least five years if they are inadmissible on grounds other than those described in:

- Section A34 (Security);
- Section A35 (Violations of human or international rights);
- Section A36(1) (Serious Criminality); or
- Section A36(2) (Criminality).

Processing commences after the person has met the statutory requirements above (i.e., 3 or 5 years on a temporary resident permit) with no breach in continuity of the time requirements. The officer shall issue a receipt and note in the appropriate box of the Immigration Cost Recovery Control Form [IMM 5194] that the fee has been paid and the receipt number.

No exemptions from the fee for a request for an application by a member of the permit holder class to remain in Canada have been identified. [R302]

Temporary inability or refusal to pay

If an applicant advises that they are unable or unwilling to pay the fee immediately, they should be counselled to return when they have the ability and willingness to do so. This should be noted on the applicant's file. There is no authority to process a request for an application by a member of the permit holders class to remain in Canada unless the fee has been paid.

Fee exemptions

No fee exemptions have been identified for this service.

7.7. Application for authorization to become a permanent resident under A25, R307 and R66

A25(1) provides:

“The Minister shall, upon request of a foreign national who is inadmissible or who does not meet the requirements of [the IRPA], and may, on the Minister's own initiative, examine the circumstances concerning the foreign national and may grant the foreign national permanent resident status or an exemption from any applicable criteria or obligation of [the IRPA] if the Minister is of the opinion that it is justified by humanitarian and compassionate considerations relating to them, taking into account:

- the best interests of a child directly affected, or by
- public policy considerations.”

IR 5 Cost Recovery

In Canada

A completed application for authorization to become a permanent resident under A25 (IMM 5291E) together with the fee of either \$150 or \$550 will initiate processing. The fee must be submitted with the application to CPC-Vegreville.

Overseas

There is no separate application form overseas. A completed application for acquisition of permanent residence status in any of the three main categories, accompanied by a written request for humanitarian and compassionate consideration will initiate processing. The fees paid are consistent with the fee schedule for the types of permanent resident application.

Fee exemptions

Inland there are no fee exemptions. However, overseas the fee exemptions are the same as those for the class under which the client has applied for humanitarian and compassionate consideration.

7.8. Permanent resident card – R53, R308, A31

For the purposes of A31(1), the document indicating the status of a permanent resident is a permanent resident card (PRC). Permanent Resident Cards are provided or issued in Canada only.

The PRC will be optional for pre-IRPA permanent residents who do not intend to travel.

However, effective December 31, 2003, the card is required for the re-entry of permanent residents into Canada after international travel when using any commercial transportation.

Although the *Immigration and Refugee Protection Act* does not require permanent residents to use their PRC for identification purposes within Canada, clients may choose to show their PRC when seeking a service from an agency that requires proof of their status.

A fee of \$50 is payable for processing an application made under R53(1)(b) for a PRC.

Clients who acquire permanent resident status under the IRPA have the fee for the PRC included in their overall application fee and need pay no further fees for the service. However, once the client has acquired permanent resident status, they must pick up their PR card from the designated office within 180 days of CIC's having mailed a notice that the card has been prepared. Should they fail to do so, or if the Department is otherwise unable to deliver the card, it will be destroyed and the client will have to apply again and pay the \$50 fee to obtain any subsequent PR card. [R58(3)]

Similar to the practice with Canadian passports, the PRC must be renewed every five years if the holder wishes to travel abroad by commercial carrier. A fee of \$50 is payable for processing an application for the renewal of a PRC or for the replacement of a lost, stolen or destroyed card.

Note: A PRC that has been damaged beyond use is considered destroyed.

Completion of the PR Card Application Kit [IMM 5445] and payment of the cost recovery processing fee of \$50 will initiate processing in Canada.

No fee is payable for the replacement of a permanent residence card due to an error on the part of CIC.

Fee exemptions

No fee exemptions have been identified for this service.

IR 5 Cost Recovery

7.9. Application abroad for a travel document to return to Canada under A31(3) and R315

A31(2)(b) provides that a person outside Canada who does not possess a status document (IMM1000, IMM 5292, PRC) indicating permanent resident status is presumed not to have permanent resident status.

The travel document facilitates the movement of clients who are outside Canada without a status document, but confers no status upon them. Possession of the travel document allows clients to travel to Canada and present themselves for examination at a port of entry without creating a presumption that they are entitled to enter.

A completed application for a travel document to return to Canada under A31(3) together with a fee of \$50 (as per R315) will initiate processing overseas.

A permanent resident outside Canada who is not in possession of a status document indicating permanent resident status shall, following an examination, be issued a travel document if the officer is satisfied that they have met the residency and other requirements contained in A28 and that the interests of any child involved have been addressed as per A28(2)(c).

Although the travel document indicates the status of the holder, it confers no status in and of itself. Commercial transporters carrying passengers who hold a Travel Document issued by CIC are not subject to penalties if those passengers prove to be inadmissible upon arrival in Canada.

Fee exemptions

No fee exemptions have been identified for this service.

7.10. Applications for extension of authorization to remain in Canada as a temporary resident - R181 and R305(1)

Processing and collection of fee: \$75 per individual

A completed Application for an Extension of Authorization to Remain in Canada as a Temporary Resident together with the appropriate fee will initiate processing. Unless the client is fee-exempt, the fee must be submitted with the application. If the client is fee-exempt, the appropriate fee exemption code must be entered into FOSS or CPC System.

Where a student's request for extension is refused, but they are granted temporary resident status instead and documented as such, the fee for the initial request will be applied to the temporary resident status application. It must be remembered that "student" status is a form of temporary resident status.

In cases involving temporary resident permits, officers should refer to section 7.15 below. It is to be noted that under the IRPA, there is no provision for the "extension" of temporary resident permits. As the expiry date for a permit approaches, the client is expected to apply for a new permit to maintain their status.

In a case where a decision is made to issue a temporary resident permit to a visitor who is out of status, the officer will indicate whether the fee was received or whether an exemption was applied by coding the appropriate box on the temporary resident permit form.

Fee exemptions

Please refer to Coding Handbook at the following address:

http://cicintranet/Manuals/immigration/cod/codTOC_e.asp

IR 5 Cost Recovery

7.11. Temporary resident visas: single, multiple and family applications - R179, R296(1), R297(1) and R297(2)

Processing and collection of fee: Visa offices abroad

- not refunded the difference between the two processing fees. Since the client applies for a \$75 individual - single entry [R296(1)];
- \$150 individual - multiple entry [R297(1)];
- \$400 family rate - single or multiple entry R296(3) and [R297(2)].

Temporary resident visa applicants will be asked to complete an Application for a Temporary Resident Visa (IMM 5257B). Information kits must ensure that the traveller is informed of the single and multiple entry visa fees, and the family rate. The requestor must identify which visa is required. If an applicant is unable to pay the fee immediately, they should be advised that an application will not be accepted without the appropriate fee.

In a situation where an applicant has applied for and submitted the appropriate fee for a multiple-entry temporary resident visa, and the officer decides to issue a single entry visa, the applicant is process and not an outcome, there is no basis to refund the differential. The client has received the service for which they applied, i.e., consideration of the application for a multiple-entry visa. Although the client may not qualify to receive a multiple-entry visa for a number of reasons that do not impact on the client's *bona fides*, the client should not be reimbursed the difference between the two temporary resident visa fees. The refusal of the multiple-entry visa and the granting of the single-entry visa is considered to be a continuous process.

A fee for a temporary resident visa will not be collected in cases where an applicant (other than members of a performing artists group) is also applying for either a study permit or a work permit at the same time and place. The fee collected will be for the processing of the study or work permit only.

If the applicant is in a group of performing artists, the temporary resident visa fee must be paid in addition to the work permit group fee. (Refer to procedures in Section 7.12 below.)

If the applicant is fee-exempt, the person processing the application will write or stamp on the application IMM5257B "FEE EXEMPT" with the reason for the exemption and will enter this coding in CAIPS.

Fee exemptions

Please refer to Coding Handbook at the following address:

http://cicintranet/Manuals/immigration/cod/codTOC_e.asp

Note: Diplomatic exemptions

R296(2)(a) provides a TRV fee exemption for diplomats and similar official representatives. Although the Regulations do not define what a "diplomat, consular officer, representative or official..." of a country is, there are several factors that can act as a guide in assessing such cases.

Diplomats and similar officials who are accredited to Canada by FAC do not require visas or other travel documents and fees are not an issue for them. However, diplomats from visa-required countries who are accredited to countries other than Canada will still require a visa to enter Canada although they will be fee-exempt. This is true regardless of the country to which they are accredited or the reason for their travel.

