



Citizenship and  
Immigration Canada

Citoyenneté et  
Immigration Canada



# You asked about...

## ...immigration and citizenship



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Canada

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# Visit our Internet site!

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**Department:** Provides information about the Department's mission, mandate, organization, describes how the immigration and citizenship programs work and features a list of publications.

**Visitors:** Provides information on visiting, studying, working temporarily or extending your stay in Canada.

**Immigrants:** Explains how to apply to immigrate to Canada and what you need to do before visiting, studying or working temporarily in Canada. Helpful facts are also available to help you adapt to life in Canada.

**Refugees:** Provides information on all aspects of refugee sponsorship: how Canada helps refugees and what you need to know about private sponsorship.

**Citizenship:** Answers questions about the rights and responsibilities of Canadian citizenship.

**Applications:** Immigration and citizenship application forms and guides. Most forms for use within Canada or abroad can be downloaded from the site.

**News:** Features the latest news releases and major announcements.

**Publications:** Browse through CIC's publications on-line.

**Links:** Discover links to other useful sites and resources.

<http://www.cic.gc.ca>





# *Welcome to...*

*YOU ASKED ABOUT... IMMIGRATION AND  
CITIZENSHIP — A GUIDE TO THE  
PROGRAMS AND SERVICES OF  
CITIZENSHIP AND IMMIGRATION CANADA.*

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## HOW TO USE THIS GUIDE

**T**his guide is arranged in two parts to reflect the Citizenship and Immigration sides of the Department. The first part covers Immigration, including sections on immigration operations, immigrating to Canada, refugees, immigrant settlement programs, visiting Canada, and enforcement.

The second part, Citizenship, is a reference guide to the rights and responsibilities of Canadian citizenship and the process of becoming a Canadian citizen.

Take time to familiarize yourself with this guide. You will find it answers most of your questions about the programs and services of Citizenship and Immigration Canada. For more information on specific programs or other publications, please consult one of the CIC Call Centres listed in Annex 3, or visit CICNet, the Department's Internet site, at <http://www.cic.gc.ca>.





# *An Introduction to Citizenship and Immigration Canada*

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**T**he Department of Citizenship and Immigration was created on June 23, 1994, when Bill C-35 received Royal Assent. The Department was established because the government believed that citizenship and immigration spring from commonly shared values and objectives, and that citizenship completes the process that immigration begins.

The Department's responsibilities include immigration applications, levels, selection criteria, visa requirements, refugee issues, settlement, enforcement, federal-provincial relations on immigration, and citizenship applications, registration and promotion.

Immigration was, and remains, an indispensable force in the forging of our country, and it will continue to play an important role in Canada's future. In preparation for the 21st century, it is critical to develop immigration policies and programs that benefit all Canadians. Also critical is the communication of the rights and responsibilities of Canadian citizenship.

## **A NEW CITIZENSHIP ACT**

A new citizenship act was tabled in Parliament on November 25, 1999. The Citizenship of Canada Act represents the first major reform with respect to citizenship in over 20 years.

The proposed legislation aims to modernize the Act to better reflect the true value of Canadian citizenship and to highlight the values held by the people of Canada. It does so by clarifying the requirements for acquiring citizenship and by changing the oath sworn by new Canadians when they obtain citizenship. Canadian citizenship is considered precious by Canadians and is recognized worldwide. The proposed legislative measures will also ensure that Canadian citizenship maintains this recognition within and outside Canada.

The tabling of the Citizenship of Canada Act is the first step in realizing the objective of modernizing the current *Citizenship Act*. Over the next several months, the proposed legislation will progress through the legislative process. The new Citizenship of Canada Act is expected to take effect before the end of this year.

## **IMMIGRATION AND REFUGEE PROTECTION ACT**

On April 6, 2000, the Minister of Citizenship and Immigration tabled Bill C-31, new legislation for immigration and refugee protection. The present *Immigration Act* remains in effect until new legislation is approved by Parliament. Further information on the legislative process is available on the CIC website.

### **What are the objectives of Citizenship and Immigration Canada?**

Citizenship and Immigration Canada aims to contribute to a stronger nation by:

- deriving maximum benefit from the global movement of people;
- protecting refugees at home and abroad;
- defining membership in Canadian society; and
- managing access to Canada.

Citizenship and Immigration Canada carries out many activities in support of these goals, including:

- setting immigration levels in consultation with the provinces and the private sector;
- admitting skilled workers and business immigrants;
- reuniting families;
- admitting visitors, foreign students and temporary workers;
- resettling refugees;
- working with the Immigration and Refugee Board to protect refugees in Canada;
- integrating newcomers, in cooperation with the provinces and community organizations;
- granting citizenship and promoting citizenship values;
- managing an enforcement strategy to protect the safety of Canadian society.

## How many people work for Citizenship and Immigration and where are they?

The Department has approximately 4000 employees and an annual budget of \$683.2 million. CIC offices are located across Canada and around the world:

- National Headquarters in Ottawa;
- national Case Processing Centres (CPCs) in Vegreville, Alberta and Mississauga, Ontario for immigration cases and in Sydney, Nova Scotia for citizenship cases;
- centralized Call Centres to answer client questions on both immigration and citizenship;
- local and regional Citizenship and Immigration offices across Canada;
- offices overseas (see Annex 4).

## Are any other departments involved in citizenship and immigration programs?

Citizenship and Immigration Canada works in partnership with other federal departments and agencies. These include:

**Foreign Affairs and International Trade** (Internet: <http://www.dfait-maeci.gc.ca>) — supplies common services to all federal departments that have employees abroad, providing office and living accommodations for Citizenship and Immigration Canada employees, communications, shipping of supplies, and administration of locally hired program and support staff; actively supports foreign student and business programs.

**Health Canada** (Internet: <http://www.hc-sc.gc.ca>) — provides input on medical examinations and standards.

**Revenue Canada: Customs Border Service** (Internet: <http://www.rc.gc.ca>) — manages access to Canada, primary inspection of persons arriving.

**Justice Canada** (Internet: <http://canada.justice.gc.ca>) — provides legal advice, represents Citizenship and Immigration Canada in court, works on developing war crimes strategy.

**Federal Court of Canada** — hears appeals and applications for judicial review.

**Solicitor General of Canada** — Royal Canadian Mounted Police (RCMP) (Internet: <http://www.rcmp-grc.gc.ca>), Canadian Security and Intelligence Service (CSIS) (Internet: <http://www.csis-scrs.gc.ca>) — share information and expertise on organized crime, smuggling of people, and fraud; conduct inquiries and provide advice on the admissibility of immigrants and some visitors in terms of security/criminality; RCMP investigates and prosecutes specific contraventions of the *Immigration Act* and assists in removals.

**Statistics Canada** (Internet: <http://www.statscan.ca>) — shares and analyzes statistics.

**Human Resources Development Canada** (Internet: <http://www.hrdc-drhc.gc.ca>) — facilitates the admission of skilled workers who benefit Canada's economy.

**Industry Canada** (Internet: <http://www.ic.gc.ca>) — cooperates on projects to strengthen the economic contribution of immigration.

**Canadian Heritage** (Internet: <http://www.pch.gc.ca>) — promotes understanding of Canadian citizenship values.

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Note: This guide is not a legal document. Detailed eligibility requirements for programs and services are available through one of the CIC Call Centres. Also, programs may change with little notice; details should be verified with the Call Centre, particularly with regard to the legal aspects of immigration.



# Immigration

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**T**his section of *You asked about... immigration and citizenship* answers commonly asked questions about Canada's immigration legislation. Immigration is fundamental to Canada's identity and to its economic future. Canada has fair, balanced and effective immigration and social systems.

## OVERVIEW

Canada is one of the few countries in the world with an active program for permanent immigration. In fact, Canada accepts more immigrants and refugees, in proportion to its population, than any other country.

One out of every six Canadian residents was born outside the country. Directly or indirectly, immigration policy has touched the lives of every Canadian, and it has helped to make Canada a culturally rich, prosperous and progressive nation.

Since 1967, Canada's immigration program has been based on non-discriminatory principles, both in law and in practice. Citizenship and Immigration assesses immigrants and visitors on standards that do not discriminate on the basis of race, national or ethnic origin, colour, religion, or sex. In addition, the immigration program is universal — applicants from around the world are assessed against exactly the same criteria.

The present immigration program is based on the *Immigration Act* of 1976, which became law in 1978 and was most recently amended in 1993. This Act includes the first attempt by the federal government to establish, in law, the basic objectives of the Canadian immigration program. It also reconfirms the fundamental principles of non-discrimination and universality.

The Act sets out three basic social, humanitarian and economic goals for the immigration program:

- to foster the development of a strong, viable economy in all regions of the country;
- to facilitate the reunion in Canada of Canadian residents with close family members from abroad; and
- to fulfill Canada's legal obligations with respect to refugees and to uphold its humanitarian tradition.

In addition, the Act states that the immigration program should protect the health and safety of Canadians, and prevent the entry of potential criminals, spies, terrorists and subversives.

The immigration program also deals with people who want to visit Canada but do not plan to settle here. This “non-immigrant” part of the program involves the rules and procedures governing the entry of visitors, students and temporary workers. In 1998, nearly 41 million people — excluding returning Canadians — visited Canada.

## THE IMMIGRATION PLAN

### How does the government decide how many immigrants to accept?

A legislative requirement of Canada's immigration policy is to set the number and categories of immigrants who can come to Canada each year. These targets are announced annually in Parliament, by November 1, after consultations with the provinces and other interested parties.

In addition to its legal obligation to consult the provinces on desirable levels of immigration, the Government of Canada has concluded agreements with several provincial governments dealing with federal-provincial cooperation with respect to immigration. The *Canada-Quebec Accord* is the most comprehensive. This guide contains a section regarding federal-provincial agreements and immigration to Quebec.



## How many immigrants come to Canada every year?

The number of immigrants allowed into Canada varies from year to year, based on several factors. The following is a list of the actual number of immigrants\* admitted to Canada over the past 16 years:

1998	174,011
1997	216,039
1996	226,071
1995	212,869
1994	223,875
1993	255,819
1992	252,842
1991	230,781
1990	214,230
1989	192,001
1988	161,929
1987	152,098
1986	99,219
1985	84,302
1984	88,239
1983	89,157

\* Includes principal applicants and immediate dependants in the independent, family and refugee categories.

## IMMIGRATION OPERATIONS

### Do people have to pay fees to apply to come to Canada?

Some people wishing to visit or emigrate to Canada must pay an application processing fee. This fee is part of a cost-recovery program to recoup the cost of providing immigration services. The processing fee is not refundable. The fee varies according to the type of application or service used. Fees are applied to a number of immigration services including those for sponsorship, business immigrants, students, visitors, etc.

However, some exceptions exist. For a complete list of immigration processing fees, see Annex 2. Since fees are subject to change, you should also contact a Call Centre for up-to-date information.

### **What is the Right of Landing Fee?**

The Right of Landing Fee (ROLF) is paid for the right to obtain permanent resident status in Canada. The fee is partial compensation for the many benefits and privileges that permanent resident status confers.

Every person aged 19 and over who applies for permanent resident status, whether at a post abroad or in Canada, must pay the fee. Every person who applies to sponsor a family member aged 19 or over must also pay the Right of Landing Fee on behalf of that dependent family member. The Immigrant Loans Program allows persons in genuine need of assistance, who can demonstrate an ability to repay, to obtain a loan to pay the Right of Landing Fee.

The applicant normally pays the ROLF along with the application processing fee at the time of application, but may have the option of deferring payment of the ROLF to any other time during the process.

The amount of the Right of Landing Fee is \$975 per adult aged 19 or over. The fee is refundable if permanent residence status is not granted.

### **Why is Immigration changing the way it provides client service?**

Over the past 20 years, Canada's immigration program has grappled with ever more complex legislation, increasing numbers of clients, growing demand for services, and fiscal restraint. Faced with these changing conditions, the program started to review its operations systematically to standardize the way it does business and to provide more efficient, equitable service. Some changes are already in place, and CIC is continuing to work on an improved client service strategy.

### **What are some of the changes?**

- increased reliance on mail-in service;
- centralized Case Processing Centres in Canada and Regional Processing Centres abroad;
- new self-help application kits;
- the New Immigrant Application Processing System to streamline processing at missions abroad;
- a new cost-efficient fee payment process in Canada;
- automated Call Centres to handle routine business;
- CICNet, the Department's Internet site: <http://www.cic.gc.ca>.

## How can I get current information about immigration?

Telephone numbers for three centralized Call Centres are listed in Annex 3. Call Centres provide the following services and information to clients across Canada at no cost:

- information on immigration and citizenship programs and services;
- general information about the status of an application;
- application and information kits;
- fee calculations.

## Can I get information through the Internet?

You can find much of what you need on Citizenship and Immigration Canada's web site. CIC is continuing to improve its Internet site: CICNet at <http://www.cic.gc.ca> to provide a dynamic and useful source of information on immigration and citizenship, as well as related links, and to reduce the need for expensive and time-consuming telephone calls.

On CICNet you will find the following:

- general information on CIC;
- recent news releases;
- CIC publications, including: the annual immigration plan, statistical publications, reports and guides on specific topics;
- application kits;
- fee schedules;
- information on Call Centres;
- list of CIC offices abroad;
- list of Quebec immigration offices abroad;
- list of designated medical practitioners;
- research projects;
- links to related sites.

Application kits in Adobe® Acrobat® pdf format can be downloaded or printed from the Internet site. The kits contain detailed information on requirements for each category and step-by-step guides to completing the application.

## IMMIGRATION OPERATIONS IN CANADA

### Where are the immigration offices in Canada?

Each year, millions of visitors and thousands of immigrants and returning residents seek entry into Canada. As well, Canadian residents apply to sponsor relatives from abroad. To ensure that immigration services are available and delivered according to law, Citizenship and Immigration Canada maintains a network of local immigration offices, centralized Case Processing Centres (CPCs), Call Centres, regional offices, and other administrative offices across the country.

Local immigration offices are located at border crossings, international airports, sea ports and inland communities. These offices administer immigration legislation and policy to the public through immigration programs and services. Although the functions of individual offices may vary (depending on the size and location of the areas they serve), all operate according to the legislation and specific guidelines laid down by Citizenship and Immigration Canada. In addition, each local office acts as a link between the Department and the community by explaining immigration policies to the community and providing feedback to the Department on their effectiveness.

### What is the role of the Case Processing Centres?

A national mail-in service handles most applications and operates through Case Processing Centres (CPCs) in Vegreville, Alberta; Mississauga, Ontario; and Sydney, Nova Scotia. The Sydney CPC handles citizenship applications and is described more fully in the Citizenship section of this guide. The Vegreville and Mississauga CPCs handle mail-in applications from across Canada for the following activities:

#### **Vegreville, Alberta**

- employment, student authorizations and extensions of visitor status; and
- landings in Canada (including Convention refugees).

Some of the processing times for applications sent to CPC Vegreville are:

- approval in principle for applications for landing: 90 days (including 10 days for mailing);
- granting of landing: 12 months (18 months abroad if there are dependents abroad);
- visitor extensions: 25 days (including 10 days for mailing).

## **Mississauga, Ontario**

- sponsorships of family members abroad.

The CPCs handle about 80 per cent of all applications. Clients and their representatives can check the progress of their applications by phoning a Call Centre. Complex cases or cases likely to result in a refusal, as well as other work activities, are referred to local Immigration offices across Canada for a final decision. Local offices also handle private sponsorships of refugees.

### **How do I pay the fees?**

CIC recently introduced a new cost-effective method for payment of fees with mail-in applications, the Handling Public Money Project, in partnership with the National Bank of Canada and designated financial institutions. Before submitting your application to the CPC, you must pay the appropriate fee (free of service charge) at any branch of the National Bank, or other designated financial institution if there is no National Bank in your community. Then include the stamped receipt with your application when you mail it to the CPC.

