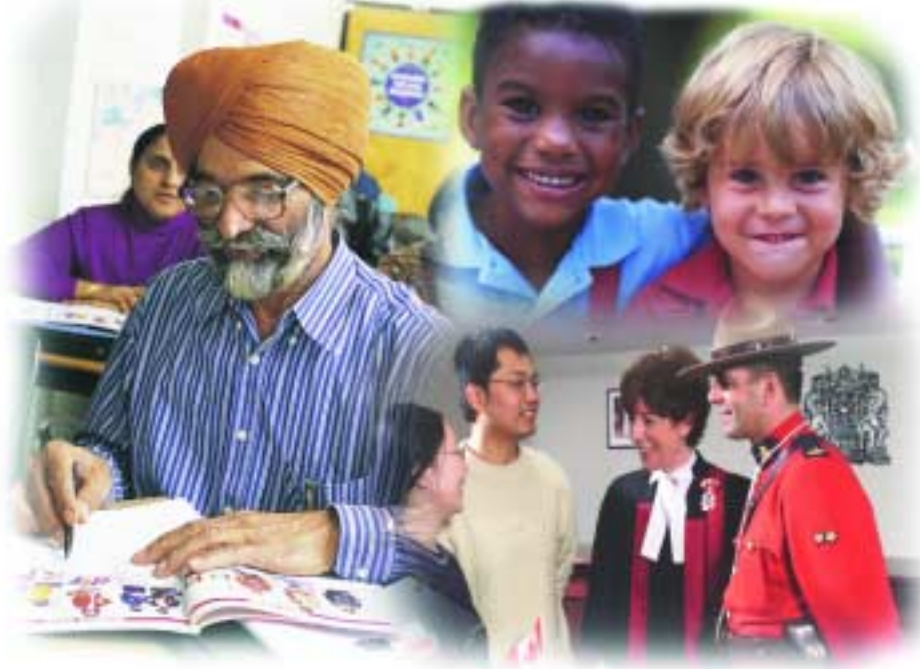




Citizenship and  
Immigration Canada

Citoyenneté et  
Immigration Canada



# You asked about ...

immigration and citizenship



C&I-055-07-02



# You asked about...

immigration and citizenship

This is not a legal document. For precise legal information, consult the *Immigration and Refugee Protection Act* and Regulations.

Produced by Communications Branch

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# How to use this guide

After the introduction that follows, this guide has two parts, to reflect the citizenship and immigration sides of Citizenship and Immigration Canada (CIC). The first part, "Immigration," covers immigration and refugees, including immigration operations, immigration to Canada, refugee programs, settlement programs for newcomers, visits to Canada, rules for working and studying in Canada, and enforcement. The second part, "Citizenship," is a guide to the rights and responsibilities of Canadian citizenship and to the process of becoming a Canadian citizen.

This guide should answer most of your questions about CIC's programs and services. For more information or other publications, please contact one of the CIC Call Centres listed in Annex 3, or visit CIC's Web site at <[www.cic.gc.ca](http://www.cic.gc.ca)>.

**Note:** This guide is not a legal document. For exact legal requirements, please consult the *Immigration and Refugee Protection Act* and its Regulations, available on-line. You can find detailed requirements for programs and services in fact sheets on specific programs, which are available on-line or through CIC Call Centres. Programs may change with little notice; you should check the latest details with a CIC Call Centre.

# An introduction to Citizenship and Immigration Canada

The federal government created Citizenship and Immigration Canada (CIC) on June 23, 1994. This action reflected the government's belief that citizenship and immigration spring from common values and objectives. Citizenship completes the process that immigration begins.

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

Immigration remains a vital force in the forging of our country. In the 21st century, it is critical to develop immigration policies and programs that benefit all Canadians and to communicate the rights and responsibilities of Canadian citizenship.