Neither the passport held nor the purpose of travel is a reliable guide to the status of the individual seeking an exemption.

IR 5 Cost Recovery

Many countries allow diplomats who are not accredited to retain their diplomatic documents and in some cases, diplomatic passports are issued to non-governmental individuals to facilitate their movement.

Officers abroad should be guided by normal Canadian practice in accordance with exemptions to cost recovery Regulations. As the receiving country accords diplomatic status/privilege, so the receiving country also determines the courtesies to be extended irrespective of the passport held. The normal practice would be to consult the list of individuals/officials who, in the Canadian context, would be entitled to a diplomatic or special passport and to accord the appropriate status to analogous individuals or officials irrespective of the passport held.

Conversely, where a person would, in the Canadian context, be eligible for a diplomatic or official passport, consideration should be given to exempting the person from the cost recovery charges in accordance with R296(2)(a).

7.12. Work permit - R299(1) and R196

Processing and collection of fee:

\$150 individual;
\$450 group of performing artists (3 or more persons).

A completed Application for a Work Permit (IMM1102) or an Application for a Temporary Resident Visa (IMM5257) together with the appropriate fee will initiate processing. Unless the client is fee-exempt, the fee must be submitted with the application. If the client is fee-exempt, the appropriate fee exemption code will be entered on the application.

Although the *Immigration and Refugee Protection Regulations* with respect to work are largely a rollover from the previous Regulations, the IRPR definition of “work” is narrower and has a different focus than the definition of “employment” in the former Act. Officers will now examine whether the person is entering the labour market as well as if they are receiving valuable consideration. The requirement for all groups of performing artists (under 15 in number) to apply for work permits has been dropped. Those performing artists whose activities in Canada required validation under the former Regulations will still require validated work permits, however, most will not.

Payment by employers

Under the *Immigration and Refugee Protection Regulations*, the legal obligation for payment of immigration processing fees lies with the employee who is considered the recipient of CIC’s services. However, employers often agree to pay the immigration processing fees for their foreign employees by private arrangement. In such cases, employers submit payment on behalf of their employee either through HPM (In Canada) or at visa offices abroad (for applicants abroad).

In Canada

Persons who lose status as workers must apply for restoration of temporary resident status through an Application to Change Conditions, Extend my Stay or Remain in Canada (IMM 1249E) to CPC Vegreville.

At Ports of entry

Workers with work permits from visa offices abroad

Visa offices abroad collect the data for work permits that they authorize. This is downloaded to FOSS to facilitate the printing of the work permit at the POE when the applicant arrives for examination. Officers will check that the permit has been properly completed, and if there are any questions, they will contact the issuing office abroad.

IR 5 Cost Recovery

Workers with no work permit

- When it is determined at an examination that a person seeking entry requires a work permit, the officer shall ensure that the fee is collected from the client before issuing an IMM 1102 or IMM 1442B, unless the client is fee-exempt.
- Since no formal written application is submitted at ports of entry, fees will be collected when the decision is made to proceed with the issuance of the IMM 1102 or IMM 1442B.
- If a temporary resident permit is required as well as the IMM 1102 or IMM 1442, the manager must authorize its issuance before the fee is paid. Refer to Section 7.15 below for further information

Temporary inability or refusal to pay

Where a client is unable to pay the fee immediately, an officer will, where practicable and applicable:

- counsel the individual to withdraw their application and return to the USA or declare the applicant inadmissible and produce a report pursuant to A44(1).
- Where the client refuses to pay the required fee, they will be referred to a Senior Immigration Examining Officer (SIEO) and normal enforcement action will apply.
- defer the application, pursuant to A23, by releasing the applicant subject to “Conditions” that must be imposed pursuant to R43, i.e., that they report at a later date for continuation of examination. If the examination is to be continued at another Immigration office, the port of entry will advise that office as soon as possible of the details. The examination can be concluded once the fee is paid.

Performing artists (Entertainers)

Note: Under the IRPA and its Regulations, most performers and their staff no longer need to apply for a work permit. However, there are some who still must do so. The procedures given below are intended for these clients. For instance, a group that will be performing in “a bar, restaurant or similar establishment” requires a work permit. There are other clients in this category who are still required to obtain a work permit and R186 should be read in detail when making a determination.

The maximum fee provision of R299(3) applies only to clients who meet the description of performing artists and who are not fee-exempt.

It is to be noted that R296(2)(d) still specifies that groups of performing artists who must obtain a work permit do not enjoy any fee exemption related to their application for a temporary resident visa.

The Regulations provide that the total amount of fees payable by a group of three or more persons consisting of performing artists and their staff, who apply at the same time and in the same place for a work permit will not exceed \$450 [R299(3)]. However, performing artists who also need a temporary resident visa are still required to pay the appropriate individual fee for the temporary resident visa.

Note: The wording of the Regulations allows a mixed group of performing artists and their staff who require a work permit to benefit from the maximum fee provision as long as the total number of persons is three or more. Some documentation presents this as a “group of three or more performing artists and their staff” which may give the false impression that a minimum of three performing artists must apply to trigger the Regulation.

IR 5 Cost Recovery

Each IMM 1102 or IMM 1442 issued must be coded to show “fee paid” or “fee exempt,” as applicable.

Spontaneous applications for permanent residence and work permits at a port of entry

Spontaneous applicants for permanent residence arriving at the port of entry are not to be accepted. All documentation required for temporary entry must be collected at the port of entry. The IMM 1102 or IMM 1442 must be coded to indicate that the fee has been paid or that an exemption has been applied.

Refusals

In cases where an application for a work permit results in a refusal by an inland immigration office, and where a fee has been collected, the application must be retained for statistical purposes. Financial statistics pertaining to these payments are to be kept manually, as they will not be coded on any computerized document. Fees paid for refused applications will not be refunded.

Work that is integral to a course of study

The exemption from HRSDC confirmation and/or from the fee relating to work permits issued under R205(c)(i) or R299 (2)(e) pertains to work that forms an essential part of a course of study. For purposes of applying this exemption, the officer must ensure that the work is listed as a requirement in the syllabus and that Canadian students taking the same course are also required to work in order to obtain course credits. In other words, in order for the work to be considered an integral part of the course of study, the course could not be passed without taking the work in question into consideration.

NSERC and NRC Researchers – Exempt from the work permit fee

Persons sponsored or invited by the National Research Council of Canada (NRC) and the Natural Sciences and Engineering Research Council of Canada (NSERC) as distinguished scientists or scholars to participate in research for the NRC and the NSERC.

Fee exemptions

Please refer to Coding Handbook at the following address:

http://cicintranet/Manuals/immigration/cod/codTOC_e.asp

7.13. Study permit - R300(1) and R213

Processing and collection of fee: \$125 individual

A completed Application for a Study Permit [IMM 1294] together with the appropriate fee will initiate processing. Unless the client is fee-exempt, fees shall be collected each time a request for a study permit is processed abroad, at a port of entry or inland. If the client is fee-exempt, the appropriate fee-exemption code will be entered on the application and into the appropriate processing system.

At inland offices, out-of-status clients will not be charged a fee until the Immigration Manager authorizes a temporary resident permit or the processing of the client toward restoration of temporary resident status. In those cases, the student is required to pay the applicable fee for the processing of a temporary resident permit or for the restoration of temporary resident status in addition to that for the study permit. A receipt will be provided to the applicant. The officer must ensure that payment has been made prior to initiating the processing of the application. Indication that payment has been made or that a fee exemption has been applied will be made by coding the appropriate box on the IMM 1208 or IMM 1442.

IR 5 Cost Recovery

Ports of entry

Student with study permit from visa office abroad

In the case of students appearing at a port of entry with a letter from the visa office indicating that a study permit has been authorized at that visa office, officers will check in FOSS that the information is complete, and if there are any questions, they will contact the issuing office abroad.

Student with no study permit

Since no formal written application is submitted at ports of entry, fees will be collected once the decision is made to proceed with the issuance of the IMM 1208 or IMM 1442.

When it is determined at examination that the person seeking admission requires a study permit, the officer shall ensure that the fee is collected from the client before issuing IMM 1208 or IMM 1442, unless the client is fee-exempt.

Temporary inability or refusal to pay

When a client is unable to pay the fee immediately, an examining officer will, where practicable and applicable:

- counsel the individual to withdraw their application and return to the USA or declare the applicant inadmissible and produce a report pursuant to A44(1)
- defer the application, pursuant to A23, by releasing the applicant subject to "Conditions" that must be imposed pursuant to R43, i.e., that they report at a later date for continuation of the examination. If the examination is to be continued at another Immigration office, the port of entry will advise that office as soon as possible of the details. The examination can be concluded once the fee is paid. A note to this effect should be placed on the applicant's file.