## **IMMIGRATION OPERATIONS ABROAD**

### **How is the immigration program delivered abroad?**

The International Region delivers Canada's immigration programs at Canadian missions abroad. Activities include immigrant selection, non-immigrant processing, immigration health services, reporting and liaison, and control and interdiction. The International Region plays a lead role in international migration and refugee issues. It is also involved in coordinating the Department's international activities, particularly those regarding relations with the Department of Foreign Affairs and International Trade (DFAIT), other nations, and multilateral organizations.

### **How do I know where to apply?**

Overseas processing is delivered through a network of Regional Program Centres, satellite missions, Full-Service Centres, Business Immigration Centres and other specialized offices. The different types of immigration services available worldwide are listed in Annex 4.

Regional Program Centres (RPCs) offer centralized immigration processing wherever possible. RPC staff process routine immigration applications from beginning to end, provided an interview is not required. If an interview is required, or documents need to be verified, the responsible satellite office (i.e., where the applicant has provided an address) becomes involved. In this case, the RPC either provides specific instructions or

electronically transfers the file to the satellite office. RPCs also perform a full range of non-immigrant services for its host country and any nearby nations falling under its direct jurisdiction. Non-immigrant services include interdiction, control, reporting, representation, liaison, promotion, and recruitment.

Satellite offices perform a full range of non-immigrant services including issuing tourist, student and temporary work visas. Staff in these offices are also responsible for reporting on local conditions and for immigration interdiction and control functions. They continue to maintain contacts with host country officials and representatives of other diplomatic, official and non-government organizations. Satellite offices also conduct interviews and investigate specific issues as directed by the RPC.

Full-Service Centres offer a complete range of all immigrant and non-immigrant services. These stand-alone offices operate where local workloads are not routine or cannot be easily processed elsewhere, or where political realities inhibit the RPC-satellite concept.

All business immigrants now apply at one of nine Business Immigration Centres, which provide access to expertise in business immigration.

Specialized offices provide additional reporting and liaison activities in key cities where immigration/refugee topics are of continuing interest, and conduct other unique duties. As these offices are an integral part of the Department's overseas network, they may also perform processing functions if necessary.

## **How long does it take to process an application?**

Processing times at visa offices vary. For example, routine applications by spouses can usually be processed in about six months. More complicated applications can take longer. The calculation of processing times begins only when the visa office receives a properly completed application form. There are several reasons why an application would be considered non-routine. Examples of situations requiring lengthier processing times include:

- the need for an interview;
- difficulties in communicating with the applicant due to local communication structures or an inaccurate/outdated contact address provided by the sponsor;
- lack of cooperation on the part of the applicant in providing the visa office with timely information;
- the need for additional medical examinations;
- complications regarding the criminal or security status of the applicant or dependants;
- applicant has difficulty obtaining satisfactory supporting documents; or

- problems with the sponsor's ability to fulfill the financial obligations of the sponsorship.

The Department recently introduced a New Immigrant Application Processing System to streamline application processing and ensure necessary information and documents are provided quickly.

### **Who conducts medical exams?**

The overseas medical service of Citizenship and Immigration Canada is responsible for:

- the immigration medical examinations of all prospective immigrants to Canada, as well as certain long-term visitors and temporary workers;
- the determination of medical inadmissibility under the *Immigration Act*; and
- the analysis and reporting of international medical and health developments to the appropriate parties.

Immigration medical officers at missions abroad designate medical practitioners in each country to conduct the medical exam, then review the doctor's report to determine admissibility. A list of Designated Medical Practitioners can be found on the CIC Internet site.

## **IMMIGRATION AND REFUGEE BOARD**

### **What is the role of the Immigration and Refugee Board?**

Created by an Act of the Canadian Parliament in 1989, the Immigration and Refugee Board (IRB) is an independent administrative tribunal performing quasi-judicial functions. The Chairperson of the Board reports to Parliament through the Minister of Citizenship and Immigration. The Board's mission, on behalf of Canadians, is "to make well-reasoned decisions on immigration and refugee matters efficiently, fairly and in accordance with the law."

The IRB consists of three divisions: the Convention Refugee Determination Division (CRDD), the Immigration Appeal Division (IAD), and the Adjudication Division. The members of the CRDD and IAD are appointed by the Governor in Council for terms of up to seven years, while the decision-makers of the Adjudication Division are public servants, appointed pursuant to Canada's *Public Service Employment Act*.

The CRDD deals exclusively with the determination of claims, made within Canada, for refugee status. The IAD hears appeals from removal orders, refusals of sponsored applications for permanent residence by members of the family class, and appeals by the

Minister of decisions made by adjudicators. The Adjudication Division became part of the IRB in 1993. Adjudicators are independent decision-makers who determine whether a person will be allowed to come into or remain in Canada under the *Immigration Act*.

Decisions rendered by the three Divisions can be judicially reviewed by the Federal Court of Canada. However, permission must first be obtained from a Federal Court judge to initiate such a review.

## CONVENTION REFUGEE DETERMINATION DIVISION

This division (also called Refugee Division or CRDD) of the IRB is responsible for refugee determination. The CRDD determines refugee claims in a manner that is both flexible and informal in accordance with the *Immigration Act*, the *Canadian Charter of Rights and Freedoms*, the *1951 United Nations Convention Relating to the Status of Refugees*, and Canada's humanitarian traditions.

Refugee determination is the process through which persons seek protection under the *1951 United Nations Convention Relating to the Status of Refugees*.

The goals of the refugee determination process are threefold:

- to hear and determine refugee claims as quickly as possible, in accordance with the law and in a manner which reflects Canada's humanitarian traditions;
- to ensure that individuals and groups cannot use refugee claims or "the refugee status determination process" as a means to circumvent our national immigration policies; and
- to reassure the world that Canada has an effective and humanitarian refugee determination process that is consistent with our international commitments.

"Convention refugees" are persons who: (1) are outside their country of nationality or former habitual residence; (2) who have a well-founded fear of persecution due to their race, religion, nationality, membership in a particular social group or political opinion, and (3) who are unable or, owing to that fear, unwilling to return there.

The refugee determination hearing normally takes place before a panel consisting of two members of the Refugee Division — although a claimant may consent to have just one member hear the claim. In some circumstances, claimants may have their claim determined by a single member without a hearing. This is called the Expedited Process, which is used when there is a high degree of certainty that a panel hearing would result in a favourable decision for the claimant.

Hearings usually take place in private in order to protect the safety of claimants and their families. They are, however, open to the public upon application from a member of the public. In such cases, the Refugee Division may take whatever measures are



necessary to ensure the confidentiality of the proceedings when there is a serious possibility that the life, liberty or security of any person would be endangered. Representatives of the United Nations High Commissioner for Refugees may observe.

The refugee determination hearing is non-adversarial in nature. Every effort is made to ensure that claimants can put forward their cases as thoroughly and completely as possible. Claimants have the full protection of the *Canadian Charter of Rights and Freedoms*, have the right to be full participants in the process, to be represented by counsel and to the services of an interpreter, if necessary. The presentation and acceptance of evidence at hearings are not restricted by technical or legal rules of evidence; the process is designed to elicit all the relevant information pertaining to a claim. To this end, a refugee claim officer assists the panel in the hearing by ensuring that all available and relevant evidence is presented.

## IMMIGRATION APPEAL DIVISION

In the minority of cases where sponsored applications for landing of family members have been refused, appeals can be made to a division of the IRB. That division is called the Immigration Appeal Division. This division also hears other types of appeals, including those of permanent residents who have been ordered removed from Canada, and those of recognized Convention refugees and visa holders who are subject to a removal order.

### Types of Appeals

Appeals to the Immigration Appeal Division of the Immigration and Refugee Board generally take two forms: sponsorship appeals, and appeals from removal orders.

If an individual has been notified that the sponsored application for landing of a family member has been refused, or if that individual has been ordered removed from the country, there are 30 days to appeal. Under certain circumstances, the Immigration Appeal Division may extend the time period for bringing an appeal if the deadline is missed.

An appeal to the Appeal Division is initiated by completing a Notice of Appeal and filing that document with the Immigration and Refugee Board.

The Appeal Division is an independent tribunal with the powers of a court to issue summonses, to require witnesses to testify during appeal hearings and to receive credible and trustworthy evidence in deciding the outcome of an appeal.

An individual has the right to be represented by counsel at all stages of the process. Counsel need not be a lawyer and can be a family member, friend, member of the clergy, etc. The Minister responsible for the *Immigration Act* will also be represented by counsel at the hearing.

Once the Notice of Appeal has been received, the hearing date is scheduled, usually within a few months of the time the records are received by the Appeal Division.

The appeal will likely be dealt with at a public hearing with an interpreter provided, if necessary. However, the Appeal Division may, on application, decide to order a hearing in private if there is a serious possibility that information brought out during the hearing would threaten the life, liberty or security of any individual.

It is up to the individual and/or the counsel to persuade the Appeal Division to allow the appeal. Evidence can be given by the individual, orally or in written form, and witnesses may come forward to support the case. The individual may also question the evidence brought forward by other parties to the appeal. After the Appeal Division has considered all of the evidence, it will give its decision, sometimes on the same day the hearing concludes.

## ADJUDICATION DIVISION

The Adjudication Division conducts immigration inquiries for certain categories of people believed to be inadmissible or removable under the *Immigration Act*. It also conducts reviews of the reasons for detention under the *Immigration Act*. An individual may be detained if the adjudicator is of the opinion that this person is likely to pose a danger to the public, or that he/she is not likely to appear for the continuation of the inquiry or for removal from Canada as the case may be.

Before an adjudicator makes a decision on the issue of detention or release, both the Minister's representative and the counsel, or the individual, will have an opportunity to put forth any information that should be considered.

If the individual is in detention, he/she will be brought before an adjudicator for regular reviews of the reasons for the detention as required by the Act.

An inquiry may be held if a person:

- is seeking admission to Canada at a port of entry and is considered to be inadmissible; or
- is already in Canada and a report has been written by an immigration officer or a peace officer alleging that this person has contravened the *Immigration Act*.

In some situations, defined in the *Immigration Act*, the case will be referred to a senior immigration officer of Citizenship and Immigration Canada (CIC). Other cases will be referred by CIC to the Immigration and Refugee Board for an inquiry held by an adjudicator. The adjudicator is an independent decision-maker, trained in immigration law and related elements of civil, criminal and administrative law.

An adjudicator will decide if the individual can be admitted to Canada or if she/he can remain in Canada, as the case may be. If the decision is negative, the individual will be required to leave Canada and a removal order will be made against the person.

The adjudicator will ensure that the individual understands the purpose of the inquiry and any possible consequences to him/her. The inquiry will be conducted as informally and quickly as the circumstances and considerations of fairness permit.

The Minister responsible for the *Immigration Act* is represented at an inquiry by a case presenting officer. The individual may represent herself/himself or have counsel. Both parties can present evidence and call witnesses. The individual may be called as a witness to present evidence. Both can examine the other party's evidence and cross-examine witnesses. The adjudicator will base his/her decision only on the evidence presented at the inquiry.

More information on the IRB can be found on its Internet site: <http://www.irb.gc.ca> or by writing to the Immigration and Refugee Board at 344 Slater Street, Minto Place, Ottawa, Ont., K1A 0K1.

## FEDERAL-PROVINCIAL AGREEMENTS

Under the Constitution, immigration is shared between the federal government and the provinces, with federal legislation prevailing. The *Immigration Act* (Section 108) allows the Minister to enter into agreements with the provinces to facilitate the coordination and implementation of immigration policies and programs.

### Which provinces have immigration agreements with the federal government?

During 1998, CIC signed agreements with British Columbia and Saskatchewan as well as new annexes with Manitoba. Discussions are under way with several provinces toward new or revised immigration agreements or other types of working arrangements. An Immigration Accord was signed with Quebec in 1991. Other letters of understanding exist with the four Atlantic provinces.

These federal-provincial agreements outline specific responsibilities and establish formal mechanisms by which the provinces can contribute to the development of immigration policies and programs.

### What powers do these agreements give the provinces?

The *Canada-Quebec Accord*, the most comprehensive agreement to date, gives Quebec sole responsibility for selecting independent immigrants and refugees abroad who are destined for Quebec. It also allows Quebec to provide its own reception and integration

services — linguistic, cultural and economic — for permanent residents of the province. Federally, Canada maintains responsibility for defining general immigrant categories, setting levels for admitting persons to Canada and enforcement.

The recent agreement with British Columbia transfers responsibility and funding for settlement and integration services to the province, gives B.C. a greater role in immigration planning and policy, and establishes a pilot project aimed at attracting more business immigrants. In the case of Manitoba, the new Settlement Services Agreement simplifies the administration of such settlement services as orientation, language training, and labour market access. Manitoba and New Brunswick have also reached a Provincial Nominees Agreement, which involve the provinces in the selection of skilled immigrants for their contribution to the provincial economy. The agreement with Saskatchewan includes a similar Provincial Nominees Program.

Other mechanisms are also in place to facilitate federal-provincial cooperation. Federal-provincial working groups have been formed to examine specific immigration issues. These include access to professions and trades, sponsorship, business immigration, promotion and recruitment, selection, settlement and language training, health, and information sharing and research.

## THE CANADA-QUEBEC ACCORD

Due to Quebec's responsibilities in immigration, as defined in the *Canada-Quebec Accord*, persons destined for this province may have to meet different requirements.

### Who needs Quebec's approval?

Visitors, students and foreign workers; people coming to Quebec to study, receive medical treatment, or work in a position requiring a job validation (a condition being that no Canadian is available to perform the work) must first obtain the province's consent.

Selection of immigrants: the *Canada-Quebec Accord* specifically gives Quebec exclusive selection responsibility for all independent immigrants and refugees abroad who are destined for Quebec. Those selected by the province will receive a document called *Certificat de sélection du Québec* (CSQ). The federal government ensures that statutory admission requirements, such as medical and criminal checks, are met before it issues a visa.

For the Family Class category, *Le ministère des Relations avec les citoyens et de l'Immigration* (MRCI), *Direction des Services d'immigration au Québec*, receives sponsorship applications and, when applicable assesses if sponsors are financially able to meet sponsorship obligations. If the application is approved, MRCI notifies the appropriate visa office.

## Fees

The Quebec government has set fees for some of the immigration-related services provided by MRCI. People seeking information on current fees should contact MRCI directly.

## Settlement responsibilities

The Quebec government provides reception and integration services to new permanent residents of the province whether or not they have been selected by Quebec. These services must correspond overall to those provided by the federal government elsewhere in the country.

For more information, you may consult *Le Ministère des Relations avec les citoyens et de l'Immigration* (Internet site: <http://www.gouv.qc.ca/minorg/indexf.htm>).

## IMMIGRATING TO CANADA

### What are the different categories of immigrants?

The rules for the admission of immigrants deal with three basic categories which correspond to the three main program objectives: reuniting families, promoting economic development, and protecting refugees.

**Family class immigrants:** immigrants sponsored by close family members already living in Canada.

**Independent immigrants:** immigrants who qualify for certain types of jobs or have other important assets to bring to Canada. They apply on their own or have more distant relatives living in Canada.

**Refugees:** persons seeking protection in Canada.

- Convention refugees: selected abroad or recognized by the Immigration and Refugee Board.
- Humanitarian designated classes: people in refugee-like situations.

Other classes of immigrants established for humanitarian or public policy reasons may also be defined by regulation. Currently, these classes include: Live-in Caregivers in Canada, Post-Determination Refugee Claimants in Canada, and Undocumented Convention Refugees in Canada.

Immigrants in each category must meet certain health and security requirements as well as the specific requirements related to the category in question. Applications from persons facing criminal charges in Canada or abroad cannot be processed until the charges are dealt with.

Clients can make an application to Citizenship and Immigration Canada by using an application kit. A different application kit exists for each class. Most kits are available by phoning a Call Centre or can be obtained through the CIC web site.

## **FAMILY CLASS IMMIGRATION**

### **Who is eligible to sponsor someone for permanent resident status in Canada?**

Sponsors must be Canadian citizens, or permanent residents aged 19 or over, and be living in Canada.