## The ***Immigration and Refugee Protection Act***

The *Immigration and Refugee Protection Act* (IRPA) received royal assent on November 1, 2001. It was implemented, with its Regulations, on June 28, 2002. The IRPA replaces the *Immigration Act* of 1976 with clearer, simpler and more coherent legislation, reflecting current Canadian values. It balances the need for faster, fairer processes to select skilled workers, welcome families and provide a safe haven for persons needing protection, with tough enforcement measures to strengthen national security and public safety.

## What are CIC's objectives?

CIC aims to promote Canadians' shared values and to help build a stronger nation by focusing on four strategic objectives:

1. ensuring that immigration results in the greatest possible economic and social benefits for Canada;
2. protecting refugees and others who need to resettle;
3. helping newcomers adapt to and integrate into Canadian society; and
4. managing access to Canada with a fair and effective enforcement strategy.

CIC carries out many activities to achieve these goals, including the following:

- admitting permanent residents—including skilled workers, investors and entrepreneurs—who can contribute to Canada's economic, cultural and social growth;
- welcoming visitors, foreign students and temporary workers to promote trade, tourism, international understanding, and cultural and educational activities;
- reuniting families in Canada;
- resettling government-assisted and privately sponsored refugees;
- establishing fair refugee protection procedures that maintain the integrity of the system while respecting human rights and freedoms;
- working on international initiatives to help and protect refugees;
- helping newcomers integrate into Canadian society, in cooperation with the provinces and non-governmental partners;
- granting citizenship and promoting citizenship values;
- granting proof of citizenship to Canadians;
- consulting with the provinces and territories to set immigration goals, start recognizing foreign credentials and ensure that the whole country benefits from immigration; and
- protecting Canadians' health, safety and security by forbidding people who are security risks or criminals to enter Canada.

How many people work for CIC and where are they?

The department has more than 5,000 employees and an annual budget of over \$950 million. CIC has the following offices:

- the CIC National Headquarters in Ottawa;
- national Case Processing Centres in
  - Vegreville, Alberta, for processing temporary and permanent resident cases within Canada,
  - Mississauga, Ontario, for sponsorship of family members living overseas and
  - Sydney, Nova Scotia, for Permanent Resident Cards and citizenship;
- centralized Call Centres to answer questions on immigration and citizenship;
- local and regional CIC offices across Canada; and
- visa offices outside Canada (see Annex 4).

What other departments and agencies are involved in citizenship and immigration programs?

CIC works with other federal departments and agencies, including the following:

- the Canada Customs and Revenue Agency <[www.ccra-adrc.gc.ca](http://www.ccra-adrc.gc.ca)>, which inspects people as they arrive in Canada;
- Canadian Heritage <[www.pch.gc.ca](http://www.pch.gc.ca)>, which promotes understanding of Canadian citizenship values;
- the Federal Court of Canada <[www.fct-cf.gc.ca](http://www.fct-cf.gc.ca)>, which hears appeals and applications for judicial review;
- the Department of Foreign Affairs and International Trade <[www.dfait-maeci.gc.ca](http://www.dfait-maeci.gc.ca)>, which supplies office and living accommodations, communications, shipping and personnel administration services for all Canadian federal employees working abroad, and also supports foreign student and business programs;
- Health Canada <[www.hc-sc.gc.ca](http://www.hc-sc.gc.ca)>, which provides input on medical examinations and standards;
- Human Resources Development Canada <[www.hrdc-drhc.gc.ca](http://www.hrdc-drhc.gc.ca)>, which helps skilled temporary and permanent workers enter Canada;