Where the client refuses to pay the required fee, they will be referred to a Senior Immigration Examining Officer (SIEO) and normal enforcement action will apply.

Temporary resident permit cases - R298

Applicants for permanent residence (in Canada or early admission)

Applicants for permanent residence and their family members are charged for their initial application for permanent residence as well as the Study Permit processing fee. The IMM 1208 or IMM 1442 must be coded to indicate fee payment.

In the case of certain sponsored students, where it is more practical for an organization to pay the required fee, the payment of the fee will be made in accordance with the established agreement between CIC/DFAIT, and the third party involved.

Fee exemptions

Please refer to Coding Handbook at the following address:

http://cicintranet/Manuals/immgration/cod/codTOC_e.asp

7.14. Restoration of temporary resident status - R306 and R182

General

The Immigration and Refugee Protection Act includes a provision authorizing the Deputy Minister or his/her designates to restore temporary resident status under certain circumstances to persons who have ceased to be a temporary resident.

IR 5 Cost Recovery

Processing and collection of the fee: \$200 per individual

When an application for restoration of temporary resident status (IMM 1249) is received by the Immigration office (Case Processing Centre) from a visitor, worker or student, an Officer assesses the application to determine whether the person concerned is out of status but is a likely candidate for restoration of temporary resident status.

The application and any processing fee already submitted are not returned to the applicant.

The applicant will be informed that they are out of status, but that consideration for restoration of temporary resident status is a possibility. (Care should be taken to approach clients only where refusal is unlikely if an application for restoration is received promptly, and not to imply a firm commitment.) The applicant is advised of the processing fee that applies for restoration of temporary resident status, namely:

- \$200 for visitors;
- \$325 for applicants who also require a study permit;
- and \$350 for applicants who also require a work permit. (\$200 restoration processing fee + \$125 fee for the study permit or \$150 for the work permit).

The office must retain basic information on the application in order to continue processing when the application for restoration of temporary resident status is received from the client.

If restoration of temporary resident status is granted, and a client requires permission to attend school or work, applicable processing fees must be collected for the service in addition to those pertaining to the restoration of status.

Temporary inability or refusal to pay

If an individual advises that they are unable or unwilling to pay the fee immediately, they should be advised to withdraw their application and re-apply when they have the ability and willingness to do so. As the applicant is out of status, the case should be referred for enforcement activity.

Fee exemptions

Please refer to Coding Handbook at the following address:

http://cicintranet/Manuals/immgration/cod/codTOC_e.asp

7.15. Temporary resident permit - R298 and A24(1)

General

A fee shall be collected each time a request for the processing of a temporary resident permit is received, unless an exemption has been identified. The officer shall issue a receipt and note in the appropriate box of the temporary resident permit (IMM 1263) that the fee has been paid and the receipt number, or that an exemption has been allowed.

Processing and collection of fee: \$200 per individual

Visa offices abroad

When an applicant for any type of visa also has to overcome an inadmissibility, the cost-recovery clerk will collect the necessary fee and refer the application to the officer for processing. If a file already exists, the receipt will be attached to the paper file and the fee details will be recorded in CAIPS. If the applicant has no existing file at the visa office, a new file will be created and forwarded to the officer.

IR 5 Cost Recovery

In Canada

Applications for a temporary resident permit in Canada result from an individual being the subject of an A44(1) report because of a reported violation of the *Immigration and Refugee Protection Act*. General counselling is required to explain to the applicant the ramifications of the inadmissibility and the options available to them. It will be necessary to review each case on its own merit. Upon determination that the client would meet the criteria for a successful request for temporary resident permit, the officer will collect the fee.

Port of entry (Canada)

When an individual seeking entry into Canada has been identified as inadmissible, the officer prepares an A44(1) report. This report is reviewed by an Immigration Examining Officer (IEO). The client must be given ample counselling respecting the inadmissibility and the options available to them. Upon determination by the IEO that the client meets the criteria for issuance of a temporary resident permit, the IEO directs the client to pay the applicable fee.

Temporary resident permit cases with work permit

A person in violation of the Act will be referred to an officer for interview before being charged a processing fee. The officer will recommend to the Manager (or headquarters, depending on the type of violation) whether or not a temporary resident permit and a work permit should be issued.

If the decision of the Manager (or Headquarters) is positive, unless the case is fee-exempt, the required fees shall be collected, and a receipt given to the client prior to the issuance of the temporary resident permit and work permit. Two processing fees are collected and each document is coded to reflect fee payment. In cases where the client is fee-exempt, the appropriate exemption code shall be reflected on both documents.

If the Manager's (or Headquarter's) decision is negative, the client will not be required to pay the temporary resident permit processing fee.

Temporary resident permit cases with study permits

Persons in violation of the IRPA will be referred to an officer for interview before being charged a processing fee. The officer will recommend to the Manager (or headquarters depending on the type of violation) whether or not a temporary resident permit should be authorized in addition to the study permit.

If the decision of the Manager (or Headquarters) is positive, unless the case is fee-exempt, the fee for processing the temporary resident permit and the study permit shall be collected and a receipt given to the client prior to issuance. The IMM 1263 application will be coded to indicate a fee payment or exemption.

If the Manager's (or headquarter's) decision is negative, the client will not be required to pay the temporary resident permit fee.

Temporary inability or refusal to pay

If an applicant advises that they are unable or unwilling to pay the fee immediately, they should be advised to withdraw their request for consideration of a temporary resident permit and return when they have the ability and willingness to pay the fee. There is no authority to accept a request for consideration of a temporary resident permit unless the fee has been paid. In Canada, the client will be advised that enforcement action shall be continued if they are unable or unwilling to pay the processing fee. At the port of entry, the client will be advised to withdraw their request and return when they are able to pay the required fee.

Fee exemptions

Please refer to Coding Handbook at the following address:

IR 5 Cost Recovery

http://cicintranet/Manuals/immgration/cod/codTOC_e.asp

7.16. Determination of rehabilitation – R309(a) and A36(3)(c)

Deemed rehabilitation

Persons who are described under A36(1)(a), (b) or (c), and A36(2)(a), (b) or (c) are inadmissible to Canada on grounds of criminality.

The IRPA introduces the deemed rehabilitation class of persons who are described under A36(2)(b) and (c).

The IRPA provides authority for the Minister to approve the rehabilitation of persons described in A36(1)(b) or (c) and A36(2)(b) or (c). The granting of rehabilitation removes the grounds of inadmissibility, and is granted for meritorious cases when the Minister or the delegated authority is satisfied that:

- the person concerned meets certain criteria;
- has been rehabilitated;
- and is highly unlikely to become involved in any further criminal activities.

The National Parole Board has the authority to grant and issue pardons to persons described in A36(1)(a) and A36(2)(a) who have been convicted in Canada of an offence under an Act of Parliament punishable by way of indictment. Neither deemed rehabilitation nor rehabilitation can be granted for these offences.

For further guidance, refer to ENF 2 – Evaluating Inadmissibility and ENF 14 Criminal Rehabilitation.

Fees

There are no cost recovery processing fees for deemed rehabilitation services.

When is deemed rehabilitation not applicable?

The deemed rehabilitation provisions cannot be used to overcome inadmissibility for offences in the following situations:

- if the prescribed period of time of 5 years has not elapsed - for a person who has committed 2 or more summary offences; or
- if the prescribed period of time of 10 years has not elapsed - for a person who has committed one indictable offence; or
- person has committed one indictable offence, and then committed a subsequent summary or indictable offence; or
- person was deemed rehabilitated, and then committed a subsequent offence: any subsequent offence has the effect of removing the application of the deeming provisions for any earlier offence(s);
- an indictable offence pursuant to A36(1)(b) or A36(1)(c).

IR 5 Cost Recovery

Individual rehabilitation – essential elements

If a person who was convicted of an offence or who has committed an act or omission does not meet the eligibility criteria for deemed rehabilitation, that person may be eligible to apply for rehabilitation by presenting an Application for Criminal Rehabilitation (IMM 1444E). The client should be adequately counselled on the criminal inadmissibility criteria, and whether or not they meet the criteria to apply either for rehabilitation under the *Immigration and Refugee Protection Act* or a pardon under the *Criminal Records Act*.

The application of the criminal rehabilitation provisions in the Act is at the discretion of the Minister or the Minister's delegate, but these provisions do not constitute a right for persons who are criminally inadmissible to be considered under them. The officer is not required to counsel applicants on the existence or application of these provisions, but in the interest of procedural fairness, applicants should be provided with an application kit if they appear to meet the eligibility criteria and request information or an application for determination of rehabilitation.