A sponsor must be able to provide for the lodging, care, maintenance and normal settlement needs of the applicant and accompanying dependants for 10 years. Sponsors who have failed to carry out a similar responsibility toward another member of the family class may not be allowed to sponsor another person. The sponsorship application kit provides the information needed to complete the financial evaluation of the sponsor.

### **Who is eligible for sponsorship in the family class?**

The following people are eligible for family class sponsorship:

- wife/husband
- fiancé(e)
- parents, grandparents
- brothers, sisters, nephews, nieces and grandchildren who are orphans, unmarried and under age 19
- dependent son or daughter (including children adopted abroad)
- children under 19 whom the sponsor plans to adopt (see section entitled “Can I sponsor a child to be adopted in Canada?”)
- any other relative, if the sponsor has no relative as described above either abroad or in Canada.

## What are the requirements for dependants?

Dependants must meet the same visa requirements as the principal applicant, including medical and background checks. Applicants must include all of their dependants on their application, whether or not the dependants plan to immigrate to Canada.

There are three ways sons or daughters can be “dependent” on their parents:

- 1) Under age 19 and unmarried (must be unmarried when they apply for a visa and still unmarried when the visa is issued);
- 2) Full-time students, married or single, studying at a college, university, or other educational institution. They must be studying or training when they apply for their visas, during the processing of their visas and when the visa is issued, and must have been supported financially by their parents from age 19 on or from when they got married. They may interrupt their studies for up to 12 months;
- 3) Children who are unable to support themselves financially because of a disability and are financially supported by their parents.

## Can I sponsor any other family members?

A Canadian citizen or permanent resident who does not have a spouse, child, parent, grandparent, sibling, uncle, aunt, nephew, or niece in Canada, and who does not have a family class relative to sponsor, may sponsor one relative regardless of relationship. (See also Independent Immigration, Assisted Relatives.)

## How long am I financially responsible for my relatives?

Sponsors have financial responsibility for family class relatives immigrating to Canada. Sponsors agree to assist family class relatives for 10 years, during which time sponsored relatives must not depend on social assistance. If they do apply for welfare, their sponsors are considered in default and may be taken to court.

## How is the application processed?

You must pay the processing fee at a designated financial institution and mail the completed application to the Case Processing Centre in Mississauga.

Once the CPC has approved the sponsorship, it will inform the visa office and send an application kit for the relative to the sponsor in Canada. The sponsor is responsible for sending the application kit to the relative abroad. The relative must complete the application form as quickly as possible and send it to the visa office. Applicants must undergo a medical examination, as instructed by the visa office. A visa will be issued once all requirements are met — within six months of application in routine cases involving spouses and dependent children.

Different procedures apply in Quebec. For more information, refer to Federal-Provincial Agreements — the *Canada-Quebec Accord*.

### How can I adopt a foreign child?

While immigration law permits foreign children to be adopted in Canada, the majority of children are adopted outside the country. Canadians wanting to adopt a foreign child should send the sponsorship application to the Case Processing Centre in Mississauga well before they plan to leave for the foreign country. A sponsorship may be submitted before the adoption is final. Applicants who wish to adopt abroad must consult provincial child welfare authorities to determine the requirements in their province, as adoption in Canada is the responsibility of the province in which the adoptive parents reside. Immigrant visas will not be issued to adopted children without a letter from the province. The pamphlet *International Adoption and the Immigration Process* (C&I-387-03-00) also offers useful information. For a copy, contact:

Communications Branch  
Citizenship and Immigration Canada  
Ottawa, Ontario K1A 1L1  
Telephone (613) 954-9019 • Fax (613) 954-2221.

This pamphlet is also available on the CIC web site: <http://www.cic.gc.ca>.

Canadian laws concerning foreign adoptions are designed primarily to protect the child. Adoptions require the involvement of several provincial and federal departments in Canada and authorities in the child's country of residence. Immigration regulations must be complied with and, if the adoption is being completed outside Canada, the laws of the foreign country must be met.

### What are the requirements for issuing an immigrant visa to an adopted child?

- a sponsorship approved by the Case Processing Centre in Mississauga;
- a letter from provincial authorities consenting to the adoption;
- the processing fee paid at the time of sponsorship;
- an "Application for Permanent Residence in Canada" completed by the adoptive parents on behalf of the child and submitted to the appropriate visa office abroad;
- final adoption documents when the adoption is completed abroad;
- a medical examination by a doctor authorized by Canadian immigration authorities;
- a valid passport or other travel documents; and
- any other documents that the Immigration office in Canada or the visa office might require.



Citizenship and Immigration Canada recognizes that the unification of children with their adoptive parents is of great importance. While applications are processed in the high-priority family class category, the process can still be time consuming.

Amendments to immigration regulations allowing Canada to comply with the terms of *The Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption* came into force on April 1, 1997, coinciding with the implementation date of the Convention in Canada. The Convention requires that the central authority for adoption in the province of destination and the central authority in the child's country of origin mutually agree to an adoptive child's placement. Moreover, when immigration authorities in the country of destination decide that the child will be allowed to live in that country permanently, their decision must be made *before* the adoption can be completed and the child entrusted to the adoptive parents.

The Convention had been implemented by 37 countries (including eight provinces and two territories in Canada) as of May 1, 2000. See Annex 5 for the list of countries and provinces, or contact one of the Call Centres for an updated list. If you are a resident of one of these provinces and intend to adopt a child from one of the implementing countries, you should contact the provincial adoption authority to obtain information about The Hague Convention requirements for intercountry adoptions.

### **Can I sponsor a child adopted outside Canada?**

Children under the age of 19 may be sponsored to come to Canada if they have been adopted outside Canada according to the laws of another country. The application for permanent residence will be approved if the visa officer believes there is a genuine parent-child relationship. The application may be refused if the visa officer concludes that the real purpose of the adoption is to circumvent immigration requirements.

Laws regarding adoption by foreigners vary from one country to another. It is the duty of the visa officer to ensure that an adoption completed abroad is legal according to the laws of the country in question. If the adoption has already occurred, the onus is on the sponsor to provide the documentation needed to establish this fact.

## Can I sponsor a child to be adopted in Canada?

A child may also be sponsored as an intended adoptee to be adopted in Canada if the child is under 19, and is:

- an orphan;
- an abandoned child whose parents cannot be identified;
- a child born outside of marriage who has been placed with a child welfare authority for adoption;
- a child whose parents are separated and who has been placed with a child welfare authority for adoption; or
- a child, one of whose parents is deceased, who has been placed with a child welfare authority for adoption.

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**Note:** Different procedures apply in Quebec. For more information, refer to Federal-Provincial Agreements — the *Canada-Quebec Accord*, consult the booklet *International Adoption and the Immigration Process*, or contact the agency responsible for adoptions in Quebec:

Secrétariat à l'adoption internationale  
Ministère de la Santé et des Services sociaux  
201, boul. Crémazie Est, R.C. 01  
Montréal (Québec) H2M 1L2  
Tel.: (514) 873-5226 or 1-800-561-0246  
Fax: (514) 873-1709

## INDEPENDENT IMMIGRATION

“Independent” immigrants are those who apply for permanent residence on their own initiative. They are selected for their skills or other assets which will contribute to the Canadian economy and are assessed on the basis of selection criteria for a specific category. This class includes skilled workers, entrepreneurs, investors and self-employed persons. Independent immigrants destined for Quebec are subject to that province’s selection criteria. However, the federal government is responsible for determining that immigrants of any category are not inadmissible for medical, security, criminal or other reasons stated in the *Immigration Act*. For all destinations other than Quebec, the federal selection system applies.

## How can I find out if I qualify for immigration to Canada?

Application kits for independent immigrants can be obtained from visa offices outside Canada or downloaded from CICNet. The kit contains a self-assessment guide which will guide you through the assessment process. If you determine that you may have the required number of points for the category under which you are applying, you may follow the steps for completing the form, attach the required documents and fee, and mail your application package to the appropriate visa office. You can assess your potential by following the point system outlined below.

## What is the “point” system?

Immigrants in the Independent Class are assessed against a selection (“point”) system on the following factors:

- education (16 points maximum);
- experience (8 points maximum);
- education/training factor (18 points maximum);
- age (10 points maximum);
- knowledge of English and/or French (15 points maximum);
- personal suitability (10 points maximum);
- demographic factor (10 points maximum);
- arranged employment or self-employed (10 points);
- occupation found on the General Occupations List (10 points maximum);
- bonus points for entrepreneurs or investors (30 points maximum);
- bonus points for relatives in Canada (5 maximum).

Language points for ability in Canada’s official languages are awarded as follows:

For the language in which the applicant states greater competency, an assessment of ability is done in three categories: speaking, writing and reading. All three areas will be scored separately as follows:

- fluently (3 credits);
- well (2 credits);
- with difficulty (0 credits).

For the language in which the applicant states lesser ability, there will also be an assessment of ability in speaking, writing and reading. All three areas will be scored separately as follows:

- fluently (2 credits);
- well (1 credit);
- with difficulty (0 credits).

Points are then awarded on the basis of the number of credits:

- for 0 to 1 credit, no points are awarded;
- for 2 to 5 credits, 2 points are awarded;
- for 6 to 15 credits, points equal to the number of credits are awarded.

In example A, Ching-Wai notes on her application that of Canada's two official languages, French is her language of greater ability and English is her language of lesser ability. From her French language assessment she receives: 2 credits for her ability to speak French; 2 credits for her ability to read French and 0 credits for ability to write French. From her English language assessment she receives: 1 credit for her ability to speak English and no credits for her ability to read and write English. Altogether, Ching-Wai scores 5 credits. This would give her 2 points out of 15 for her language skills.

In example B, Victor notes on his application that of Canada's two official languages, he knows only English. On his English assessment he is awarded: 3 credits for speaking; 3 credits for reading; and 3 credits for writing. Altogether he receives 9 credits. Therefore, he is awarded 9 points out of 15 for his language skills.

**Note:** People who score 0 points for language ability are not automatically disqualified from selection to Canada as independent immigrants.

## How many points do I need for my category?

(Each category is defined on the following pages)

Investor	29
Entrepreneur	28
Self-employed	29
Skilled worker	27
Assisted relative	27

For those independent immigrants who need an occupation factor, 0 points under occupation means an automatic refusal of the application, unless the applicant has arranged employment in Canada with a job offer validated by a Human Resource Centre.

### **What is the General Occupations List?**

The General Occupations List is based on an analysis of the labour market and of applications received abroad. It identifies occupations that are in demand and can, on a national basis, absorb newcomers to Canada. The General Occupations List contains about 178 broad occupation groups, covering more than 2,400 eligible occupations.

Changes to the General Occupations List occur from time to time. The list is available on the CIC web site or can be obtained through the Call Centres. Copies are sent to MPs for distribution to their constituency offices. You can also contact:

Communications Branch  
Citizenship and Immigration Canada  
Ottawa, Ontario K1A 1L1  
Telephone (613) 954-9019 • Fax (613) 954-2221

### **What are the different categories of independent immigrants?**

#### **Skilled workers**

Skilled workers are selected for their ability to participate in the Canadian labour market, based on occupation and experience. They must have an occupation listed on the General Occupations List or a job offer from a Canadian employer, validated by a Human Resources Centre in Canada to confirm that no qualified Canadians are available to fill the position. This ensures that immigrants will be able to find jobs easily and will not displace Canadians. They must also have at least one year of experience in their occupation. Education, vocational training and the ability to function in English and/or French are important factors. Applicants between the ages of 21 and 44 at the time of application receive the maximum of 10 points for age; those 49 or older receive no points for age. Skilled workers account for almost half the total number of immigrants to Canada in recent years.

#### **Assisted relatives**

Assisted relatives are skilled workers who may receive five bonus points for having a relative in Canada. They must apply directly to a visa office outside Canada and must meet Canada's immigration selection criteria. Assisted relatives are sons, daughters, brothers, sisters, nieces, nephews or grandchildren who are 19 years old and older and who do not qualify as family class. This category also includes aunts and uncles.

If they can prove their relationship to their relative in Canada, assisted relatives need obtain only 65 points instead of the 70 required by independent immigrants.

### **Business immigrants**

Canada encourages the admission of business immigrants who bring business skills and expertise that contribute to the nation's economic and cultural well-being, and create job opportunities. There are three categories of business immigrants: entrepreneur, investor, and self-employed.

## **Do I qualify as a Business Immigrant?**

Regardless of which category of business immigrant in which you apply (entrepreneur, investor or self-employed), you and your dependants must satisfy the visa officer that you meet the requirements of Canada's *Immigration Act* and *Regulations* for independent immigrants.

In addition, business immigrants must meet the additional requirements of the business immigrant category in which they are applying. They are described below.

### **Entrepreneur**

Definition:

Applicants must intend and be able to establish, purchase or substantially invest in a business in Canada. The following criteria must be met:

- The business must make a significant contribution to the economy.
- The business must create or continue one or more jobs in Canada in addition to the jobs created for the entrepreneur and the entrepreneur's dependants.
- The entrepreneur must offer active, sustained participation in the management of the business.
- The entrepreneur must report to an immigration officer in Canada regularly.

Entrepreneurs and their dependants are admitted on the condition that the entrepreneur establishes a business that meets the above requirements within two years of landing in Canada. These requirements are referred to as Terms and Conditions and are part of the immigrant's landing documentation. Progress is monitored and the entrepreneur is counselled regarding compliance with these terms and conditions. Failure to comply could lead to removal proceedings.

There is no set minimum investment that an entrepreneur must make. The amount is dependent on the type and location of the business that is planned. The amount available must be sufficient to allow the entrepreneur to establish the business within two years of landing and support his/her dependants during this period.

Prospective entrepreneur immigrants are encouraged to make exploratory visits to Canada. This would allow them to personally evaluate opportunities and investigate business costs, markets, meet with provincial officials and acquire first-hand knowledge about living and doing business in Canada. You are under no obligation to make an exploratory visit, however, many applicants find them beneficial. Please note that you may need a Canadian visitor visa to travel to Canada for an exploratory visit. Please refer to the section “Visitors to Canada” in this publication for more information on visitor visas.

### **Investor**

Definition:

Applicants must have:

- successfully operated, controlled or directed a business.
- accumulated through their own efforts, a personal net worth of at least \$800,000 (Canadian).
- make an investment of \$400,000 (Canadian) prior to visa issuance.

A new Investment Investor Program (IIP) came into effect on April 1, 1999. Investors now invest \$400,000 Canadian in a single national program managed by CIC. The \$400,000 investment is paid to the Receiver General for Canada. The investment is non-refundable after visa issuance and is locked in for five years. Investors are repaid their \$400,000 without interest. Investments are secured by participating provinces and territories that use the funds to create jobs and develop their economies. Investors in the new IIP must intend to live in a province or territory other than Quebec. Under the *Canada-Quebec Accord*, Quebec continues to select investors and operate its own investor program.

If you meet the definition of an immigrant investor and are interested in applying as an immigrant investor, send your completed application form to one of the nine Business Immigration Centres or from the CIC Website at (<http://www.cic.gc.ca>).

### **Self-Employed**

Definition:

Applicants must demonstrate the intention and ability to establish or purchase a business in Canada. This business must create a job for the applicant and make a significant contribution to the economy, or the cultural or artistic life of Canada.

Self-employed immigrants are not required to establish a business that employs others and there is no set minimum investment required. Prospective self-employed immigrants are encouraged to make exploratory visits to Canada so they may evaluate opportunities for themselves and gain first-hand knowledge about living and doing business here. Although you are not obligated to make such a trip, many applicants find

them worthwhile. Please note that you may need a Canadian visitor visa to travel to Canada for an exploratory visit. The section “Visitors to Canada” contains additional information on visitor visas.