- Industry Canada <[www.ic.gc.ca](http://www.ic.gc.ca)>, which works with CIC on projects to strengthen the economic contribution of immigration;
- the Department of Justice <[canada.justice.gc.ca](http://canada.justice.gc.ca)>, which provides legal advice, represents CIC in court and drafts any proposed regulatory changes;
- the Solicitor General of Canada <[www.sgc.gc.ca](http://www.sgc.gc.ca)>, which shares information and expertise on organized crime, fraud and smuggling of people, provides advice on security and criminal admissibility of foreign nationals, and includes
  - the Canadian Security and Intelligence Service (CSIS) <[www.csis-scrs.gc.ca](http://www.csis-scrs.gc.ca)>, and
  - the Royal Canadian Mounted Police (RCMP) <[www.rcmp-grc.gc.ca](http://www.rcmp-grc.gc.ca)>, which also investigates and prosecutes violations of IRPA and helps remove illegal immigrants; and
- Statistics Canada <[www.statcan.ca](http://www.statcan.ca)>, which shares and analyses statistics.

For more information on CIC's priorities and activities, please see the most recent *Report on Plans and Priorities* at <[www.cic.gc.ca/english/pdf/files/pub/rpp2002e.pdf](http://www.cic.gc.ca/english/pdf/files/pub/rpp2002e.pdf)> and the latest *Performance Report* at <[www.cic.gc.ca/english/pub/dpr2001/index.html](http://www.cic.gc.ca/english/pub/dpr2001/index.html)>.

How can I get current information about immigration and citizenship?

#### Call Centres

Annex 3 lists telephone numbers for the centralized Call Centres. These centres provide the following free services and information to clients across Canada:

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

For information about the Permanent Resident Card, please contact the Permanent Resident Card Call Centre.

## Internet

You can find information and check the status of your immigration application on CIC's Web site at <[www.cic.gc.ca](http://www.cic.gc.ca)>. CIC is continuing to improve this site to provide the latest information on immigration and citizenship and to reduce the need for expensive and time-consuming telephone calls.

On CIC's Web site you will find:

- general information on CIC;
- the e-Client Application Status service;
- an on-line change of address service;
- recent news releases;
- fact sheets on specific programs;
- CIC publications, including the annual immigration plan and reports;
- application guides and forms in PDF format;
- fee schedules;
- research projects; and
- links to related sites.

# Immigration

This section of *You asked about ... immigration and citizenship* answers common questions about Canada's immigration programs and services. Immigration is vital to Canada's identity and to its economic future. Canada's new immigration legislation continues the country's tradition of fair, balanced and effective immigration.

## Overview

Canada is one of the few countries in the world with an active program for permanent immigration. 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 Canada (CIC) assesses foreign nationals using standards that do not discriminate on the basis of race, national or ethnic origin, colour, religion or sex. The immigration program is universal—CIC uses the same criteria to assess applicants from around the world.

As of June 28, 2002, the immigration program is based on the *Immigration and Refugee Protection Act (IRPA)* and its Regulations. The IRPA replaces the *Immigration Act* of 1976 and paves the way for the challenges of the 21st century by striking a balance between the need to protect the security and safety of Canadians and Canada's borders, and our tradition of welcoming newcomers and protecting refugees.



The IRPA makes a clear distinction between the immigration program and refugee protection, separating the objectives and provisions of the two programs. It also stresses the importance of:

- accountability and transparency;
- compliance with the *Canadian Charter of Rights and Freedoms* and with international human rights instruments;
- cooperation with the provinces, other nations, and international and non-governmental organizations; and
- commitment to the equality of Canada's official languages (English and French).

As "framework legislation," the IRPA sets out the core principles of the two programs, the rights and obligations of permanent and temporary residents and protected persons, and key enforcement provisions. The Regulations detail more streamlined procedures, more inclusive criteria for sponsored family members and a more flexible way to choose skilled workers. The IRPA requires the Minister of Citizenship and Immigration to table new regulations before Parliament for referral to the Standing Committee on Citizenship and Immigration.