Although officers do not have the authority to approve rehabilitation, they may nonetheless provide the client with an opinion on eligibility, and indicate whether a positive or a negative recommendation would be submitted to the delegated authority.

When a negative recommendation is likely, the officer should advise the client **that the cost recovery processing fee would not be refunded** if the application is refused. If a client wants to submit an application for determination of rehabilitation after being provided with a negative recommendation, an officer cannot refuse to accept an application for rehabilitation by the client.

The application for determination of rehabilitation should be processed simultaneously, if a client has submitted an application for a temporary or permanent resident visa. If a client requests rehabilitation after a refusal of a visa application, the client would have to submit another visa application.

7.17. Rehabilitation of serious criminal offences - R309, A36(1)(b) or (c)

Processing and collection of fee: \$1000

Fees shall be collected each time an application for determination of rehabilitation is initiated.

Temporary inability or refusal to pay

If an applicant advises that they are unable or unwilling to pay the fee immediately, they should be advised to return when they have the ability and willingness to do so. An application for determination of rehabilitation cannot be accepted and processing commenced unless the fee has been paid. This should be noted on the applicant's file. **Officials should confirm their delegated authority before rendering a decision.**

In Canada

The officer shall issue a receipt and note in the appropriate box of the Immigration Cost Recovery Control form (IMM 5194) that the fee has been paid and the receipt number.

Visa offices abroad

At visa offices abroad, a receipt will be issued and the existing application form will be validated (IMM 0008, IMM5257B, IMM 1294 or IMM1295)..

Note: In such cases, the application form will be validated twice, once for the original application fee and once again for the Application for Determination of Rehabilitation fee.

Fee exemptions

No fee exemptions have been identified for this service.

IR 5 Cost Recovery

7.18. Rehabilitation of criminal offences - R309(b) and A36(2)(b) or (c)

Processing and collection of fee: \$200

An application for determination of rehabilitation may be considered and decided by the manager at a port of entry, a Canada Immigration Centre, or by a program manager at a visa office abroad if the person concerned has been convicted of an offence outside of Canada and five years have passed since the completion of the sentence imposed.

Fees shall be collected, and a receipt issued to the applicant, each time a written request for determination of rehabilitation is initiated. At visa offices abroad, the visa officer will issue a receipt and validate the existing application form (IMM 0008, IMM 1294, IMM 1295, or IMM 5257B).

In such cases, the application form will be validated twice, once for the original application fee and once again for the Application for Determination of Rehabilitation fee.

The fee paid and receipt number will also be recorded in the "Recommendation" and "Reasons for Recommendation" sections of the Application for Criminal Rehabilitation form (IMM 1444E).

Temporary inability or refusal to pay

If an applicant advises that they are unable or unwilling to pay the fee immediately, they should be advised to return when they have the ability and willingness to do so. There is no authority to accept an Application for Determination of Rehabilitation unless the fee has been paid. An appropriate note should be placed on the applicant's file.

Fee exemptions

No fee exemptions have been identified for this service.

7.19. Authorization to return to return to canada - A52(1) and R310 (IMM 1203B or IMM 1202B) Processing and collection of fee: \$400

A52(1) provides that if a removal order has been enforced, a foreign national shall not return to Canada unless authorized by an officer or in other prescribed circumstances. A removal order is considered to have been enforced whether the client either leaves voluntarily or is removed by the Minister.

R226(1) provides that for the purposes of A52(1) and subject to R226(2), a deportation order obliges a foreign national to obtain the written authorization of an officer in order to return to Canada any time after the deportation order has been enforced.

If it has been determined that the client may be able to meet the basic requirements of requesting the authorization to return (i.e., grounds for original deportation/exclusion order have been overcome or no longer exist), processing of the request will commence upon completion and submission of a request in writing to an officer. This request is normally done by letter.

In cases that result in the issuance of a Denial of Authorization to Return to Canada pursuant to Subsection 52(1) of the *Immigration and Refugee Protection Act* (Form IMM 1202) after consideration of the application, no refund of the fee will be granted.

Indication that payment has been received will be made by appropriately coding the IMM 1202 Denial of Authorization to Return to Canada Pursuant to Subsection 52(1) of the *Immigration and Refugee Protection Act* or the IMM 1203 (Authorization to Return to Canada Pursuant to Section 52(1) of the *Immigration and Refugee Protection Act*). Fee payment coding and the receipt number should be noted at the bottom of the form.

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Temporary inability or refusal to pay

Where a client cannot pay the fee due to a temporary lack of funds, or will not pay the fee, the request will be returned to the applicant with an explanation that it cannot be accepted until such time as they submit the processing fee. Where appropriate, a note should be placed in the applicant's file.

In Canada

The officer should complete the Immigration Cost Recovery Control Form (IMM 5194) in order to document the fee paid. A receipt will be issued and notation of the payment and receipt number should be entered.

Visa offices abroad

At visa offices abroad, in most cases, a file will have already been opened and, if a file review warrants, the officer will continue processing. If a file has not been opened, the client should be requested to complete an Application for a Temporary Resident Visa (IMM 5257B) to begin processing. A receipt will be issued and the officers will validate the existing forms (IMM 0008 IMM 1294, IMM 1295, IMM 5257B). In such cases, the application form will be validated twice, once for the original application fee and once again for the Authorization to Return fee

Note: In addition to the processing fee for this service, clients may be required to pay an administrative fee under R243, Payment of Removal Costs. Please refer to Section 7.24 below.

Note: If an enforced removal order is subsequently set aside in a judicial review, the foreign national is entitled to return to Canada at the expense of the Minister.

Fee exemptions

No fee exemptions have been identified for this service.

7.20. Certification and replacement of an immigration document (Other than a Permanent Resident Card) - R311(1) and R311(2)

Confirmation of permanent residence / certification of landing

Although the IMM 1000 Record of Landing has been replaced by the Confirmation of Permanent Residence form (IMM 5292), IMM1000s may continue to be the document used to establish the date of landing for those clients who became permanent residents prior to the coming into force of the IRPA.

The PRC is optional for pre-IPRA permanent residents who do not intend to travel. However, effective December 31, 2003, it is mandatory for all permanent residents for re-entry into Canada after international travel when using commercial transportation.

Because the PRC can be replaced if it is lost, stolen or destroyed, there is no provision under the IRPA for photocopies or certified true copies of the PRC. The fee for all services related to the PRC is \$50. Please refer to section 7.8 above.

Officers must also be guided by the *Privacy Act* and the *Access to Information Act* which give Canadian citizens or permanent residents the right to access any personal information about themselves contained in a personal information bank. Therefore, if an individual simply is requesting a photocopy of their landing record (IMM 1000) or Confirmation of Permanent Residence form (IMM 5292), there would be no processing fee. Processing fees would be applicable when a "certified true copy" of a landing or confirmation document is requested.

Given the personal nature of the data contained on the IMM1000, it is important that any client requesting a photocopy or certified true copy of this document be able to provide satisfactory proof of their identity before the document is released.

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Processing and collection of fee: \$30 per individual

Cases in Canada

Offices are requested to limit the direct distribution to clients of Verification of Entry form (IMM 5009) to ensure that they are not mailed directly to the Query Response Centre (QRC) by the client. The applicant must go to the local office, where the application will be completed and the fee collected, if applicable. The client must present adequate personal identification and complete an IMM 5009. When appointments are made for these clients, the fee requirement should be explained.

If the case is fee-exempt, the "Exempt" box will be checked and an explanation for the exemption written (e.g., "Resettlement Assistance" or "Government Agency Request") in the "Reason" line of the IMM 5009. The client is then referred to an officer for processing of the request.

If a fee is required, the client is referred to the cashier who will issue a receipt for presentation to the officer processing the request. The "Fee paid" box on the IMM 5009 should be checked, and the "Receipt No." line should include both the amount paid and the receipt number.

Note: Immigration offices must be prepared to advise QRC of the amount of fee paid or the reason for exemption.

In cases initiated at a visa office abroad

The procedures outlined above for offices in Canada apply also to visa offices abroad. Visa offices must collect the prescribed fee when originating a request for confirmation of permanent residence or certification of landing regardless of the format of the document issued.

Example: A letter on embassy stationery confirming the client's name and certifying the place and date of landing requires a fee even if the visa office never obtains a formal extract of the permanent residence records from QRC, i.e., in situations where the time frame involved does not allow the visa office to obtain a formal extract of the permanent residence records from QRC.

Visa offices receiving formal extracts directly from the QRC are required to collect the fee and verify the applicant's identity before releasing the certified document.