**Please note that the *Immigration Act* and *Regulations* may change from time to time and you should confirm the requirements with a visa officer at one of the Business Immigration Centres.**

## How do I Apply?

As of June 1, 1998, people interested in applying as business immigrants must submit an application at one of the following nine visa offices: Beijing, Bonn, Buffalo, Damascus, Hong Kong, London, Paris, Seoul and Singapore. These nine visa offices are referred to as Business Immigration Centres. The Centres will provide all applicants access to expertise in business immigration and process their applications. The application processes for entrepreneurs, investors and self-employed vary and are described below.

### **Entrepreneur:**

Applications for permanent residence are made to the Business Immigration Centres. Once the visa officer is satisfied that an applicant meets the definition of entrepreneur, the applicant is assessed on a modified version of the point system. Entrepreneurs are assessed on seven of the nine factors (education, specific vocational preparation, experience, demographic factor, age, knowledge of English and French languages and personal suitability) in the selection criteria set out in Schedule 1 of the Regulations. They only require 25 units of assessment out of a maximum of 87 units. The visa officer then reviews the applicant’s business plan and determines whether the applicant has enough money to finance a business and maintain him/herself and his/her dependants while becoming established in Canada.

When the applicant arrives in Canada, the immigration officer at the port of entry completes the entrepreneur’s landing documentation and formally imposes terms and conditions on the entrepreneur and his/her dependants at the time of landing. Entrepreneurs have two years from the time they are landed to comply with the terms and conditions imposed on them. In brief, the following terms and conditions apply: within two years of receiving permanent resident status, the entrepreneur must establish, purchase or make a substantial investment in a business or commercial venture in Canada; the business must make a significant contribution to the economy and create employment opportunities in Canada for one or more citizens or permanent residents, other than the entrepreneur and the entrepreneur’s dependants; the entrepreneur must participate actively in the management of the business on a sustained basis; he or she must report progress in establishing the business; and then provide proof that a business



has been established and is operating. In addition, the visa officer at the port of entry may impose conditions that relate to all independent immigrants (for example, health requirements).

**Investor:**

Intending immigrant investor must submit applications at one of the nine Business Immigration Centres. If the visa officer is satisfied that an applicant meets the investor definition, the applicant is assessed on a modified version of the point system. Investors are assessed on seven of the nine factors (education, education and training, experience, demographic factor, age, knowledge of English and French languages and personal suitability) in the selection criteria set out in Schedule 1 of the Regulations. They require 25 units of assessment out of a maximum of 87 units available.

An immigrant visa will be issued to qualified investors and their dependants once they have demonstrated, to the satisfaction of the visa office, that the investment has in fact been made, and once they and their dependants have met all other Canadian immigration requirements. The immigrant investor and his/her dependants will receive their permanent residency status once they have been processed at a Canadian Port of Entry.

**Self-Employed:**

Prospective self-employed immigrants are required to apply to a Business Immigration Centre for permanent residence status in Canada. A self-employed applicant requires at least 70 units of assessment for approval of an application, out of a possible total of 127. The factors assessed are education, specific vocational preparation, experience occupational demand, demographic factor, age, knowledge of English and French languages, and personal suitability. There is also a “self-employed bonus” if, in the opinion of the visa officer, the applicant will be able to become successfully established in his or her occupation or business in Canada.

The visa officer will review the person’s management skills, business ability, financial assets and past business record. Although there is no monitoring or requirement to report progress towards the establishment of the business, self-employed immigrants are expected to honour their commitment to establish a business and to be self-supporting through their business endeavours.

**Business Applicants Destined for Quebec**

Under the *Canada-Quebec Accord* of 1991, Quebec has the right to select business immigrants destined for that province. Quebec uses its own criteria to select business immigrants and works in cooperation with the Government of Canada to process them. As of April 1, 1999, investors in the Quebec program must invest \$400,000 and have a net worth of \$800,000. All investors in the Quebec program must intend to settle in, and be selected by, Quebec to qualify for an immigrant visa. Individuals wishing to settle in Quebec should contact a Quebec immigration office for further

information. You may contact a Quebec Immigration Office outside Canada (at the Service d'immigration du Québec) or the Quebec Immigration Department in Montreal, Quebec, at:

Le ministère des Relations avec les citoyens et de l'Immigration  
Direction de l'aide à l'immigration d'affaires  
360, rue McGill, Bureau 3.01  
Montréal (Québec) H2Y 2E9  
Telephone (514) 873-2730 • Fax (514) 873-0762

### **Business Applicants Destined for British Columbia**

A pilot project designed to promote business immigration to British Columbia was jointly launched by Citizenship and Immigration Canada (CIC) and the British Columbia Ministry of Employment and Investment on January 15, 1999.

The two-year pilot project is designed to provide more information to prospective entrepreneur-class immigrants to enable them to take better advantage of business opportunities in B.C. Prospective entrepreneur immigrants are encouraged to make an exploratory visit to B.C. and to attend an immigration and investment seminar to find out more about the economic opportunities in B.C. The weekly seminars provide advice on growth sectors, present actual investment opportunities, and offer personal counselling services.

The pilot project also encourages entrepreneur-class immigrants to attend a "Business Opportunities and Conditions Removal" seminar. The seminar helps these entrepreneur immigrants understand how to meet the terms and conditions imposed on their visa regarding the establishment of a business.

A link has been established on the CIC Web site (<http://www.cic.gc.ca>) to connect potential applicants with the Government of British Columbia's Business Immigration Office Web site (<http://www.ei.gov.bc.ca/immigration>). The B.C. Web site includes the seminar schedule and an on-line registration form, in addition to comprehensive information about business immigration opportunities in the province.

For more information on business immigration, as well as any changes to the Business Immigration Program, visit our Internet site at (<http://www.cic.gc.ca>). On our Internet site, you can find such things as immigration application kits and forms, addresses and phone numbers of Business Immigration Centres, and information on living in Canada.

### **Provincial nominees**

Several provinces have expressed interest in becoming more involved in the selection of immigrants. Discussions with these provinces have led to the recent introduction of a new category of immigrants — provincial nominees — who are identified by a province to meet specific labour market needs. Recent agreements with several provinces (notably Manitoba, Saskatchewan, British Columbia and New Brunswick) contain provisions for the selection of a small number of provincial nominees.

## **REFUGEES**

### **How many refugees does Canada accept?**

Each year, in keeping with its humanitarian traditions and international commitments, Canada accepts between 20,000 and 30,000 Convention refugees and other displaced persons. In 1997, 24,214 refugees became permanent residents of Canada. According to the *1999 Immigration Plan*, Canada plans to accept between 22,100 and 29,300 refugees in 1999. Roughly half of these refugees are selected abroad for resettlement in Canada; the others are successful refugee claimants, who arrived in Canada seeking protection and had their claims to Convention refugee status accepted by the Immigration and Refugee Board.

### **What are Convention refugees?**

Canada is a signatory of the United Nations' 1951 *Geneva Convention Relating to the Status of Refugees* and its 1967 Protocol. The Convention refugee definition, as presented in the Geneva Convention, is incorporated into Canada's *Immigration Act*. Convention refugees are persons with a well-founded fear of persecution based on race, religion, nationality, political opinion or membership in a particular social group. They are either:

- outside the country of their nationality and are unable or, by reason of that fear, unwilling to be protected by that country; or
- not having a country of nationality, are outside the country of their former habitual residence and are unable or, by reason of that fear, unwilling to return to that country.

## How are refugees selected abroad?

The federal government upholds its humanitarian traditions through the resettlement of refugees from abroad. In addition to government efforts, private sponsorships enable incorporated organizations and groups of individuals to assist refugees and other persecuted people to rebuild their lives in Canada. Each year, annual targets are set. The 1999 target of 7300 government-assisted refugees and 2800 to 4000 privately sponsored refugees maintains the refugee resettlement levels of recent years.

In order to be eligible for selection from abroad, individuals must be Convention refugees seeking resettlement or members of the Country of Asylum or Source Country Class. In addition, these individuals must demonstrate an ability to eventually reestablish their lives in Canada and pass medical, security and criminality assessment.

“Convention refugees seeking resettlement” are persons who are outside their country of citizenship or habitual residence who fear persecution for reasons of race, religion, nationality, membership in a particular social group or political opinion and for whom there is no possibility, within a reasonable period of time, of an alternative solution. Individuals selected under this class are eligible for government assistance or may be privately sponsored.

The Country of Asylum Class includes those outside their country of citizenship or habitual residence who have been and continue to be seriously and personally affected by civil war or armed conflict or massive violations of human rights and for whom there is no possibility, within a reasonable period of time, of an alternative solution. Individuals selected under this class must be privately sponsored or have adequate financial means to support themselves and their dependants.

The Source Country Class applies to those residing in their country of citizenship or habitual residence for whom there is no possibility, within a reasonable period of time, of an alternative solution. The class includes those who have been and continue to be seriously and personally affected by civil war or armed conflict; those who have been detained or imprisoned as a result of exercising their right of freedom of expression, right of dissent or right to engage in trade union activity; and those who fear persecution for reasons of race, religion, nationality, membership in a particular social group or political opinion. Individuals selected under this class are eligible for government assistance or may be privately sponsored.

The Source Country Class applies only to nationals of countries on a schedule which is revised yearly. For the period of January 1, 1999 to December 31, 1999, the schedule includes Bosnia-Herzegovina; Croatia; El Salvador; Colombia; Guatemala; Sudan and the Democratic Republic of the Congo.

The *Canada-Quebec Accord* specifically gives Quebec exclusive responsibility for selecting all independent immigrants and refugees abroad who are destined for Quebec. Those selected by the province receive a document called *Certificat de sélection du Québec* (CSQ). The federal government ensures that statutory admission requirements such as medical and criminal checks are met before issuing a visa.

### Who may sponsor a refugee?

The sponsorship of refugees by Canadian citizens and permanent residents, first authorized in the *Immigration Act, 1976* allows for the admission of a greater number of refugees, in addition to the number whose admission is financed wholly by the federal government. Sponsoring groups (either Sponsorship Agreement Holders or Groups of Five adults) commit to provide the sponsored refugee with basic assistance in the form of accommodation, clothing, food and settlement assistance for one year (and possibly up to two years in some cases) from the refugee's date of arrival.

A number of religious and ethnic based and possibly public service groups sign Sponsorship Agreements with the Minister. Sponsorship Agreement Holders are, in essence, pre-approved sponsors. They may issue letters of approval to their various constituent groups, thereby committing themselves to assume responsibility for any default in sponsorship. As of January 1999, CIC had signed Sponsorship Agreements with 57 organizations.

Members of Groups of Five have their capability to sponsor assessed by Immigration officials. Each group must provide a settlement plan for the refugee(s) they wish to sponsor and demonstrate that it has the necessary finances and settlement mechanisms to assist the sponsored refugee(s) become self-supporting during his/her first year (or longer in some cases) in Canada.

### How can I sponsor a refugee?

A private sponsorship application kit can be obtained by contacting one of the Call Centres or visiting CICNet. The completed forms should be sent to the local Immigration office. It is not necessary for the sponsor to identify a specific refugee, as the Matching Centre in Ottawa will coordinate the matching of a sponsor to a refugee. The sponsorship is sent to the appropriate visa office, where a visa officer determines the eligibility of the refugee.

### What assistance does the government give refugees?

#### **Resettlement Assistance Program**

Resettlement assistance is provided to Convention Refugees and members of the Humanitarian Designated Class admitted to Canada as government-assisted refugees. The funds help pay for basic household items, income support and a range of

immediate essential services including port of entry reception services, temporary accommodation, assistance with locating permanent accommodation, financial orientation, links to mandatory federal/provincial programs, basic orientation and assessment and referral to broader-based services, to ensure where possible a continuum of service. Income support can last for up to 12 months or until the refugee becomes self-sufficient, whichever occurs first.

Special initiatives also exist in cooperation with provincial governments and the voluntary sector to assist special-needs refugees, such as women at risk. These initiatives can assist when resettlement is urgently needed or when the refugee family may need longer-term support to meet their settlement needs. In these instances, government and non-government organizations combine their resources to best meet the needs of the refugee.

### **Immigration loans program**

The Immigration Loans Program (ILP) is funded by a \$110-million advance from the federal government's Consolidated Revenue Fund and is replenished by repayments on the loans. Loans are approved according to the applicant's needs and ability to repay.

Loans are made to immigrants, about 98 percent of whom come to Canada as either government-assisted or privately sponsored refugees and members of the humanitarian designated classes. The loans may be approved for the costs of medical examinations abroad, travel documents, transportation to Canada, and the Right of Landing Fee (ROLF). In addition, assistance loans are available to disadvantaged newcomers to cover expenses such as housing rental, telephone deposits or work tools.

## **MAKING A REFUGEE CLAIM IN CANADA**

### **What is a refugee claimant?**

A refugee claimant is a person who has arrived in Canada and seeks Convention refugee status. A claim may be made upon arrival at the port of entry or by someone already in Canada, whether as a legal visitor or without legal status, by notifying an immigration officer. A person subject to an unexecuted removal order may not claim refugee status. A refugee claimant receives Canada's protection when he or she is found to be a Convention refugee as defined by the United Nations' *1951 Geneva Convention Relating to the Status of Refugees*, and its 1967 Protocol. Under the Convention a refugee is protected from forced repatriation to the place where he or she would face persecution.

## Who decides that a person is a refugee?

Members of the Refugee Division of the Immigration and Refugee Board (IRB) determine refugee status at an oral hearing. They receive special training in refugee law and have access to up-to-date information on various national conditions and through the IRB's documentation centre. The IRB is an independent tribunal which makes decisions on a quasi-judicial basis.

A senior immigration officer first decides whether a person is eligible to have a claim determined by the Refugee Division.

## Who is not eligible to have a refugee claim considered?

The following categories of persons are not eligible:

- persons recognized as Convention refugees by another country to which they can be returned;
- persons already considered Convention refugees according to Canada's *Immigration Act or Regulations*;
- persons who have arrived in Canada from a prescribed country. A prescribed country is one which does not return refugees to nations where their life or freedom would be threatened for reasons of race, religion, nationality or membership in a particular social group or political opinion (to date there is no list of prescribed countries);
- persons who have been found ineligible by a senior immigration officer or have been determined not to be a refugee by the IRB Refugee Division (this provision does not apply to persons who have been subsequently out of Canada for more than 90 days);
- persons found by an adjudicator of the IRB Adjudication Division to have been convicted of serious criminal offences or to be terrorists, subversives, or war criminals, and whom the Minister of Citizenship and Immigration has determined should not be in Canada because they pose a danger to Canadians or the national interest.

If an eligible claimant is found to have been convicted of a criminal offence, the senior immigration officer may then reconsider the claimant's eligibility. A senior immigration officer may also reconsider a claimant's positive eligibility if that decision was based on fraud or misrepresentation. The claimant will be notified and allowed to respond to the evidence of fraud or misrepresentation. The evidence may show that the claimant would have been found ineligible if it were not for the fraud or misrepresentation. The senior immigration officer will then change the positive determination to a negative one and notify the IRB Refugee Division. The Refugee Division will then stop considering the claim. If the Refugee Division has already presented a decision, that decision becomes null and void.

## **What happens at the refugee hearing?**

The IRB Refugee Division determines if a person is a Convention refugee based on an oral hearing. It is usually held privately and is conducted in an informal, non-adversarial manner. Observers may sometimes attend unless to do so would endanger the safety of the claimant. Refugee claimants are given every opportunity to establish why they consider themselves to be Convention refugees. IRB Refugee Division members are responsible for conducting the hearing, for ensuring that the necessary and relevant information is on hand, and for making an informed decision.

The refugee claims officer (RCO) is a key player in ensuring that refugee claimants receive a fair, expeditious hearing in a non-adversarial process. The RCO provides counsel, information and assistance to the Board members assigned to the case.

Generally, two Board members will hear a claim. In some instances, when a positive decision is likely and the claimant agrees, the claim may be heard and determined by one Board member.

## **Does a refugee claimant have the right to legal counsel?**

Throughout the refugee status determination process, all claimants have the right to either speak for themselves or be represented by counsel. If claimants do not wish to be represented by a lawyer, they can choose a friend, relative or other individual to act as their counsel.