## Objectives

The IRPA sets out the following basic social, cultural and economic goals for the immigration program:

- to pursue the greatest social, cultural and economic benefits of immigration, across the country, while respecting Canada's federal, bilingual and multicultural character;
- to reunite families in Canada;
- to help newcomers integrate, recognizing the mutual obligations of new permanent residents and Canadian society;
- to attract visitors, students and temporary foreign workers, for the purpose of trade, tourism, and cultural, scientific and educational activities;
- to protect the health and safety of Canadians;
- to protect the security of Canadian society and promote international justice and security by preventing the entry of criminals or security risks; and
- to cooperate with the provinces in setting immigration goals, recognizing foreign credentials and integrating permanent residents.

The Act also outlines the following humanitarian goals of refugee protection:

- to fulfil Canada's international legal obligations regarding refugees and to help people who need to resettle;
- to give fair consideration to people arriving in Canada seeking protection, and to offer safe haven to persons with a well-founded fear of persecution;
- to maintain the integrity of the refugee protection process while safeguarding human rights and freedoms; and
- to support the self-sufficiency and well-being of refugees by reuniting them with their families.

### The Annual Report to Parliament and immigration plan

The IRPA requires the Minister of Citizenship and Immigration to table a report in Parliament by November 1 each year. This report includes information on:

- CIC's activities and initiatives, including cooperation with the provinces;
- the number of new permanent residents during the year and the number projected for the following year;
- the number of permanent residents in each class in provinces that are responsible for selection under a federal-provincial agreement;
- the linguistic profile of new permanent residents;
- the number of temporary resident permits issued and the grounds of inadmissibility;
- the number of people granted permanent residence on humanitarian grounds; and
- a gender-based analysis of the immigration program.

### What role do the provinces and territories play in immigration?

CIC consults with the provinces and other interested parties when deciding how many new permanent residents Canada should accept each year. It has also concluded immigration agreements with most provincial and territorial governments, as described in this guide. The *Canada–Quebec Accord* is the most comprehensive.

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 list gives the number of immigrants\* admitted to Canada over the past 15 years:

2001	250,386
2000	227,209
1999	189,911
1998	174,162
1997	216,024
1996	226,044
1995	212,860
1994	224,373
1993	256,759
1992	254,820
1991	232,751
1990	216,398
1989	191,497
1988	161,500
1987	152,001

\* Includes principal applicants and immediate family members.

How many visitors come to Canada every year?

Every year, Canada welcomes nearly 50 million foreign nationals who come to Canada temporarily. Since 1995, the number of temporary foreign workers has grown from just under 70,000 to 96,000 in 2001, and the foreign student population has increased from 63,000 to 133,000.

## **Immigration operations**

How should I apply?

Applications for visas, permits and other services are available on the CIC Web site. They include guides that explain what information and documents are required by the Regulations. If you do not include all the requested information with your application, CIC will not process it and will return it to you.

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

People wishing to visit or immigrate to Canada must pay an application processing fee. This fee is part of a program to recoup the cost of providing immigration services. The processing fee is not refundable once CIC has started processing an application. Fees for immigration services such as sponsorships, immigration applications, temporary resident visas, and work or study permits vary according to the type of application or service. The Regulations specify some exceptions. For example, visitors from some countries do not need temporary resident visas, and fees are not required for applications by Convention refugees abroad and persons in similar circumstances or for work permits in certain situations, such as those covered by reciprocal agreements.

Annex 2 lists current immigration processing fees. Since fees may change, you should contact a Call Centre for up-to-date information.

What is the right of permanent residence fee?

The right of permanent residence fee (RPRF) covers the right to obtain permanent resident status in Canada. The government charges this fee because permanent resident status gives people many benefits and privileges.

Each applicant for permanent resident status, whether at a post abroad or in Canada, must pay a \$975 fee. Exceptions include dependent children, and refugees, and persons in similar circumstances and other protected persons. The Immigrant Loans Program provides loans to pay the fee to persons who truly need help, if they can show they will be able to repay the money.

Applicants normally pay the RPRF along with the application processing fee when they apply, but they may defer the payment. They can get the fee back if they do not become permanent residents.