In cases initiated by direct requests to QRC at National Headquarters

While clients are to be discouraged from making application directly to QRC, occasional requests will continue to be received. In such cases, the certified form IMM 1000 or IMM 5292 will be mailed to the Immigration office for release after the client has been identified and their fee paid, unless the case is fee-exempt.

When appointments are made for these clients, the fee requirement should be explained to them.

Exemption for requests by government agencies

The exemption described in R311(3) applies to cases where a government department (CIC, DFAIT, HRDC, etc.) wishes to authenticate a record of permanent resident status for internal administrative or control purposes. For example, there may be doubt concerning the authenticity of a copy of a permanent residence record presented by an applicant for citizenship or pension benefits and the responsible department may wish to check with CIC services before proceeding with the application. In such cases, where the request for certification is not the result of a client having lost or destroyed their landing or permanent resident record but rather, of the administrative needs of a government department, R311(3)(a) provides a fee exemption for the service.

Other government departments have been asked to communicate all requests initiated for their own purposes directly to the appropriate Immigration office or the QRC in writing. In these cases only, clients should not be asked to communicate in person with Immigration offices. (In cases of

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loss or destruction of record, however, departments have been asked not to make requests on behalf of a client. The client should come directly to CIC and be charged the applicable fee.)

Internal requests

When a request for certification of other records (i.e. deportation orders) is received within CIC, no cost recovery fee is required.

Fee exemptions

Please refer to Coding Handbook at the following address:

http://cicintranet/Manuals/immgration/cod/codTOC_e.asp

Replacement of an immigration document (except for a Permanent Resident Card)

Processing and collection of fee: \$30 per person

If it has been determined that a request for a certified copy of a client's temporary resident document is credible, the client will be asked to complete the Verification of Entry form (IMM 5009B). Offices are requested to limit the direct distribution to clients of the form IMM 5009B to ensure that clients do not mail the request directly to QRC.

The client is to be asked to come to the office where the application will be completed and the fee collected. The client must present adequate personal identification. The completed IMM 5009B form together with payment of the appropriate fee will initiate a request for a "certified true copy" of the requested form.

Fees shall be collected each time a request for a replacement of a document is processed. The officer shall issue a receipt and note in the appropriate box of form IMM 5009B that the fee has been paid and the receipt number. The applicable documents are listed on form IMM 5009B. **Fee exemptions**

No exemptions from the fee for a request for a replacement document have been identified. If contact is required, officers must advise the QRC of the amount of fee paid. After completion of the request, the QRC will mail a "certified true copy" of the requested document directly to the client.

Cases initiated by direct requests to QRC at NHQ

While clients are to be discouraged from making application directly to the QRC, it is probable that occasional requests will be received by that office. In such cases, the "certified copy" of the document requested will be mailed to the Immigration office serving the area of the client's residence. The Immigration office will be responsible for contacting the client and advising them of the requested document replacement. The document will be released to the client after identification has been verified and the fee paid. When appointments are made for these clients, the fee requirement should be explained.

Cases where Full Document Entry (FDE-IMM 1442) is used

Officers who utilize FDE facility in FOSS for replacement of documents should be guided by the following:

- There is no need to forward the request to the QRC. Document replacement may be completed by issuing another IMM 1442 document with the same client information, validity date, etc. as the original document.
- The receipt number and amount paid is to be recorded in the Cost Recovery box of the form IMM 5009. Under "Reason," the officer should indicate the type and serial number of the IMM 1442 being replaced. The form IMM 5009 must be retained for audit purposes.

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Service when provided outside Canada to persons who are not Canadian citizens or permanent residents

Visa offices abroad only

In Canada, Canadian citizens and permanent residents gain specific rights by provisions included in privacy legislation. Canadian citizens and permanent residents have a right to make corrections to information held in federal government information banks (either in Canada or outside Canada) that is not accurate. Incorrect information could have been provided intentionally or through error. CIC cannot collect a fee for amending personal information or for providing evidence that the action has taken place.

However, the rights associated with privacy legislation do not extend to persons who are not Canadian citizens or who have not been granted permanent residence in Canada.

Hence, visa offices abroad only may collect a processing fee for the replacement of an immigration record in situations either where an applicant is requesting a change to the information contained in a document that has already been issued, or a replacement document identical to the original document in every respect.

Although requests most often would be for changes to an immigrant visa counterfoil or to the Confirmation of Permanent Residence, very few changes would be possible. Where the applicant has obtained a new passport and the new status has no effect on their admissibility, the previous forms would be cancelled and a new visa and the Confirmation of Permanent Residence can be printed.

Note: In instances where a change of content is necessary because of an error on the part of CIC staff, there is no charge for replacing the document.

Examples:

Some common examples of situations that warrant a processing fee at visa offices abroad are:

- where a date of birth was incorrectly given and, subsequently, evidence is shown to substantiate a different date;
- where a name or the citizenship of the applicant requires amendment because of a change in circumstances;
- where a passport number requires amendment (in which case, the validity of the document may also be changed to reflect the maximum validity period).

An additional circumstance that enables CIC to collect a processing fee for the replacement of an immigration document applies only when the service is provided outside Canada to persons who are not Canadian citizens or permanent residents of Canada.

Fee exemptions

No fee exemptions have been identified for this service.

7.21. After-hours examination (in Canada) – R312

The processing fee for “after-hours examination” services at ports of entry should not alter the way after-hour immigration secondary examinations are conducted at any port of entry. Ports of entry should continue to operate in their normal manner, and after-hours examination fees should be collected as outlined in these guidelines.

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Criteria for the collection of fee

Collection of a processing fee shall be applied at ports of entry where an Immigration presence is not available on a 24-hour basis. The fee will be applied:

- (i) to persons seeking entry when travelling by private vehicle; and
- (ii) to transportation companies when public transportation is used by persons seeking entry into Canada.

Persons seeking entry will be subject to the after-hours examination processing fee when the service is requested by the client, and not by the inspection services (i.e., Customs).

Persons seeking entry either by private carrier or by transportation companies carrying persons identified as requiring immigration secondary examinations will be subject to the processing fee for after hours examination if the following two conditions are present:

- the arrival at the port of entry by the individual or transportation vehicle must be an unscheduled arrival; and
- overtime must be incurred by the Immigration examining officer.

Several ports of entry offer immigration services with a presence 16 hours per day, 7 days per week. After-hour service is provided on an after-hours examination basis by immigration officers listed on a standby roster.

Customs officers are responsible for the primary inspection services. During their examination of persons seeking entry into Canada, they are responsible for the identification of individuals who require secondary examination by an Immigration officer.

Once a Customs officer has referred an individual to immigration secondary examination, the options available to the individual seeking entry into Canada will be carefully explained.

The options include:

- withdrawal of the individual's request to enter Canada and return to the country of departure (this would only be applicable at land border sites where the traveller is coming from the U.S.A.);
- wait in the Customs/Immigration reception area until the next scheduled immigration officer reports for duty (this would usually be around 8:00 a.m. as most ports with 16-hour service offer immigration presence during the hours 8:00 a.m. 12:00 midnight);
- request that an immigration officer listed on a standby roster be called back to perform the immigration secondary examination.

Should the traveller choose to request an officer to conduct the immigration secondary examination, the Customs officer on duty shall give the individual a copy of an information sheet outlining the hours of immigration service at that port of entry and the cost recovery fee associated with calling back an immigration officer. Each port of entry will be responsible for developing their own sheet with applicable information. The Customs officer will also witness the applicant's signature on this information sheet and ensure that the individual has sufficient funds or credit card available to pay the fee. At this point, the Customs officer will telephone the designated officer.

Processing and collection of fee:

- \$100 for 4 hours; and
- \$30 for each additional or part hour after 4 hours

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The fee shall be collected by the immigration officer who has been called back to perform the immigration secondary examination, prior to beginning the examination interview. A receipt will be given to the applicant and indication made that payment has been made by notating the fee and receipt number in the appropriate box on the Immigration Cost Recovery Control form (IMM 5194).

No refund of this fee will be given once the immigration officer has reported to the port of entry to conduct the secondary examination.

Upon arrival at the port of entry, should the client seeking entry into Canada refuse to pay the required fee for after-hours examination, the secondary examination will be deferred until such time as the client pays the fee. Should the client continue to refuse to pay the fee, they will be advised to withdraw their request and return to their country of origin, or wait for continuation of their examination when the officer on the next scheduled shift reports for duty.

In cases where individuals have travelled by a mode of public transit (train, airplane, bus, etc.) and the arrival of the public transportation vehicle was unscheduled, and where the port of entry had not been advised of the unscheduled arrival in order to make alternate staffing arrangements, the transportation company, and not the individuals, will be required to pay the processing fee. The fee to be collected is assessed as if only one after-hours examination service were being provided. Individual passengers may be subject to charges applicable on a case-by-case basis.