## **What happens when a person is accepted as a refugee?**

Once a claim is accepted by the IRB Refugee Division, the next step is to apply for permanent resident status (also known as “landing”). This should be done within 180 days. Immediate family members, whether in Canada or abroad, may be included on the application. Landing may not be granted if the person does not have satisfactory identity documents or if the person or any dependant is inadmissible for criminal or security reasons.

Sometimes refugees are unable to obtain identity documents due to sustained civil war in their country of origin or the lack of a central government authority. Canada has established the Undocumented Convention Refugee in Canada Class (UCRCC) Regulations to handle such cases. These regulations permit citizens of Somalia and Afghanistan to apply for landing, without meeting the requirement for identity documents, five years after the IRB decision that they are Convention refugees.



## What happens if the refugee claim is refused?

When the Refugee Division rejects a claim, it sends a written notice to the claimant explaining the reasons for the decision. Documents are included with this notice that explain the unsuccessful claimant's options with regard to leaving Canada.

The unsuccessful claimant then has 30 days to depart the country voluntarily. The claimant has 15 days to file an application for leave (permission) to commence an application for judicial review by the Trial Division of the Federal Court. A judge of that court will decide if leave will be granted. With certain exceptions, a person has the right to remain in Canada pending the outcome of the judicial review.

The Federal Court decision may be appealed to the Federal Court of Appeal only if the judge who rendered the decision states that a serious question of general importance is involved.

Under exceptional circumstances, unsuccessful refugee claimants may also allege that their treatment violated an international convention that Canada has signed, such as the *Convention Against Torture*, by filing a complaint with the appropriate international body.

## What is the Post-Determination Refugee Claimants in Canada class?

If claimants receive a negative decision to Convention refugee status by the IRB Refugee Division, yet feel they would be at risk on return to their country of origin, they may apply for a review to determine if they are members of the Post-Determination Refugee Claimants in Canada Class (PDRCC). The PDRCC class was established in 1993 as an element of Canada's public policy concerning refugee claimants. The PDRCC regulations were amended in May 1997. This policy addresses the belief that persons who may be exposed to compelling personal risk if removed from Canada should have the opportunity to apply for permanent residence from within Canada. This review is conducted by a specialist called a post-claim determination officer (PCDO).

After notification of the IRB Refugee Division decision, applicants have 15 days, plus mailing time, to submit this application. They may then present submissions in support of the application to show the extent of any risk faced on removal from Canada, and whether the threat exists in all parts of the country to which the applicant could be returned. The decision may be made after 30 days, whether or not submissions have been received.

The post-claim determination officer's assessment of each individual case is considered according to the regulations that define the class. The risk faced by each claimant must be objectively identifiable and involve the possibility of risk to his or her life, extreme sanctions, or inhumane treatment.

The PDRCC class does not include persons:

- whom the Refugee Division found not to have a credible basis for their claim;
- who withdrew their claim or whose claim was declared abandoned;
- who have left Canada since their claims were decided;
- who have been convicted of a serious crime (sentenced to 10 years or more under any act of Parliament);
- who have committed war crimes or crimes against peace or humanity, or who have been found guilty of acts contrary to the purpose and principles of the United Nations; or
- who have departed and returned to Canada from a contiguous territory (United States, St. Pierre and Miquelon) to file a second refugee claim within six months of the date of departure.

### **Can unsuccessful refugee claimants apply for review on humanitarian and compassionate grounds?**

Unsuccessful refugee claimants who want to have their cases reviewed on humanitarian or compassionate grounds may apply under subsection 114(2) of the *Immigration Act* and pay the cost-recovery fees. Immigration officers at local offices have the authority to consider applications for permanent residence in Canada under subsection 114(2). In exceptional circumstances, the Minister of Citizenship and Immigration may also decide to review a case on humanitarian and compassionate grounds.

### **When can a refugee claimant be removed?**

When a person is referred to the IRB Refugee Division, a senior immigration officer may issue a conditional departure order against that person. The order takes effect only if the claimant:

- withdraws or abandons the claim to be a Convention refugee;
- is determined not to be a Convention refugee; or
- despite being a Convention refugee, does not have the right to remain in Canada.

### **What rights do refugee claimants have?**

Refugee claimants are eligible, in certain circumstances, to apply for employment authorization. Generally, only those who could not subsist without public assistance are eligible for employment authorization. The claimant must also submit a personal information form to the IRB, and have completed the medical examination.

Refugee claimants and their children are eligible to apply for student authorization so that they can attend school while waiting for a decision on their claims.

The Interim Federal Health Program, administered by CIC, ensures emergency and essential health services for needy refugee claimants and those refugees in Canada who are not yet covered by provincial health care.

## SETTLEMENT PROGRAMS AND SERVICES

### How does Canada help newcomers adjust to living in Canada?

Citizenship and Immigration Canada offers programs and services to help newly arrived immigrants adapt and settle in Canada. Under the *Canada-Quebec Accord*, Quebec is responsible for settlement and integration services inside its jurisdiction. As a result of Settlement Renewal, the provinces of British Columbia and Manitoba have assumed responsibility for the administration and delivery of settlement programming and services. Up-to-date details may be obtained by contacting a CIC Call Centre.

Programs and services are a bridge to help newcomers adapt, normally during their first year in Canada. They help new arrivals to become self-reliant, participating members of Canadian society as quickly as possible.

They also help Canadians understand the immigration, settlement and integration process. Local Immigration offices provide interested organizations and agencies with information about immigrants and immigration.

Assistance may be provided abroad through Canadian posts (counselling and orientation materials); through international organizations (orientation sessions); upon arrival at a port of entry (orientation materials); and at the final destination in Canada (full range of settlement services). For more information on settlement services and programs, including eligibility criteria, contact a CIC Call Centre or visit CICNet.

### What settlement programs and services are available?

#### **Immigrant Settlement and Adaptation Program**

Through the Immigrant Settlement and Adaptation Program (ISAP), funds are provided to deliver direct and essential services to newcomers. These services include reception and orientation, translation and interpretation, referral to community resources, para-professional counselling, general information and employment-related services.

ISAP also funds projects designed to complement or improve the delivery of settlement services. These include research projects on settlement and integration, seminars and conferences to share information about settlement and integration activities, and training of ISAP-supported agency staff.

Funding is also available through ISAP for pre-departure orientation sessions in selected countries overseas. These sessions help to dispel unrealistic expectations some prospective newcomers may have about life in Canada, and prepare them for such aspects of Canadian life as climate, culture shock, employment, education, rights and responsibilities, housing, and cost of living.

### **Host Program**

Funds are provided to recruit, train, match and monitor volunteers (individuals and groups) who help newcomers to adapt, settle and integrate into Canadian life.

The Host program is typical of the “two-way street” approach to immigrant integration, helping to establish friendships between newcomers and resident Canadians. It matches newcomers with a friend who is familiar with Canadian ways and can teach them about available services and how to use them, work with them to practise English or French, get employment contacts, and participate in community activities. In return, Host volunteers make new friends, learn about other cultures and contribute to community life.

### **Language Instruction for Newcomers to Canada (LINC) Program**

Language Instruction for Newcomers to Canada (LINC) funds basic instruction in one of Canada’s official languages to meet adult newcomers’ integration needs, regardless of whether or not they plan to get a job. LINC may include full- or part-time training, self-assisted and distance learning, or community or institutionally based programs, according to the newcomer’s abilities and needs. LINC is free to all immigrants but does not include training allowances. Child care and transportation assistance are available if needed.

## **VISITORS TO CANADA**

A visitor is a person who is lawfully in Canada, or seeks to come to Canada, for a temporary purpose. Visitors include students, foreign workers and tourists.

### **Do I need a visitor visa?**

Every visitor, except those from countries specifically exempted, must obtain a visitor visa before arriving in Canada. A list of countries whose citizens require visas to visit Canada is presented in Annex 1 of this guide. A processing fee is required (see Annex 2 — Fee Schedule). Exempted countries are listed in Schedule II of the Immigration Regulations. Both the list of countries requiring visas and the list of exempted countries can be found on the CIC Internet site.

## What do visa officers consider?

Visitors to Canada must be able to demonstrate that they will respect the conditions that apply to visitors. One of these conditions is that they will voluntarily leave at the end of their visit. Visa officers look at many factors before deciding whether the applicant is a genuine visitor or someone who will seek to stay in Canada through a refugee claim or an illegal action. The main thing they consider is the applicant's ties to the home country. These ties include the purpose of the visit, the individual's family and employment situation, and the overall economic and political stability of the home country.

They also consider invitations from Canadian hosts, although this is of less importance in the visa officer's decision. For example, the host in Canada may believe the visitor will depart at a specific time but there is no way to enforce this belief. As well, some visitors may not have informed the host of their true intentions.

Decisions on the genuineness of a visitor's intentions are decided on a case-by-case basis, with the burden of proof lying with the applicant.

Individuals who apply to visit Canada must satisfy the visa officer that they:

- are in good health (in some cases a medical examination may be required);
- do not have a criminal record;
- do not pose a threat to Canada's security;
- have a valid passport or travel document;\*
- have enough money to support themselves and their dependants while in Canada; and
- will leave Canada voluntarily at the end of their visit.

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\*Permanent residents and citizens of Greenland, St. Pierre and Miquelon, and the United States who come directly from their country of permanent residence or citizenship need proof of citizenship, but do not necessarily require a passport.

## FOREIGN STUDENTS

A foreign student is a visitor who has been approved by an immigration officer or visa officer to study in Canada. This approval process is normally done at a visa office outside Canada. The student authorization document identifies the level of study and length of time the individual may study in Canada.

In 1998, there were approximately 101,000 foreign students with valid student authorizations in Canada. This figure does not include short-term language students. Recognizing the importance of foreign students to the academic community and the Canadian economy, CIC has recently taken steps to streamline processing of student applications.

## What do I need to study in Canada?

Foreign students must:

- present an acceptance letter from the institution they plan to attend;
- prove that they have enough money to cover tuition and living costs;
- satisfy a visa officer that they plan to return home at the end of their studies;
- pass a medical examination, if required.

Many college and university students are eligible for long-term authorizations that permit them to change courses or schools without further approval.

Citizens of the United States and dependants of foreign government officials can apply for student authorizations at Canadian ports of entry. There are special requirements for those who wish to study in the province of Quebec (see Federal-Provincial Agreements — The Canada-Quebec Accord).

Foreign students, who meet certain criteria, may work in Canada under one of the following conditions:

- the work is on campus at the institution at which they are registered as full-time students in a degree-granting course of study.
- the work is an essential part of the program of study;
- the student is working in a field related to his or her studies, for up to one year after completing their schooling;
- the work is graduate assistant work; or
- the work is required to satisfy financial needs when an existing source of funding is cut off through no fault of their own.

(A more detailed listing is offered in the Immigration Manual.)

Canada has also signed agreements concerning youth employment exchange programs (including working holidays) with certain countries. For information, call the International Academic Relations Division at the Department of Foreign Affairs and International Trade, (613) 992-5966.

For information about schools in Canada visit the Department of Foreign Affairs and International Trade and the Canadian Education Centre Network web sites.

## TEMPORARY FOREIGN WORKERS

### What do I need if I want to work in Canada?

Most foreign workers who want to work temporarily in Canada must have a validated job offer and an employment authorization before they arrive.

### How can I hire a foreign worker?

It is the employer's responsibility to have the job offer approved by the local Human Resource Canada Centre (HRCC). If the job offers acceptable Canadian wages and working conditions and cannot be filled by a qualified Canadian, the HRCC may validate the job offer.

Upon receipt of a HRCC-validated offer, visa officials abroad will decide if the foreign worker qualifies for the employment authorization. They will assess if the worker meets health, and security requirements, and other criteria. If an employment authorization is issued, it is valid only for a specified job, employer and time period.

Additional procedures apply for foreign workers who intend to work in Quebec.

There is a fee for employment authorizations (see Annex 2 — Fee Schedule). Temporary workers may not undertake full-time studies and may not change jobs unless authorized by Citizenship and Immigration Canada.

### How is the government making it easier for hi-tech companies to hire highly skilled foreign workers?

#### **Pilot Project for Software Professionals**

In 1997, CIC introduced a pilot project in collaboration with Human Resources Development Canada, Industry Canada, and the Software Human Resource Council to streamline the hiring of foreign workers in specific software positions. The project's goal was to respond to industry concerns over the shortage of highly skilled workers. Under this pilot project, extended to the end of December 1999, companies can hire foreign software workers with certain skills without having to obtain validation by a Human Resources Canada Centre.

#### **Pilot project to issue employment authorizations to spouses of highly skilled workers**

As of October 1998, a pilot project will permit spouses of highly skilled temporary workers to accept employment without an HRCC validation. This will help Canada attract temporary workers with advanced skills in high-growth sectors of the economy, who may be inclined to choose Canada over other countries if it is easier for their spouses to work.

## LIVE-IN CAREGIVER PROGRAM

### Why is there a special program for live-in caregivers?

The Live-in Caregiver Program brings workers to Canada on a temporary basis for certain kinds of live-in work when there are not enough Canadians to fill the available positions. Employees hired under this program provide care for children, seniors or people with disabilities, without supervision, in a private household.

### What are the requirements for live-in caregivers?

Applicants must meet the following requirements:

- successful completion of the equivalent of Canadian secondary school;
- six months of full-time training in a field or occupation related to that for which the employment authorization is sought; or  
completion of one year of full-time paid employment. This includes at least six months of continuous employment with one employer in the occupation being applied for and must have taken place within three years of the application date for an employment authorization; and
- ability to speak, read and understand either English or French at a level sufficient to communicate effectively in an unsupervised situation.

Program participants may apply for permanent resident status from within Canada after they have completed two years of live-in caregiving employment.

People interested in applying to come to Canada under the live-in caregiver program should contact the nearest Canadian Consulate, Embassy or High Commission.

Prospective employers should contact the nearest Human Resources Canada Centre (HRC) or a CIC Call Centre.

A booklet called *The Live-In Caregiver Program* has more specific information and can be found on the CIC Internet site.

The HRCC can provide you with information about acceptable wage standards, taxation, health insurance, workers' compensation and other relevant information.



## TEMPORARY WORKER PROVISIONS OF FREE TRADE AGREEMENTS

### North American Free Trade Agreement

Under Chapter 16 of the *North American Free Trade Agreement* (NAFTA), citizens of Canada, the United States and Mexico can gain quicker, easier temporary entry into the three countries to conduct business-related activities or investments. All provisions are equally available to citizens of the three countries.

### How does NAFTA affect business visitors or workers?

The *North American Free Trade Agreement* applies to four specific categories of business persons:

#### **Business visitor**

A business visitor must be entering Canada to take part in an activity listed in Appendix 1603.A.1 of Chapter 16 of NAFTA. These activities include technical or scientific research, attending a convention or trade fair, sales of products or services — but not delivery at the time — and after-sales service. A business visitor cannot be seeking to join the domestic labour market, that is, the principal source of remuneration remains outside Canada. An employment authorization is not required by individuals in this category.

#### **Professional**

To be eligible to enter as a professional, the individual must be qualified to work in one of the over 60 professions listed in Appendix 1603.D.1 Chapter 16 of NAFTA. This includes, for example, accountants, computer systems analysts, engineers, management consultants and technical writers. An employment authorization is required.

#### **Intra-company transferee**

An intra-company transferee must have worked for at least one year in the preceding three-year period for a U.S. or Mexican employer and be transferred to Canada to work temporarily for the same or an affiliated employer. Only persons at the executive or managerial level, or who have specialized knowledge, qualify in this category. An employment authorization is required.

**Trader or investor**

This category may be used by business persons in the U.S. or Mexico who own or have a controlling interest in a company or other business enterprise to be, or which already is, established in Canada. Substantial trade or investment must be involved. The range of entrepreneurial activity is potentially unlimited. An employment authorization is required. This is the only category under NAFTA requiring applicants to obtain status before seeking entry into Canada.

All business persons covered by NAFTA are exempt from validation from a Human Resources Centre. This means that Canadian employers do not need to have a job offer approved by a Human Resources Centre to employ a U.S. or Mexican business person.

General provisions governing temporary entry are also applicable to citizens of the three countries.

For more information, the booklet *Temporary Entry to Canada under the NAFTA — A Guide for American and Mexican Business Persons* is available on the CIC Internet site, or can be obtained from:

Communications Branch  
Citizenship and Immigration Canada  
Ottawa, Ontario K1A 1L1  
Telephone (613) 954-9019 • Fax (613) 954-2221

**The Canada-Chile Free Trade Agreement**

The *Canada-Chile Free Trade Agreement* (CCFTA) is modelled on the NAFTA and facilitates temporary entry on a reciprocal basis, by eliminating the requirement for a job validation (labour certification). The rules governing temporary entry are similar to those in the NAFTA and include the four categories of business persons: Business Visitor, Professional, Intra-company Transferee, and Trader and Investor. However, a number of minor changes were introduced in the CCFTA to reflect the bilateral nature of the agreement.

For more information, the booklet *Temporary Entry to Canada under the Canada-Chile Free Trade Agreement — A Guide for Chilean Business Persons* is available on the CIC Internet site, or can be obtained from the Communications Branch at the address shown above.

## The General Agreement on Trade in Services (GATS)

Under the GATS, Canada has made commitments to allow market access for foreign service providers in specified sectors. The GATS commitments apply to over 130 nations. As with the NAFTA, the temporary entry of business person can be facilitated without the need for a labour market test. Under the GATS, however, there are only three categories of business persons and their scope is narrower:

- Business Visitors — business persons who wish to market their services in Canada or establish a commercial presence to sell those services;
- Professionals — applicable to nine professions for short-term admission (up to three months); and
- Intra-company transferees — for transferring managers, executives and specialists transferring within a company setting.

For more information, the booklet *Temporary Entry to Canada under the General Agreement on Trade in Services (GATS)* is available on the CIC Internet site, or can be obtained from the Communications Branch at the address shown earlier.

## ENFORCEMENT

### What is involved in immigration enforcement?

Canada has a generous immigration policy which includes reasonably open borders and an equitable system of justice and appeals. Enforcement activities are necessary, however, to protect the safety of Canadian society and prevent abuse by those who attempt to bypass the legal immigration process. Key enforcement and control measures include:

- interdiction (preventing illegal immigrants and criminals from reaching Canada);
- background checks before issuing visas;
- intelligence (gathering information on such activities as people smuggling, illegal migration and fraudulent documents);
- cooperation with other enforcement and international agencies, particularly to prevent people smuggling;
- examination at ports of entry;
- investigations and inquiries into possible violations of the *Immigration Act*;
- arrest and detention;
- special measures to deal with dangerous criminals, security risks, and war criminals;
- appeals;
- removals.

## Who is admissible to Canada?

Canadian citizens and persons registered under the *Indian Act* have the right to enter or remain in Canada. Permanent residents can enter the country and remain unless they have given up or lost their permanent resident status or have taken part in activities that make them subject to removal, such as serious criminal activity. Other persons wanting to come to Canada as immigrants and visitors may be granted admission if they possess a valid visa (if required), pose no risk to Canada, and are not inadmissible for some other reason.

## Who is inadmissible to Canada?

Persons may be denied a visa, refused admission, or removed from Canada if, for example:

- the immigration officer believes them to be non-genuine visitors (persons whose real intent is to remain indefinitely);
- two medical officers believe that they are likely to be a danger to public health or to cause excessive demands on health or social services;
- they are unable or unwilling to support themselves and their dependants;
- they have been convicted of criminal offences or reasonable grounds exist to believe that they have committed a crime;
- they have engaged in acts of espionage, subversion or terrorism, or reasonable grounds exist to believe that they will engage in such activities;
- they are, or were, members of criminal, violent, terrorist or subversive organizations, or reasonable grounds exist to believe that they will take part in acts of violence, subversion or terrorism while in Canada;
- they constitute a danger to the security of Canada;
- there are reasonable grounds to believe that they have committed a war crime or crime against humanity;
- they are, or were, senior members or senior officials in the service of a government that is or was engaged in terrorism, systematic or gross human rights violations, war crimes or crimes against humanity;
- they have remained in Canada longer than authorized;
- they have previously been deported and are seeking to enter Canada without the consent of the Minister;
- they have taken a job or attended an educational institution without authorization; or
- they have violated any terms or conditions of their admission or have violated other provisions of the *Immigration Act* or *Regulations*.

Under some circumstances, prospective visitors who are inadmissible for minor offences may be granted discretionary entry for up to 30 days (non-extendable). Appropriate terms and conditions may be imposed in these cases and a processing fee will be collected. (Refer to the Fee Schedule, in Annex 2, for details on processing fees.)

### **What control measures does CIC use overseas?**

By requiring all immigrants and many visitors to apply for visas before coming to Canada, CIC ensures that they meet the requirements of the *Immigration Act* and *Regulations* and do not present any risk to Canada. Visitors from 60 countries do not require visas.

CIC also works with other countries, international organizations and airlines to share information on illegal migration and expertise in interdiction and verification of documents.

### **What are background checks?**

A background check is a normal part of immigrant visa processing. The procedure is intended to bar the entry into Canada of those who may disrupt law and order, threaten the country's security, or otherwise be detrimental to national interests.

Background checks are done for everyone aged 18 and over before they receive an immigrant visa. Documents used in these checks include:

- the immigration application form;
- security, intelligence and criminal conviction records; and
- immigration records for persons who have violated provisions of the *Immigration Act*.

Background checks may also be done before a visa is issued to a visitor if there is reason to believe that the visitor may be undesirable or prohibited by immigration law. For visitors from some countries, a waiting period is required for background checks before a visitor visa can be issued.

### **Can a criminal ever be considered rehabilitated?**

A person who is not allowed into Canada because of criminal activity overseas or who has failed to pass a background check may be allowed into Canada if:

- the person who has engaged in criminal activity outside Canada can prove to the Minister or the Governor in Council (depending on the case) that he/she has been rehabilitated;\*
- the person was convicted of an indictable offence in Canada but has obtained a pardon from the National Parole Board;

- a temporary entry request is made and the Minister — for reasons of national interest or strong humanitarian or compassionate grounds — allows it.

Requests for relief based on rehabilitation may be made at the discretion of a visa officer abroad or an officer at a local Immigration office in Canada.

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\*This usually requires proof that at least five years have elapsed since the end of the sentence and that further criminal activity is unlikely. In some minor cases, five years without further incident is sufficient.

### **Are transportation companies responsible for preventing illegal migrants from coming to Canada?**

According to the *Immigration Act* and *Regulations*, transportation companies must ensure that passengers are presented for examination at ports of entry with valid travel documents (and visas, if required). Canadian officials provide airlines with training and technology to help identify improperly documented passengers before they embark for Canada. As a result of passenger screening, more than 5,000 individuals were intercepted before boarding flights to Canada during 1997, an increase over previous years. If improperly documented passengers are allowed passage to Canada, the company may be charged an administration fee of \$3,200 to help pay the cost of processing the inadmissible person.

As a general rule, transportation companies are required to pay the costs of return transportation and medical costs of passengers refused admission to Canada, unless passengers arrive with a valid visa.

Citizenship and Immigration Canada also requires security deposits from carriers to cover liabilities incurred under the Act. If the carrier refuses, the vehicle can be detained for up to 48 hours or be seized and sold to recover money owed.

Transportation companies also have responsibilities related to crew members. These include the presentation of crew lists and the reporting of crew changes and deserters. Carriers must also report stowaways and guard them safely before transferring them into the custody of an immigration officer.

## How do immigration officials control people arriving at the border?

Canadian control initiatives have reduced the numbers of improperly documented passengers arriving in Canada by 41 percent since 1990. However, “people smuggling” is a continuing concern. Immigration officers have the authority to search travellers lacking adequate documentation relating to identity and nationality. Travel documents may also be held by immigration officials to ensure that they are available for possible removal action taken under the *Immigration Act*.

## What happens to people caught smuggling illegal migrants?

The penalties for smuggling migrants now range from fines of \$10,000 to \$500,000, imprisonment for up to 10 years, or both.

## Are there any measures to stop people from abusing the refugee determination system?

Stronger measures have been introduced to prevent multiple refugee claims, which can result in multiple applications for welfare. Fingerprinting and photographing of refugee claimants helps to deal with this problem. Fingerprinting can also help to detect criminals attempting to enter Canada as refugees. Fingerprints of successful refugee applicants are destroyed once they receive Canadian citizenship.

## What is a Minister’s Permit?

The Minister of Citizenship and Immigration, or a delegated officer, may allow an inadmissible person to come into Canada by issuing a written permit and collecting the appropriate processing fee. (Refer to the Fee Schedule in Annex 2 for details on processing fees.) The Minister may also grant the privilege of remaining in Canada to a person already in Canada who, while in violation of the *Immigration Act*, merits this special consideration. This permit may be cancelled at any time, and the person may be subject to an immigration inquiry, direction to leave, or a removal order.

The Minister does not have the legal authority to reverse a visa officer’s decision to issue or refuse a visa. Nor does the Minister have the legal authority to cancel a removal order. However, when a person has resided continuously in Canada for at least five years under the authority of a Minister’s Permit, the Governor in Council may authorize the landing of that person.

## IMMIGRATION INQUIRIES, DETENTION AND REMOVAL

### What happens at an immigration inquiry?

At ports of entry and inland offices, senior immigration officers are authorized to issue departure orders and exclusion orders for less serious violations of the *Immigration Act*. Other persons whose cases have not been resolved by a senior immigration officer, who are not allowed to enter Canada or who, after entering Canada, are alleged to be in violation of the *Immigration Act* or *Regulations*, have the right to be heard at an immigration inquiry. Adjudicators from the Adjudication Division of the Immigration and Refugee Board preside over these inquiries. These adjudicators have special training in immigration law and related elements of civil, criminal and administrative law. Adjudicators have the powers of a Commissioner under Part 1 of the *Inquiries Act*.

Those facing an immigration inquiry have the right to be represented by the counsel of their choice at their own expense and the right to be heard in their own language, through an interpreter, at no expense.

At an inquiry, the adjudicator decides whether the person is in violation of the *Immigration Act*. If not, the person has the right to come into or remain in Canada. Otherwise the person is ordered to leave Canada.

### When can a person be detained?

Adjudicators or immigration officers may detain persons who are likely to pose a threat to public safety or are believed unlikely to appear for subsequent immigration processes.

Grounds for detention are reviewed after 48 hours of the person's initial detention and once again in the following seven days. If detention continues, a review is conducted every 30 days thereafter. An adjudicator may order the release of a detained person, subject to terms and conditions.

### How many people are actually removed from Canada?

In 1997, almost 8,000 people were removed from Canada, an increase of 36.5 percent over the previous year. Of these, 60 percent were unsuccessful refugee claimants. This increase reflects the priority CIC has given to its removals strategy. Timely, effective removals can discourage abuse of legal immigration and refugee processes.



## What are the different kinds of removal orders?

### Departure order:

- A removal order made against a person who has violated the *Immigration Act* or *Regulations*. The individual must obtain a Certificate of Departure and leave Canada within 30 days. If the person does not leave the country within that time, the departure order automatically becomes a deportation order.

### Exclusion order:

- The person must leave Canada and cannot return to the country for at least one year after the departure date without the consent of the Minister. If the person wishes to return to Canada during this period, he or she must initiate a request for the Minister's consent at a visa office abroad.

Senior immigration officers can issue departure orders or exclusion orders, usually for less serious violations.

### Deportation order:

- A removal order issued by an adjudicator at an inquiry against a person who is either inadmissible or has violated the *Immigration Act* and *Regulations*. A person who is deported may not return without the consent of the Minister of Citizenship and Immigration.

## Are family members included in removal orders?

After each dependant has been heard at an inquiry, an adjudicator may include dependent family members in a removal order unless they are Canadian citizens or permanent residents aged 19 or over. Dependent family members included in a removal order do not require the Minister's consent to return to Canada.

## APPEALS

### Who has a right of appeal under immigration law?

Permanent residents, Convention refugees and persons arriving in Canada with a valid visa can appeal a removal order to the Appeal Division of the Immigration and Refugee Board, unless they have been convicted of a serious crime and the Minister is of the opinion that they are a danger to the public. The Minister may also appeal decisions by adjudicators to not issue a removal order.

Canadian citizens and permanent residents who sponsor close family members have the right of appeal if the family member's application is refused by a visa officer. The

Appeals are heard by members of the Appeals Division of the Immigration and Refugee Board, an independent tribunal. Appellants have the right to counsel, at their own expense, and to an interpreter, at no expense.

The *Immigration Act* does not provide for appeals to the Appeal Decision against other decisions, such as refusals of visas for visitor or immigrants other than family class or removals of persons without status in Canada. Nevertheless, any decision by a government official may be subject to an application for judicial review by the Federal Court of Canada.

### **How does immigration legislation protect Canadian society against dangerous criminals?**

Violent criminals who represent a danger to Canadian society do not have access to certain procedures and rights under the *Immigration Act*. In the cases of persons who have established a pattern of violent criminal activity, immigration officers may seek the opinion of the Minister that the person is a danger to the public. Criteria would include an established criminal record and a pattern of violent or criminal behaviour that suggests a present and future danger to the public, whereby rehabilitation appears unlikely. Such persons can then be prevented from making a refugee claim, or if they are already Convention refugees, they may be removed from Canada. They also lose any right of appeal to the Immigration Appeal Division.

## **QUESTIONS ABOUT STATUS**

### **Can I change my status after I arrive in Canada as a visitor?**

A visitor enters Canada with a particular status and under specific conditions. If the visitor wants to change these conditions and status after arrival, he or she must get the approval of an immigration official. Visitors cannot apply for permanent resident status from within the country.

Changes may be granted, for example, in cases of:

- persons claiming refugee status;
- students facing unexpected financial hardship; or
- live-in caregivers.

Application kits to request a change of status or condition of admission are available on the CIC Internet site or from a Call Centre. Applications should be mailed to the CPC in Vegreville.

## **If I want to leave Canada, how can I maintain my permanent resident status?**

Permanent residents who leave Canada for more than six months during a 12-month period may lose their Canadian resident status. Those who want to leave Canada for extended periods and do not want to jeopardize their permanent resident status, should apply for a Returning Resident Permit. These permits can be obtained before leaving Canada by calling the nearest CIC Call Centre for an application form. They are also available from Canadian visa offices abroad. Applications can also be downloaded from CICNet. The Returning Resident Permit is presented at the port of entry upon return to Canada. These permits show that it was not your intention to “abandon” Canada as your place of permanent residence.

Please note that transportation companies may refuse a permanent resident permission to board the carrier if the person has been outside Canada for more than six months during any 12-month period and does not have this permit.

## **Can I change my Record of Landing?**

A Record of Landing is a historical document containing information about a landed immigrant that was relevant at the time the individual received his/her permanent resident status in Canada. A Record of Landing is not an ongoing identity document. In other words, it does not change to reflect life events such as marriage, birth of children, name changes, death or other happenings after the landing date. Requests for these types of changes should go to the Registrar General of the province or territory in which you live.

Signing a Record of Landing document confirms that the information was correct at the time the document was signed. Therefore, only errors in family name, given name(s), date of birth, country of birth, citizenship, sex, marital status, date of original entry, and date of landing will be corrected if an error is found. Information that is not related to the individual's identity will not be corrected. Changes will be considered if:

- the error was made by Citizenship and Immigration Canada in recording the information provided by the individual when he/she applied to come to Canada; and
- the individual submits supporting documents to prove that the new information predates his/her application for permanent residence. An individual may apply to amend a Record of Landing for up to three years after the date of landing in Canada. In determining whether or not to accept an application to amend a Record of Landing, CIC will conduct a thorough review of the individual's immigration file and the supporting documents submitted.