During interview by a Customs officer, if an applicant advises that they are unable or unwilling to pay the fee immediately, they should be counselled to return when there is an immigration officer on duty, or when they have the ability and willingness to pay the processing fee. There is no authority to provide the after-hours examination service if the individual has not demonstrated the ability to pay the required fee.

If the client demonstrated that they had the ability to pay the fee, and they completed the Immigration Cost Recovery Information form requesting that an immigration officer be called back to perform the immigration secondary examination, but upon arrival at the port of entry of the officer, they decided not to comply with the fee requirement, no examination would be conducted. The individual would be advised to return to the country of origin.

Fee exemptions

No fee exemptions have been identified for this service.

7.22. Immigration statistical data – R314

Processing and collection of fee

- \$100 for the first 10 minutes or less; and
- \$30 for each additional minute or less

for access to the Department's database

The Data Warehouse Unit at NHQ is responsible for providing statistical information on national immigration and refugee protection activity. The Unit responds to requests for specific information that is not available in monthly, quarterly or annual publications. These special requests require the creation of specific programs to extract the information from the Department's computer database.

The provision of immigration information has been identified as a service to which the 7% GST is applicable.

Fee exemptions

Please refer to Coding Handbook at the following address:

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http://cicintranet/Manuals/immgration/cod/codTOC_e.asp

7.23. Alternative means of examination – R313

Processing and collection of fee

\$30 per person. As per R294, fees are payable per person and not per application

Remote Area Border Crossing (RABC) permit

General

In 1992, a service was introduced whereby persons seeking to enter Canada may request and be considered for permits that allow varying methods of reporting their entry.

Most Alternative Means of Examination programs are jointly managed with the Canada Customs and Revenue Agency (CCRA). However, the RABC permit is managed by CIC alone and a \$30 fee is charged for this service.

Possession of a valid RABC permit allows the bearer to cross the border without reporting to a port of entry as long as all imported goods are declared.

This service is available only along the international border between Ontario and Manitoba from Pigeon River to and including Lake of the Woods and to the Canadian shore of Lake Superior from Pigeon River to Terrace Bay.

The RABC permit is available to Canadian and U.S. citizens and persons temporarily resident in cottages within 100 km (62 miles) of the Canada/U.S. border, and to Canadian and U.S. tourists to the area who use the border waterways for recreational purposes.

Processing and collection of fee: \$30 per applicant

A fee shall be collected each time a request for a RABC permit is processed. Payments are recorded by coding the appropriate box of the document issued.

If an individual advises that they are unable or unwilling to pay the fee immediately, they should be advised to withdraw their application and re-apply when they have the ability and willingness to do so.

Fee exemptions

No fee exemptions have been identified for this service

7.24. Payment of removal costs - R243

Note: This is an administrative penalty not a cost recovery fee; as such, it is not governed by the Cost Recovery and Charging Policy of the Treasury Board Secretariat. It is included here because of its relationship to the Authorization to Return to Canada [see section 7.18 above].

These fees apply only in situations where the relevant costs have not been recovered from a transportation company.

Intent of fee

Formerly, this fee applied **only** to persons who were initially issued a departure order, ignored the order and were then deported at departmental expense. This regulation was originally intended to add a further consequence for clients who ignored a departure order.

Under the IRPA, the applicability of this fee has been widened to include all clients who were removed at Her Majesty's expense, not just those who were deported. In R223, removal orders are defined to include, departure orders, exclusion orders and deportation orders.

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Deportees

Under the IRPA, persons who are deported at departmental expense must satisfy two requirements before being allowed to return to Canada. First, they must obtain authorization to do so through an officer or by other prescribed circumstances as per R226(1) and A52(1); and second, they must pay the cost (if any) of their removal as per R243, if they have not been recovered from the transportation company.

Other removals

Clients who are the subject of exclusion or departure orders may seek to return to Canada after the period specified in the Regulations, without the need to obtain the authorization of an officer. However, as with deportees, these clients are now required to pay the cost of their removal as per R243, if they were removed at Her Majesty's expense.

Once the officer who is processing the request for authorization to return to Canada (IMM 1203B) has determined that authorization will be granted, the office in Canada where the removal order originated will inform the officer whether payment is applicable. Collection of this fee will occur prior to the authorization to return to Canada being granted.

The applicable fees are per R243.

Processing and collection of fee

Payment of removal costs:

- USA/Saint-Pierre-et-Miquelon \$750
- Other destinations \$1,500

A receipt shall be issued each time a payment of removal expenses is received.

If an individual advises that they are unable or unwilling to pay the fee immediately, they should be counselled to withdraw their request for authorization to return to Canada and return when they have the ability and willingness to do so. If the individual refuses to withdraw their request, the request will be refused for failure to pay removal costs as per A52(1).

Note: If a removal order for which there is no right of appeal has been enforced and is subsequently set aside by a judicial review, the foreign national is entitled to return to Canada at the Minister's expense. [A52(2)]

Fee exemptions

No fee exemptions have been identified for this service

7.25. Right of permanent residence fee (RPRF) – R303

Background

Effective February 28, 1995, a Right of Landing Fee (ROLF) of \$975 was introduced. Under the IRPA this was retitled as the Right of Permanent Residence Fee (RPRF) and this name will be used in the remainder of this document.

It is generally recognized that permanent residence has attached to it a value, both tangible and intangible. There is an economic or market value which arises out of an enhanced opportunity to improve one's economic condition and there is also the value to having access to a wide range of programs and services provided by the state at no or minimal cost. There is, as well, an intangible value to having permanent resident status in Canada. The fee is partial compensation for benefits which accrue to the person who acquires permanent resident status and helps to defray various costs incurred in delivering the immigration program.

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The announcement of the fee was included in the 1995 Federal Budget and the Immigrant Loans Program was expanded to include provisions for a federal loan to assist immigrants in the payment of this new fee. While the Regulations indicate broad eligibility for a loan, the criteria established focus on the need and ability to repay the loan. Initially, refugees were the primary recipients of ROLF loans.

Since March 2000, applicants for permanent residence who have been determined to be refugees or members of the humanitarian-protected persons abroad classes do not have to pay the RPRF. The demand for loans has dramatically decreased since this change.

Change in terminology

With the coming into force of the IPRA, the term “landing” is no longer used. Instead, clients are said to “acquire permanent resident status.” The only exception to this are clients who become permanent residents under A25 and are “granted” permanent resident status by the Minister.

Legislative authority

The Right of Permanent Residence Fee comes under the authority of section 19.1 of the *Financial Administration Act* (FAA). This section allows for the charging of fees for the rights or privileges that may be granted to a person.

The *Immigration and Refugee Protection Regulations* describe the fee and remission provisions. The RPRF remission comes under the authority of section 23(2.1) of the *Financial Administration Act*.

Fee exemptions

The following persons are not required to pay the Right of Permanent Residence Fee:

- A person who is a family member and is a “dependent child” of a principal applicant as defined in R2.

Note: This can include applicants who are 22 years of age or more and who may be spouses or common law partners while still maintaining status as a dependent child. Refer to “dependent child” [R2(b)(ii)].

- A principal applicant in Canada who has made an application in accordance with R66 (H&C) and who is a “dependent child” of a Canadian citizen or permanent resident.
- A member of the permit holder class who is a “dependent child” of a member of the permit holder class who has made an application to remain in Canada as a permanent resident or who is the “dependent child” of a Canadian citizen or permanent resident.
- A person who is a member of the protected temporary residents class and is described in R151.1(2) and the family members included in their application.
- A principal applicant who is a foreign national and who is referred to in R117(1), namely:
 - a) a dependent child of the sponsor;
 - b) a person in respect of whom the sponsor became the guardian while the person was under the age of 18 (this provision is awaiting provincial agreement before implementation);
 - c) an orphaned brother, sister, niece, nephew or grandchild;
 - d) a child to be adopted.
- A protected person within the meaning of A95(2) who has applied to remain in Canada as a permanent resident and their family members.

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- A person who is a member of the Convention refugees abroad class and the family members included in their application.
- A person who is a member of the humanitarian protected persons abroad classes and the family members included in their application.

Every person, with the exceptions noted above, who submits an application for permanent residence must pay this fee.

Timing of payment

Payment of the RPRF will be required before issuance of the permanent resident visa for applications processed at visa offices or the permanent resident record for applicants in Canada. However, applicants should be encouraged to make the appropriate RPRF payment up-front with their application, or as early in the process as possible. Each contact with the applicant should include a reminder that the RPRF is required, and that the visa will not be issued or the client will not become a permanent resident, as the case may be, until payment is received. It should also be emphasized that early payment of the RPRF will avoid delays in finalizing the processing of the application.