## Who can get information about an individual's case?

Under the *Privacy Act*, personal information about an individual may be not be provided to a third party without that individual's written consent. For example, CIC officials cannot give specific reasons for a refusal to a member of the individual's family, a friend, a consultant or the media unless that person has authorized, in writing, the disclosure of personal information to the third party. Personal information may be provided to a federal Member of Parliament or a Senator only when the MP or Senator is working to assist that individual.

Only information that would have been provided to the individual (if he or she had asked) can be given to the MP or Senator. If, in exceptional circumstances, it is agreed that other information should be provided, then the MP or Senator must agree not to disclose the information to the individual concerned.

For example, Joe Smith has applied to immigrate to Canada and his brother, a Canadian citizen, has asked his MP to support the application. Joe has a criminal record in his home country for robbery and was paroled for good behaviour 10 years ago. Under the laws of his country, Joe is allowed to know what the Parole Board's findings were. As this information is available to Joe, it could also be provided to the MP. Files also show that Joe was once suspected of belonging to a terrorist organization. This information is not available to Joe. Only if the circumstances are considered to be exceptional will authorities consider releasing this information to the MP, and only if the MP agrees not to disclose the information.

There are occasions when a third party will represent the interests of a constituent to a federal Member of Parliament. The third party must have the constituent's written authorization for the disclosure of personal details which would not be given to the MP without such requirement.

For more precise information, please see section 8(2) of the *Privacy Act*.

## Where can I get more information about immigration?

A brochure explaining Canada's Immigration program, entitled *Canada's Immigration Law*, is available from the Communications Branch, Citizenship and Immigration Canada, Ottawa, Ontario, K1A 1L1; telephone (613) 954-9019; fax (613) 954-2221. The brochure and numerous other CIC publications are also available on the CIC web site, <http://www.cic.gc.ca>.

Anyone wishing to purchase copies of the *Immigration Act* should contact a federal government bookstore or Public Works and Government Services Canada — Publishing, 45 Sacré-Cœur Blvd., Hull, Quebec, K1A 0S9; telephone (819) 956-4800. The *Immigration Act* and *Regulations* can also be downloaded from the Department of Justice Internet site (<http://canada.justice.gc.ca>).



# Citizenship

## WHAT CANADIAN CITIZENSHIP MEANS

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**C**anadians have long valued their traditions of democracy, freedom and tolerance. The rights and values so important to all Canadians are enshrined in the *Canadian Charter of Rights and Freedoms*, the *Bill of Rights*, and provincial human rights codes. Along with these rights come certain responsibilities.

Canadians are also proud of Canada's multicultural heritage, created as generations of immigrants joined the Aboriginal peoples who have lived in Canada for thousands of years. New Canadians are expected to learn one of Canada's two official languages, English and French.

### How many people become Canadian citizens every year?

During the last five years, Canadian citizenship was granted to an average of 150,000 persons per year. About 85 percent of immigrants become Canadian citizens.

### What are my rights as a Canadian?

Canadians enjoy the following rights and freedoms:

- equality rights
- democratic rights
- legal rights
- mobility rights
- language rights
- freedom of religion
- freedom of expression
- freedom of association

## What are my responsibilities as a Canadian?

- obey Canadian laws
- participate in Canada's democratic processes
- respect the rights and freedoms of others
- respect Canada's linguistic duality and multicultural heritage

## BECOMING A CANADIAN CITIZEN

### How can I become a Canadian citizen?

To apply to become a Canadian citizen:

- you must be a permanent resident of Canada (landed immigrant);
- you must have lived in Canada for at least three of the past four years;
- you must be at least 18 years of age to apply on your own;
- you must complete an application form and mail it, along with the appropriate documents, photographs and fee, to the CPC in Sydney, Nova Scotia (contact a Call Centre to obtain an application form and determine the steps to follow);
- you must be tested on your knowledge and understanding of English or French, of Canada as a nation, and of the rights and responsibilities of Canadian citizenship (you will be notified by mail as to where and when to take the test);
- if you pass the test, you will be invited to a citizenship ceremony where you will take the Oath of Citizenship and receive a certificate of Canadian citizenship.

### Can I apply in person?

No. Applications for citizenship must be mailed to:

CPC Sydney  
Citizenship and Immigration Canada  
P.O. Box 7000  
Sydney, Nova Scotia B1P 6V6

### How do children become citizens?

A parent who is already a citizen, or who is applying for citizenship, may apply on behalf of any children aged 17 years and under. The following conditions apply:

- the child must be a permanent resident of Canada, but is not required to have been in Canada for three years;
- an application for each child must be submitted with the appropriate documents, photographs and fee;

- children do not take the citizenship language and knowledge tests but any child aged 14 or over must take the Oath of Citizenship.

### **How long does it take?**

It takes eight months to a year to process an application, from the submission of the application form to the Citizenship ceremony.

### **How much does it cost?**

The current fee for an adult aged 18 and over is \$200. This includes a \$100 Right of Citizenship fee. If an application for a Grant of Citizenship is refused, the \$100 Right of Citizenship fee is refunded. The fee for children under age 18 is \$100 as they are not required to pay the Right of Citizenship fee.

### **How do I get an application form?**

Phone a Call Centre to have an application mailed to you. Outside Canada, you may obtain forms from a Canadian Embassy or Consulate. Application kits are also available on the Internet site.

### **Where do I get instructions on how to fill out the application form?**

The application kit comes with step-by-step instructions on how to fill out the form and what documents you must include. The kit comes with a separate page of instructions about the photographs required. You may take this sheet to a photographer. The kit also comes with an envelope to use once you have gathered all of the required documents, photographs and fee.

Mail all applications for one family in the same envelope. You must include a proof of payment receipt for all of the applications. If you have any questions about the form, phone a Call Centre.

### **Do I get credit for time spent in Canada before becoming a permanent resident?**

Yes, in some cases. You may be credited with time spent legally in Canada prior to your landing to a maximum of one year. This is calculated at a rate of one half day for every day you were in Canada. For example, if you were legally in Canada as a student for one year before you were granted permanent resident status, you will be credited with six months for the time you spent in Canada as a student. Credit for time spent legally in Canada as a non-immigrant (i.e., visitor, student or refugee) is calculated in the following manner:

Within the four years prior to your application, every day that you were a non-immigrant is counted as half a day, and every day that you were a permanent resident is calculated as one day. The general rule is:

- minimum two years of permanent resident status
- maximum two years as a non-immigrant (i.e., visitor, student or refugee).

Only the previous four years (from the day you sign your application) are considered. Any time before this period is not counted towards your residence calculation. For example, if you mail your application on January 1, 1996, your residence calculation starts on January 1, 1992, even if you lived in Canada before 1992.

## **SUBMITTING THE APPLICATION FORM**

### **Can I apply for citizenship now, even though I will not have enough residence until next month?**

No. You must have accumulated at least three years of residence on the day you sign your application. Otherwise, the application will be returned.

### **Can I apply even if I have been absent from Canada?**

Yes. Time spent outside Canada due to a short vacation is allowed.

If you have been outside Canada for very long periods of time, you may be required to submit extra documentation to show that you have established and maintained a residence in Canada.

If you are uncertain about whether or not your absences will affect your application, contact the Call Centre. A program assistant will counsel you on your eligibility to apply.

### **Do I have to apply separately for my children?**

Yes. You must complete a child's application form for each child and submit copies of their documents. Follow the instructions included with the form.

Children over age 14 must sign the application form in the appropriate space and sign their photographs on the white signature strip.



## **Will my children have to write a test?**

No. Children under age 18 are not required to write the test.

If you apply for yourself and for your minor children at the same time, you must be successful on the test and take the Oath of Citizenship for your children to become citizens.

## **What documents will I need?**

Adults aged 18 or over will need:

- Immigration paper: your IMM 1000 “Immigrant Visa and Record of Landing” (a large paper document folded and stapled into your passport; this document may vary in format);
- Two pieces of identification such as a driver’s licence, provincial health card or Social Insurance Card;
- Two signed photographs: citizenship-sized (35mm x 53mm; 1 3/8” x 2 1/16”);
- The current fee: \$200, which includes \$100 Right of Citizenship fee.

To apply on behalf of your child:

- Your child’s long-form birth certificate or adoption order that shows the names of the parents;
- IMM 1000 “Immigrant Visa and Record of Landing” (a large paper document folded and stapled into the child’s passport; this document may vary in format);
- Two pieces of identification such as school records, report cards, provincial health card, immunization record or library card;
- Two photographs: citizenship-sized (35mm x 53mm; 1 3/8” x 2 1/16”); Children 14 years of age and older must sign the photographs;
- The current fee: \$100.

## **Can I submit photocopies of documents?**

Yes. The Citizenship office may ask you to show the original documents at the time of the test or at any stage in the processing of your application.

## **If I send originals, when will I get them back?**

Do not send originals. If the Citizenship office wishes to see the originals, it will notify you.

## What kind of photographs are acceptable?

Citizenship-sized photographs are 35mm x 53mm (1 3/8" x 2 1/16"). These photographs are not the size used for passports.

They must have been taken within the past 12 months and show a full front view of the applicant's head. The applicant's head should not be covered in the photo, unless it is required for religious reasons. Follow these guidelines for citizenship photos.

- The photographer must stamp the back of the photograph with the date and the name of the studio.
- The application form includes an example of the exact size of photo required. Specify to the photographer that you want a citizenship photo (35mm x 53mm; 1 3/8" x 2 1/16").
- The photograph may be colour or black and white and a matte finish is preferred.
- A white signature strip must appear across the bottom of the photo.
- You must sign your name on the white signature strip.

## Do I need a guarantor for my photos?

No. The requirements for photos are that they be the right size (35mm x 53mm; 1 3/8" x 2 1/16") and be stamped on the back with the photographer's name and address and the date that the photos were taken.

## AFTER SUBMITTING THE APPLICATION

### How long before I am called to write the test?

It takes about eight to twelve months to process an application. A Call Centre agent can tell you how long you will wait for your test. You should begin to study for the test when you receive the booklet, *A Look at Canada*, which will be sent after your application is received at the CPC in Sydney.

If you receive a letter telling you to go for a test and you cannot go on that day, notify the Citizenship office immediately by calling the number which appears at the bottom of your letter.

If you move to a new address, it is essential that you inform a Call Centre or the CPC to ensure we know where to contact you.

## What is the test?

The test shows us whether or not you have an adequate knowledge of Canada and of either official language. More precisely, the language and knowledge requirements are:

### Language

You must know enough English or French to demonstrate that you are able to comprehend simple spoken statements and questions. You must also be able to express yourself accurately using adequate vocabulary to convey simple information. The test is usually in written form but you may also be invited to an oral interview with a citizenship judge.

### Knowledge

The test will ask questions to determine if you have a general knowledge of Canada and of the responsibilities and privileges of citizenship. Everything you need to know for the test is in the book, *A Look at Canada*, which we will mail to you after we receive your application at the CPC in Sydney. You may be asked to answer questions on any or all of the following topics:

- responsibilities and privileges of citizenship (for example, What privileges will you acquire upon becoming a citizen? What are some of your responsibilities as a citizen?);
- how to vote in elections (for example, How do you get on the voters' list?);
- Canadian social and cultural history (for example, Which three Aboriginal groups are recognized in the Constitution?);
- Canadian political history (for example, Who is your Member of Parliament and who are the leaders of the major political parties?);
- Canadian physical and political geography (for example, how many provinces are there? What are their capital cities?).

## What happens if I do not pass the test?

You will be asked to appear for an oral interview. The interview is a personal meeting between you and a citizenship judge and usually takes 10 to 15 minutes. It will allow you to prove you meet the language and knowledge requirements when the questions are put to you in oral form.

## What if I cannot attend the test session?

Notify the Citizenship office immediately and another test will be scheduled as soon as possible.

The *Citizenship Regulations* state that an applicant will receive two notices to appear for the test. The first notice will go out by regular mail at least seven days before the date of the test. If the applicant fails to appear, a second and final notice will be sent by registered mail at least seven days before the second test date. If the applicant does not appear for the final notice, the application will be considered abandoned and the file will be closed.

### **I have a visual/learning/hearing disability. Can I get assistance to take the test?**

Yes, assistance is available. If you are visually disabled, indicate this on your application for citizenship when you apply. Study material is available on request in large-print form and on audio cassette. Tests are available in large-print form. Visually disabled people may also choose to have an oral interview instead of a written test. Remember to tell us about your requirements and preferences when you apply so we can make the necessary arrangements.

People with a learning disability must submit a medical opinion form from their physician with their application. This form is available from Citizenship offices. The physician completes the form and indicates the nature of the disability. The doctor also indicates which of the requirements cannot be met because of the learning disability or medical condition — the language requirement or knowledge requirement. The medical opinion form should be submitted with the application form and a citizenship judge will determine whether or not to ask the Minister to waive any of the citizenship requirements.

Hearing-disabled applicants should indicate their disability on the application form and include a note asking for American Sign Language (ASL) or Quebec Sign Language (QSL) interpretation for the test and ceremony. The Department will make arrangements to have an interpreter present.

Other than the sign-language interpreter, no other personal assistance is permitted at the test session.

### **Can I reapply if I fail both the test and the oral interview?**

Yes. If you are not approved, you have the option of either applying for leave (permission) to appeal the decision to the Federal Court, or reapplying as soon as you feel ready to meet all of the requirements for citizenship. There is no waiting period for reapplying. If you reapply, you must do everything again (that is, fill out the form, resubmit the documents, pay the fee, etc.).

### **Is my fee refunded if I am not approved for citizenship?**

Only the \$100 Right of Citizenship Fee is refundable if you are not granted citizenship. The child's fee is not refundable.

## **Does my elderly relative have to learn everything?**

All applicants for citizenship should make an effort to fulfill the language and knowledge requirements.

Citizenship classes may be available in your community. Check with a local community centre. The present *Citizenship Act* contains sections which provide for a waiver of some of the requirements for citizenship. For example, although people over 60 years of age are sometimes scheduled to write the test, they are not obligated to do so.

## **THE OATH-TAKING CEREMONY**

### **How long will I wait between my test and the ceremony?**

This may vary but, generally, the ceremony will take place a few weeks after you pass the test. We will mail you a notice indicating the time, date and place of the ceremony.

You must attend the ceremony and take the Oath of Citizenship to receive your citizenship certificate.

### **Must my children come to the citizenship ceremony?**

Only children aged 14 and over must attend the citizenship ceremony and take the Oath.

Parents receive certificates of citizenship on behalf of their children under age 14 so these children are not required to be present; however, all children are welcome to attend a ceremony.

### **What if I am unable to attend the ceremony?**

Contact the Citizenship office immediately. You will be rescheduled for another ceremony as soon as possible.

If you do not come to the ceremony and do not contact the Citizenship office within 60 days, your certificate will be returned to Citizenship Processing Centre (CPC) in Sydney, Nova Scotia.

The regulations state that you must take the Oath within 60 days of the date you were first sent a notice.

### **May I take my Oath outside Canada?**

No. You must take the Oath at a citizenship ceremony in Canada.

## **What will happen during the ceremony?**

Many people will be taking the Oath with you.

The citizenship judge will speak briefly about the rights and responsibilities of Canadian citizenship.

You will then take the Oath of Citizenship, which will be administered by the presiding officer. It is only after taking the Oath that you become a citizen.

The citizenship judge will give you your certificate of Canadian citizenship.

## **Is my adopted child a Canadian citizen?**

No. Adopted children of Canadian citizens are not automatically citizens. After the child has been landed as a permanent resident, he or she may receive citizenship after application.

At least one parent must be a Canadian citizen. Either parent may apply on the child's behalf.

The following documents and fee must be submitted:

- child's adoption order indicating the adoptive parents and change of name (if applicable);
- proof of citizenship of either parent;
- child's proof of permanent resident status (IMM 1000 form) "Immigrant Visa and Record of Landing";
- two pieces of identification for the child (for example school records, health card, immunization record, letter from a doctor);
- the applicant must fill out the application form "Application for Citizenship on Behalf of a Minor Child"; and
- a \$100 fee must be included.

## **CRIMINAL RECORDS**

### **Can I become a citizen if I have had problems with the police?**

It depends on your particular situation. For more information, phone a Call Centre.

A person cannot become a citizen if he or she has been convicted of an indictable offence within the past three years.

If you are currently on probation or have been charged with an offence and are awaiting trial, you may be prohibited from becoming a citizen. In this case, you should submit a certified copy of the probation order, police record or local court record with your application for citizenship.

### Some criminal definitions

**Indictable offence:** A very serious offence such as drug trafficking. This type of crime usually carries a heavy penalty such as a jail sentence.

**Summary:** A less serious offence such as causing a disturbance or loitering.

**Hybrid:** Drinking and driving is an example of a hybrid offence. The Crown has the option of proceeding summarily or by indictment, resulting in a summary or indictable conviction.

**Charge:** This means that the individual has been charged with an offence by a police officer but has not yet been found guilty. In other words, the person is awaiting trial.

**Conviction:** The individual either pled guilty or was found guilty following a trial and was sentenced.

### Can I apply if I am currently on probation or charged with an offence?

Yes. However, you may not take the Oath or be granted citizenship while on probation or charged with an offence.

The *Citizenship Act* states that time spent on probation does not count as residence in Canada, if the probation was a result of a conviction.

Only time spent on probation as the result of a conditional discharge may be counted towards residence. In other words, once the person has successfully completed his or her probation, which is a condition of discharge, it is as if the incident never took place.

If you are currently on probation or charged with an offence and awaiting trial, you may apply for citizenship but you may be prohibited from being granted it. Your case may be simpler if you apply after the probation has ended or the trial concluded. Please check with a Call Centre regarding such cases before applying.

## OTHER COMMONLY ASKED QUESTIONS ABOUT CANADIAN CITIZENSHIP

### Can I have dual citizenship?

It depends. If you become a Canadian citizen, you could lose your present nationality. If you have any questions about this, you should ask the Embassy, High Commission or Consulate of the country of your current nationality.

Since 1977, Canadian citizens have been allowed to hold dual nationality. This means that they will not lose their Canadian citizenship if they become a citizen of another country.

However, prior to February 15, 1977, a Canadian citizen who became a citizen of another country ceased to be Canadian, except in rare circumstances.

For more information, ask the Citizenship office nearest you for the brochure *Dual Citizenship*.

### If I was born overseas to a Canadian citizen, am I automatically a Canadian citizen?

It depends on your particular situation. Contact a Call Centre or Canadian Embassy to discuss your situation.

If you were born before February 15, 1977, and want to establish your claim to citizenship, you need the following documents:

- long-form birth certificate showing the names of your parents;
- parents' marriage certificate;
- proof of citizenship of the responsible parent\* (i.e., citizenship certificate or provincial birth certificate);
- two pieces of your identification such as a driver's licence, provincial health card, credit cards, Social Insurance Card;
- two photographs, citizenship-sized (35mm x 53mm; 1 3/8" x 2 1/16").

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\*Before February 15, 1977, "responsible parent" applied to the father (if born in wedlock) or the mother (if born out of wedlock).



If you were born on or after February 15, 1977:

- long-form birth certificate showing the names of your parents.
- proof of citizenship of either parent (provincial birth certificate or citizenship certificate);
- two pieces of your identification such as a driver's licence, provincial health card, credit cards, Social Insurance Card;
- two photographs, citizenship-sized (35mm x 53mm; 1 3/8" x 2 1/16").

You can apply for a certificate to prove you are a Canadian citizen. The fee is \$75.

### **Do I become a Canadian when I marry a Canadian?**

No. Marriage to a Canadian citizen does not give you citizenship.

You must apply for Canadian citizenship, and meet the same requirements as any other person seeking naturalization in Canada.

For information regarding how to obtain permanent resident status, contact the Call Centre.

### **Will I lose my citizenship if I become a citizen of another country?**

With rare exceptions, between 1947 and 1977, Canadians lost citizenship if they naturalized as citizens of another country.

However, since 1977, a Canadian citizen does not lose Canadian citizenship if he or she naturalizes as a citizen of another country.

Canadian citizens living abroad should keep informed of any changes to Canadian citizenship legislation.

### **Will I lose my citizenship if I live outside Canada for an extended period?**

No. Since 1967, there is no loss of citizenship due to a long or permanent absence from Canada. Canadian citizens should, however, keep informed of any changes in Canadian citizenship legislation during their absence.

## Can I resume my citizenship?

Yes. Former Canadians may resume their citizenship once they have obtained permanent resident status and have lived in Canada for at least one year prior to their application.

You should fill out the “Application to Resume Citizenship” and the “Application for a Citizenship Certificate.” You must submit the following documents:

- proof of former Canadian citizenship status (i.e., birth in Canada, naturalization certificate);
- proof of loss of citizenship (i.e., the naturalization certificate of the other country);
- proof of permanent residence in Canada (i.e., IMM 1000 form) “Immigrant Visa and Record of Landing”;
- proof of presence in Canada for at least one year (such as rent receipts, employment records, utility bills, etc.);
- two pieces of identification such as a driver’s licence, provincial health card, credit cards, Social Insurance Card;
- two photographs, citizenship-size (35mm x 53mm; 1 3/8” x 2 1/16”); and
- a \$100 fee.

An interview with a citizenship judge may be necessary.

You will re-acquire Canadian citizenship on the date that you take the Oath of Citizenship at a citizenship ceremony.

## Who is my Member of Parliament and who is my provincial representative?

This will depend on where you live.

Look in the government pages of the telephone book under “Members of Parliament.” The names of the ridings will be listed. If you do not know the name of your riding, call one of the numbers and ask for assistance.

Provincial representatives are called Members of the Legislative Assembly, House Assembly, National Assembly or Provincial Parliament, depending on the province or territory in which you live.

## Where can I learn more about Canadian citizenship?

Visit CIC's Internet site, <http://www.cic.gc.ca> or call one of the CIC Call Centres.

Several publications, including *How to Become a Canadian Citizen*, *A Look at Canada*, *How to Host a Citizenship Ceremony*, and a number of *Citizenship Fact Sheets* are available on the Internet site or through the Call Centres. Fact Sheet #8 describes the rights and responsibilities of Canadians more fully.

Young people should check out *Citzine* ([www.citzine.ca](http://www.citzine.ca)), a web magazine developed by Citizenship and Immigration Canada with private-sector support to commemorate the 50th Anniversary of Canadian Citizenship.

Consult the *Canadian Charter of Rights and Freedoms* (available on the Department of Justice Internet site: <http://canada.justice.gc.ca>).

If, after reading this guide, you still have questions or need more information, please contact a Call Centre or visit the CIC Internet site. (See Annex 3 for a list of Call Centres.)

# Annex 1 — Visas

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## CITIZENS OF THE FOLLOWING COUNTRIES\* REQUIRE A VISA TO VISIT OR TRANSIT CANADA

Afghanistan	Djibouti	Kyrgyzstan	Qatar
Albania	Dominican Republic	Laos	Romania
Algeria	Ecuador	Latvia	Russia
Angola	Egypt	Lebanon	Rwanda
Argentina	El Salvador	Lesotho	São Tomé e Príncipe
Armenia	Equatorial Guinea	Liberia	Senegal
Azerbaijan	Estonia	Libya	Seychelles, The
Bahrain	Ethiopia	Lithuania	Sierra Leone
Bangladesh	Fiji	Macedonia (former Yugoslav Republic of)	Slovak Republic
Belarus	Gabon	Malagasy Republic	Somalia
Belize	Gambia	Malawi	South Africa
Benin	Georgia	Mali	Sri Lanka
Bhutan	Ghana	Mauritania	Sudan
Bolivia	Guatemala	Mauritius	Surinam
Bosnia-Herzegovina	Guinea	Moldova	Syria
Brazil	Guinea-Bissau	Mongolia	Taiwan
Bulgaria	Guyana	Morocco	Tadjikistan
Burkina-Faso	Haiti	Mozambique	Tanzania
Burundi	Honduras	Myanmar (Burma)	Thailand
Cambodia	India	Nepal	Togo
Cameroon	Indonesia	Nicaragua	Tonga
Cape Verde	Iraq	Niger	Trinidad and Tobago
Central African Republic	Israel (only Israeli citizens holding valid Israeli orange "Travel Document in Lieu of National Passport")	Nigeria	Tunisia
Chad	Ivory Coast	Oman	Turkey
Chile	Jamaica	Pacific Islands, U.S. Trust Territory	Turkmenistan
China, People's Republic	Jordan	Pakistan	Uganda
Colombia	Kazakhstan	Panama	Ukraine
Comoros	Kenya	Paraguay	United Arab Emirates
Congo (The), Democratic Republic of	Korea, North	Peru	Uruguay
Congo (The), People's Republic of	Kuwait	Philippines	Uzbekistan
Croatia		Poland	Venezuela
Cuba			Vietnam
Czech Republic			Yemen
			Yugoslavia
			Zambia

\*Subject to change at any time.

# Annex 2 — Fee Schedule\*

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## Citizenship Fees

Right to be a Citizen .....	\$100
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## Change of Citizenship

Grant of Citizenship .....	\$100
Retention of Citizenship .....	\$100
Resumption of Citizenship .....	\$100
Renunciation of Citizenship .....	\$100

## Citizenship Status Documents

Proof of Citizenship .....	\$75
Search for Record of Citizenship .....	\$75

## Immigration Fees

Right of Landing Fee .....	\$975
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## Application for Permanent Residence

Principal applicant (or a dependant) 19 years of age and over .....	\$500
Spouse or fiancé (any age) .....	\$500
Principal applicant (or dependant) less than 19 years of age and not a spouse or fiancé .....	\$100
Business applicant .....	\$1,000
Order in Council — A38(1) Landing .....	\$275
Family Business .....	\$400

## Immigration Status Documents

Returning Resident Permit .....	\$75
Visitor Status Extension .....	\$75
Visitor Visa — Single Entry .....	\$75
Visitor Visa — Multiple Entry .....	\$150
Visitor Visa — Family Rate .....	\$400
Employment Authorization .....	\$150
Employment Authorization — Group of Performing Artists .....	\$450
Student Authorization .....	\$125

\*Subject to change at any time.

**Minor Violation of *Immigration Act***

Reinstatement of Visitor Status .....	\$.200
Minister's Permit .....	\$.200
Minister's Permit Extension .....	\$.200
Discretionary Entry .....	\$.200
Rehabilitation — A.19(2)(a.1) .....	\$.200
Rehabilitation — A(1)(c.1) .....	\$.1,000
Minister's Consent to Return to Canada .....	\$.400

**Replacement or Certification of a Document**

Certification of Record of Landing .....	\$.30
Replacement of Immigration Records .....	\$.30

**General Services**

Call Out / Overtime* .....	\$.100
File Transfer .....	\$.100
Sale of Data** .....	\$.100
Alternate Manner of Examination .....	\$.30

**Repayment of Deportation**

USA / St. Pierre and Miquelon .....	\$.750
Other Destinations .....	\$.1,500

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\* Call Out / Overtime: Fee is set for first four hours

\*\* Sale of Data: Fee is set for first 10 minutes of central processor unit time.

# Annex 3 — CIC Call Centres

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## FOR INFORMATION ABOUT...

If you are phoning from outside the local calling area, use the toll-free number. This will automatically connect you to the Call Centre. The Call Centre takes calls from 8:00 a.m. to 4:00 p.m. no matter where you are calling from within Canada. Here are the numbers:

If you live in the <b>Montreal</b> local calling area	(514) 496-1010
If you live in the <b>Toronto</b> local calling area	(416) 973-4444
If you live in the <b>Vancouver</b> local calling area	(604) 666-2171
If you are calling from anywhere else in Canada	1-888-242-2100

**Note:** If you are calling from outside Canada, please contact the Canadian Embassy, High Commission or Consulate covering your region (see Annex 4).

## HOW THE CALL CENTRE WORKS

If you call from a touch tone telephone, you can obtain:

- information about all immigration and citizenship programs and services;
- general information about your application;
- application and information kits;
- help with fee calculations.

## STEPS

- A recorded message will tell you to press **1** or **2** to select English or French.
- The recorded message will give you a menu from which to choose the information you need. Press the star key **\*** to repeat the message.
- Press **9** to return to the main menu and make your choice.
- During normal business hours (8 a.m. to 4 p.m.) across Canada, you can press **0** to speak directly to a program assistant. When all assistants are busy, you may be put on hold. Your call will be answered as soon as an assistant becomes available.



# Annex 4 — Points of Service Abroad

## REGIONAL PROGRAM CENTRES

1 Accra	5 Manila
2 Buffalo	6 Paris
3 Damascus	7 Singapore
4 London	8 Vienna

## SATELLITE OFFICES\*

MISSION	IMMIGRANT APPLICATIONS GO TO
1 Abidjan	Accra
2 Abu Dhabi	London
2 Amman	Damascus
3 Bangkok	Singapore
4 Beirut	Damascus
5 Detroit	Buffalo
6 Dhaka	Singapore
7 Jakarta	Singapore
8 Los Angeles	Buffalo
9 New York	Buffalo
10 Prague	Vienna
11 Rabat	Paris
13 Seattle	Buffalo
14 Seoul	Manila
15 Taipei	Singapore
16 Tehran	Damascus
17 Toyko	Manila
18 Tunis	Paris

## SPECIALIZED OFFICES

MISSION	SPECIALIZATION
1 Canberra	Reporting/Liaison
2 Caracas	Non-immigrants
3 Geneva	Reporting/Liaison
4 Miami	Immigration Control
5 Santiago	Non-immigrants
6 Shanghai	Non-immigrants (visitors only)
7 The Hague	Immigration Control
8 Washington	Non-immigrants, Reporting/Liaison

## FULL SERVICE CENTRES

### MISSION

1 Ankara	15 Lima
2 Beijing	16 Mexico
3 Bogota	17 Moscow
4 Bonn	18 Nairobi
5 Bucharest	19 New Delhi
6 Buenos Aires	20 Port-au-Prince
7 Cairo	21 Port of Spain
8 Colombo	22 Pretoria
9 Guatemala	23 Rome
10 Havana	24 São Paulo
11 Hong Kong	25 Sydney
12 Islamabad	26 Tel Aviv
13 Kiev	27 Warsaw
14 Kingston	

## OTHER OFFICES\*\*

### MISSION

1 Addis Ababa	10 Kuala Lumpur
2 Algiers	11 Kuwait
3 Bombay	12 Lusaka
4 Conakry	13 Quito
5 Dakar	14 Riyadh
6 Dar es Salaam	15 San Salvador
7 Georgetown	16 Stockholm
8 Harare	17 Yaounde
9 Ho Chi Minh City	18 Zagreb

## 79 POINTS OF SERVICE

\* Satellite offices offer non-immigrant processing

\*\* Other offices are those where there is no Canada-based visa officer, but offer very limited non-immigrant processing

# ***Annex 5 — Countries that have implemented the Hague Convention***

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List of countries that have implemented the *Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption* (as of 1 May 2000)

Andorra	Ecuador	New Zealand
Australia	El Salvador	Norway
Austria	Finland	Panama
Brazil	France	Paraguay
Burkina Faso	Georgia	Peru
Burundi	Israel	Philippines
Canada*	Italy	Poland
Chile	Lithuania	Romania
Colombia	Mauritius	Spain
Costa Rica	Mexico	Sri Lanka
Cyprus	Moldova	Sweden
Czech Republic	Monaco	Venezuela
Denmark	Netherlands	

\* Only the following provinces and territories have legislation in place to implement the Hague Convention:

Alberta	Nova Scotia	British Columbia
Ontario	Manitoba	Prince Edward Island
New Brunswick	Saskatchewan	Yukon
Northwest Territories		