Although concerted efforts will be made to solicit payment at the early stages of processing, CIC must accept payment of RPRF whenever it is submitted. This is a requirement of the *Financial Administration Act*.

Should a client complete all other documentary and regulatory requirements for acquiring permanent resident status but fail to pay the RPRF and complete the acquisition of permanent residence process, there is no legal basis for closing the file or regarding it as abandoned.

Inability or refusal to pay the RPRF

Where the application process is finished and payment of the RPRF remains outstanding, applicants will be advised that the application cannot be finalized until the RPRF has been paid.

Procedures for back-end collection of RPRF

Skilled worker, provincial nominee and business immigrant applications processed by a visa office abroad

The visa office will advise the client that processing of the application has been completed and that visa(s) will be issued if the applicant submits the RPRF payment within 30 days. The visa office will bring forward the file for 30 days to ensure follow-up action will be taken if necessary.

When the RPRF payment is received, the visa office should ensure medicals and security are still valid prior to issuing the visa(s). If they are not, the client must be contacted and advised that these aspects of their file must be updated before visa issuance can occur.

If the applicant does not pay the RPRF within 30 days of the request, the visa office will send a second request for the RPRF giving an additional 30 day-period to comply. Again, the file will be BF'd to ensure follow-up action.

If the applicant does not submit the RPRF within 30 days following the second request, the visa office should not proceed to issue the permanent resident visa until the RPRF fees are paid.

Family class applications, Undertakings of Assistance submitted to Case Processing Centre Mississauga with immigrant applications processed by a visa office abroad

CPC Mississauga will receive the Undertaking of Assistance (IMM 1344), collect the processing fees, process the sponsorship, and forward the documents to the appropriate visa office along with the IMM 0008s.

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Processing the application at the visa office remains unchanged to the point where the visa is ready to be issued. The visa office will advise the client that processing has been completed and that visa(s) will be issued as soon as the sponsor has submitted the RPRF payment to **CPC Mississauga**. The visa office will also advise CPC Mississauga, by e-mail message, that the applicant is ready for visa issuance. A dedicated Signet E-mail account has been established in Mississauga for the receipt of these messages.

The address for visa offices to use is: CPC-MISSISSAUGA-RPRF@CIC.GC.CA

Note: This e-mail address is to be used strictly for RPRF request messages. There will be no response to messages not pertaining to RPRF.

A separate account at CPC Mississauga exists for general inquiries as follows:

CPC-MISSISSAUGA@CIC.GC.CA

The e-mail message is to include the following information:

- visa office file number;
- CPC Mississauga/ CIC file number;
- name of sponsor and client ID;
- amount of RPRF payment required.

Upon receipt of notification that the applicant is ready for the issuance of a visa, CPC Mississauga will advise the sponsor that the RPRF payment must be received by the office within 30 days. CPC Mississauga will "BF" the file for 30 days (plus additional mailing time) to ensure follow-up action.

If the RPRF payment is received, CPC Mississauga will advise the appropriate visa office which should ensure that the medicals and security are still valid prior to issuing the visa(s).

If the sponsor does not respond with the RPRF within 30 days of the request, CPC Mississauga will send a second request for the RPRF giving an additional 30-day period to comply. Again, the file will be "BF'd to ensure follow-up action.

If the sponsor does not submit the RPRF within 30 days following the second request, the visa office will be advised. The visa office should not proceed to issue the permanent resident visa until the RPRF fees are paid.

Applications processed by CPC-Vegreville to completion and transferred to a Canada ImmigrationCentre (CIC) to grant permanent residence status AND applications referred by CPC-Vegreville to a CIC for processing

Once an applicant is ready to become a permanent resident, CPC Vegreville will send a letter to the applicant indicating that the file is being sent to the inland CIC closest to their residence. CPC Vegreville will inform the applicant that they will be scheduled to attend a permanent residence interview and should be prepared to pay the RPRF at the time they are granted permanent resident status.

Upon receipt of the file from CPC Vegreville, the CIC will schedule the permanent residence interview. A letter advising of the time and date of the grant of permanent resident status will be forwarded to the applicant. This letter will remind the applicant that the RPRF payment is required before permanent residence status is granted. Prior to completion of permanent residence processing, it should be verified that the RPRF has been paid and that security clearance is still valid.

If the RPRF payment is received at the final permanent residence interview, the grant of permanent resident status may proceed as usual. If the RPRF payment is not received and the

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applicant appears at the permanent residence interview, they will be advised that RPRF is to be paid before permanent resident status is granted.

A period of 30 days will be given for the applicant to submit the RPRF following the request.

In cases referred to the CIC and processed to completion, a similar procedure regarding the collection of RPRF will be taken. If the RPRF is not provided within the first 30 day period, the applicant should be sent a second request giving an additional 30-day period. Again, the file should be BF'd to ensure follow-up action. Permanent resident status processing should not be completed until the RPRF is paid.

For Family class cases, the payment must be made in Canada to the appropriate CPC. In all cases involving an applicant in Canada and family members overseas, the applicant or sponsor in Canada is responsible for payment.

FOSS/CAIPS/CPC SYSTEM CODING—Current, valid RPRF codes

Listed below are all current RPRF operational codes with corresponding descriptions of when the code should be used in the CAIPS/CPC SYSTEM. All systems require that three mandatory fields be filled with a 3-letter alpha code to indicate the type of transaction, the amount of fee collected and the receipt number.

LFA	RPRF fee paid abroad
LFC	RPRF fee paid in Canada
LFD	RPRF fee payment deferred (Use amended to include applications received after April 17, 1997 which do not have the Right of Permanent Residence Fee included with the application)
LFN	RPRF fee not applicable
LFP	RPRF fee partial refund
LFQ	RPRF fee deferred pending Province of Quebec immigration decision
LFR	RPRF fee refund
LFS	RPRF fee supplementary
LLA	RPRF loan approved
ADDITIONAL RPRF CODE USED BY IN – CANADA OFFICES ONLY	
LFX	RPRF fee excluded (For use in sponsorship cases where “LFD” had been used for a member of a sponsored family and that member has now been determined not eligible)
ADDITIONAL RPRF CODES USED BY CAIPS OFFICES ONLY	
LFE	Fee paid elsewhere, file transferred
LFT	File transferred to another visa office
LRC	RPRF refunded in Canada on family class refused case

The alpha codes are intended to record the latest transaction relating to the Right of Permanent Residence Fee. Consequently, it is possible that three or four codes could be entered during the course of processing

RPRF refunds

Refunds will be granted in all cases where the Right of Permanent Residence Fee has been paid and the applicant has not acquired permanent resident status. Should the application for permanent residence be refused or withdrawn, the Department is obligated to refund the RPRF.

Refunds are provided to the payer (usually the sponsor) in family class cases, and to the principal applicant for other cases. In non-family-class cases, the refund is also issued to the principal applicant.

The refund is not to be issued to any representative or third party.

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Refunds in family-class sponsorship cases, where there are appeal rights, will be to the sponsor "on demand", after a negative appeal decision. A check to ensure that a visa has not been issued must be made with the applicable visa office abroad. The sponsor must be advised by letter that the RPRF will be refunded after appeals are exhausted and only upon written request.

Withdrawal of sponsorships at any time during the process will result in the refund of the Right of Permanent Residence Fee; however, the Case Processing Centre must advise the visa office abroad of the withdrawal of the sponsorship and wait for confirmation that a visa was not issued prior to processing the refund.

In sponsorship cases at CPC Mississauga that result in a negative sponsorship recommendation, the sponsor has the option of continuing with processing the case or having a refund of fees (less the \$75 application fee) paid immediately by withdrawing their application.

In cases outside the family class, the refund of the RPRF should be initiated as soon as the letter is sent to the applicant indicating refusal, withdrawal or receipt of an unused permanent resident visa at the visa office. In cases where the principal applicant is deceased, the refund should be made to the estate of the applicant after confirmation from the legal representative of the deceased.

In all cases, prior to granting a refund, the "Right of Permanent Residence Fee" field of FOSS/CPS/CAIPS and CAIPS notes should be checked to ensure that the fee was, in fact, paid and not already refunded. In cases where a permanent resident visa has been issued but not utilized, return of the visa to the issuing office is required before a refund can be processed.

Refused cases with a temporary resident permit

An applicant who is determined to be inadmissible, but allowed to proceed to Canada with a temporary resident permit, would be considered as refused, and therefore, an RPRF refund would be approved.

As an exception to the normal procedure, namely, that refunds be actioned by the office refusing an application, this particular refund would be processed in Canadian dollars by the Canada Immigration Centre in Canada that receives the file. Generally, visa offices abroad will transfer their case file to the Canada Immigration Centre nearest the destination of the person concerned.

The Right of Permanent Residence Fee will be collected if and when the permit holder seeks permanent residence under A38(1) (medically inadmissible cases) or applies for permanent residence after having been deemed rehabilitated or received a pardon (criminally inadmissible cases).

Offices should ensure that form letters are amended accordingly to cover the need for a refund.

The one exception to granting a refund upon identification of an inadmissibility would be situations where the person concerned would acquire permanent residence within a short period (6 months to a year). In these cases, the Right of Permanent Residence Fee should be retained and applied to the subsequent application.

Early admission cases

An applicant, issued a temporary resident permit to allow early admission, would be expected to acquire permanent resident status within a reasonable time frame after completion of processing in Canada, and would not be eligible for a refund.

Fee exemptions

Please refer to Coding Handbook at the following address:

http://cicintranet/Manuals/immigration/cod/codTOC_e.asp

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Appendix A - IRP Regulatory Amendments - Cost Recovery Fact Sheet

New fee regulations effective date

Effective July 22, 2004, amendments to the fee regulations are introduced as part of the *Immigration and Refugee Protection Regulations* (the Regulations).

Effect of the changes

These regulations introduce cost recovery and rights and privileges fee exemptions for a new class of protected temporary residents and for existing services that were not previously fee exempt.

In addition, these regulations reinstate fee exemptions that existed prior to the coming into force of the Regulations but were omitted in error from those Regulations when they came into force on June 28, 2002.

1. Reinstatement of previous provisions

1(a)_ Multiple-entry temporary resident visa fee exemption

This exemption affects International Region only

New wording: R297 is amended by adding the following after subsection (1):

(1.1) The persons referred to in any of paragraphs 296(2)(a) to (e) or (g) are not required to pay the fee in subsection (1).

Although identical fee exemptions for single and multiple-entry temporary resident visas existed in the former Regulations, the multiple-entry exemptions were omitted in error from the Regulations. Those exemptions are now reinstated.

Prior to this regulatory amendment and as a temporary measure, the Minister's power under A15 was used to instruct officers examining TRV applicants as follows:

For those persons who should have benefited from a multiple-entry fee exemption, the visa officer was instructed not to seek evidence of the fee payment which had the effect of allowing them to receive the service without paying the fee.

TRV fee exemption codes to be used: A01 to A03, A05 to A07

Temporary resident permit fee exemptions

New wording: R298(2)(a) is replaced by the following:

(a) A person referred to in subsection 295(2) or any of paragraphs 296(2)(c) or d), 299(2)(a), (b) or (d) to (k) or 300(2) (d) to (i); [These persons are not required to pay the processing fee in R298(1)].

1.(b) Temporary resident permit fee exemptions - Clergy

R296(2)(c) This paragraph reinstates the temporary resident permit fee exemption for members of the clergy. This exemption was omitted in error from the Regulations of June 2002.

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TRP Fee exemption code to be used for clergy: M09

1.(c) Temporary Resident Permit Fee Exemptions - same time and place

R296(2)(d) This paragraph reinstates the temporary resident permit fee exemption for applicants (except performing artists) who obtain a work permit or study permit at the same time and place. This exemption was omitted in error from the Regulations of June 2002.

TRP fee exemption code to be used for persons obtaining work or study permits at the same time and place – M09

2. Introduction of new provisions

2(a). Temporary resident permit fee exemptions - *Foreign Missions and International Organizations Act* (FMIOA)

New wording: R298(2) amended by striking out the word “and” at the end of paragraph (b) and by adding the following after paragraph (c):

(d) a person referred to in paragraph 296(2)(e) in respect of whom an order has been made under subsection 5(1) of the Foreign Missions and International Organizations Act : and

Persons who are otherwise inadmissible but who are assessed under subsection 5(1) of the *Foreign Missions and International Organizations Act* (FMIOA) will be able to obtain a temporary resident permit on a fee-exempt basis. This change brings the Regulations into compliance with the FMIOA and addresses FAC concerns with respect to the admission (on a fee-exempt basis) of otherwise inadmissible foreign nationals involved in meetings organized by the Government of Canada.

Subsection 5(4) of the FMIOA has precedence over the *Immigration and Refugee Protection Act* in matters of admissibility as follows:

FMIOA Subsection 5(4) stipulates:

In the event of an inconsistency or conflict between an order made under subsection (1) and any of sections 33 to 43 [Inadmissibility provisions] of the *Immigration and Refugee Protection Act*, the order prevails to the extent of the inconsistency or conflict.

TRV fee exemption code – M10 Very few cases of fee exemptions are expected in this category in any given year.

2(b) Temporary resident permit fee exemptions - Clients in transit at the time of visa imposition

Persons described in R298(2) are exempt from the processing fee referred to in 298(1):

New Wording: R298(2) is amended by adding the following:

(e) A person who, while they are in transit to Canada, ceases to be exempt under paragraph 190(1)(a) from the requirement for a temporary resident visa, if, during the first 48 hours after they cease to be exempt from that requirement, they seek to enter and remain in Canada and are inadmissible to Canada for the sole reason that they do not have a temporary resident visa.

This fee exemption applies to foreign nationals in transit to Canada during the first 48 hours after a visa requirement is imposed on their country, and who are consequently rendered inadmissible to Canada and require a temporary resident permit to overcome their inadmissibility. This fee exemption applies if they are inadmissible for the sole reason that they do not hold a TRV and is only valid for a 48-hour period upon a change to the list of countries in R190(1)(a).

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This regulation addresses concerns of fairness regarding the treatment of clients in transit. Since clients in transit are not aware of the requirement for a TRV prior to their departure, it would be unfair to request payment of the TRP processing fee to overcome their inadmissibility to Canada. Creating a permanent fee exemption will simplify future changes to Canada's temporary resident visa requirements in R190(1)(a).

TRP fee exemption code – M25

2. (d) Application to Remain in Canada as a Permanent Resident - Fee exemption - protected temporary residents

New wording: R301 is amended by adding the following after subsection (1):

(1.1) A person who is a member of the protected temporary residents class and the family members included in their application are not required to pay the fees referred to in subsection (1).

This fee exemption was created to accommodate situations where clients in need of protection abroad were, for various reasons, allowed to enter Canada on a Minister's permit or on a temporary resident permit before a permanent resident visa could be issued. As refugees or protected persons, these clients were entitled to processing on a fee-exempt basis abroad, while there was no provision to process their in-Canada applications on the same basis. Therefore, this new regulation brings clarity to the situation by providing processing on a fee-exempt basis.

APR fee exemption code – R01

2. (e) Right of Permanent Residence Fee exemptions - Dependent children who applied under A25 or dependent children who applied in the permit holder class

New wording: R303(2) is amended by adding the following after paragraph (b):

b.1) a principal applicant in Canada who has made an application in accordance with section 66 and is a dependent child of a permanent resident or of a Canadian citizen:

b.2) a member of the permit holder class who is a dependent child of

(i) a member of the permit holder class who has made an application to remain in Canada as a permanent resident, or

(ii) a permanent resident or a Canadian citizen;

303(2)(b.1) Under the Regulations, there was no RPRF fee exemption for dependent children who were principal applicants unless they were within the family class. This regulatory amendment creates a fee exemption for clients who fit the dependent child definition and who apply as principal applicants under R66. Unlike dependent children in the family class, these clients are described as the dependent children of a permanent resident or Canadian citizen rather than the family members or dependent children of a sponsor.

RPRF code – LFN (RPRF not applicable)

303(2)(b.2) This regulation creates an RPRF fee exemption for dependent children in the permit holder class. They must meet the definition of a dependent child of a member of the permit holder class who has made an application to remain in Canada or of a permanent resident or Canadian citizen.

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RPRF code – LFN (RPRF not applicable)

2.(f) Right of Permanent Residence Fee Exemptions - Members of the protected temporary residents class

New wording: Section 303(2) of the Regulations is amended by adding the following after paragraph (c):

(c.1) a person who is a member of the protected temporary residents class and is described in paragraph 151.1(2)(b) and the family members included in their application.”

Persons described in R303(2)(c.1) are not required to pay the fee in R303(1)

This regulation creates an RPRF fee exemption for those members of the protected temporary residents class and their family members included on the application who were not already exempt from the RPRF. This includes clients on Minister's permits under the former regulations who were seeking to enter Canada as Convention refugees or as members of one of the humanitarian designated classes.

RPRF code – LFN (RPRF not applicable)