## Why has CIC changed the way it serves clients?

Over the past 20 years, Canada's immigration program has grappled with more complex legislation, rising numbers of clients, growing demand for services and tight budgets. CIC is changing the way it does business to provide fairer, more efficient service.

## What are some of the changes to CIC's services?

CIC now offers the following services, among others:

- increased mail-in service;
- centralized Case Processing Centres in Canada and Regional Processing Centres abroad;
- automated Call Centres to handle routine business;
- a Web site at <[www.cic.gc.ca](http://www.cic.gc.ca)>;
- a new e-Client Application Status service, which lets applicants check the status of their application on-line, 24 hours a day, seven days a week;
- self-help application guides and forms, available on-line;
- an on-line change of address service;
- an inexpensive fee payment process in Canada;
- Docupost, a Canada Post service that applicants can use to send application guides and forms in Canada;
- the Permanent Resident Card, which provides secure proof of permanent resident status; and
- joint application guides and forms for sponsorship of spouses, common-law partners, conjugal partners and dependent children.

In addition, CIC has started using the following:

- "smart border" practices in cooperation with other federal departments and the United States; and
- digital imaging, which allows CIC to transfer information more efficiently.

## What is the Permanent Resident Card?

Permanent residents receive a Permanent Resident Card as proof of their status in Canada. Replacing the former Record of Landing (IMM1000) for travel purposes, the wallet-sized card is a secure, machine-readable, fraud-resistant document. It is generally valid for five years, but in some cases may be valid for one year.

As of June 28, 2002, all new permanent residents will receive Permanent Resident Cards. Existing permanent residents may apply for the card after October 15, 2002. Starting in January 2004, permanent residents travelling outside Canada will need it to prove their status so that they can return to Canada.

For information on the card or to request application forms, call the Permanent Resident Card Call Centre at 1 800 255-4541.

CIC will revoke a card if it is lost or stolen, if the permanent resident becomes a Canadian citizen or if the person loses permanent resident status. Permanent residents who lose their cards may apply for travel documents so that they can return to Canada, but they must satisfy an immigration officer that they meet the residency requirements.

## What are the rights and obligations of permanent residents?

Permanent residents can enter or remain in Canada. CIC may impose conditions for a certain period on some permanent residents, such as entrepreneurs. A permanent resident must live in Canada for at least 730 days (two years) within a five-year period. In some situations, time spent outside Canada may count. All permanent residents must comply with this residency requirement or risk losing their status.

## **Immigration operations in Canada**

### Where are the immigration offices in Canada?

Each year, CIC serves millions of foreign nationals seeking entry into Canada, as well as Canadian citizens and residents applying to sponsor relatives living abroad. CIC also enforces Canada's immigration laws to protect Canadians' safety and security.

To provide these services, CIC has a network of local offices, regional offices, centralized Case Processing Centres, Call Centres and other offices across the country, including National Headquarters in Ottawa.

Local CIC offices include:

- ports of entry (border crossings, international airports and seaports); and
- inland offices, which
  - provide immigration services to the public,
  - serve as a link between CIC and the community,
  - handle complex cases referred by Case Processing Centres, such as applications requiring an interview or likely to result in a refusal, and
  - process private sponsorships of refugees.

Many local offices also manage enforcement activities.

Although the functions of individual offices may vary, all operate according to the legislation and CIC's guidelines.

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

A national mail-in service handles most applications made in Canada, through Case Processing Centres (CPCs) in Vegreville, Alberta; Mississauga, Ontario; and Sydney, Nova Scotia.

CPC Vegreville processes:

- extensions of temporary resident status and temporary resident permits;
- work and study permits;
- applications for permanent residence by certain classes in Canada; and
- loans for the right of permanent residence fee.

CPC Mississauga processes applications to sponsor family members living abroad.

CPC Sydney processes:

- applications for Permanent Resident Cards; and
- citizenship applications (described in the "Citizenship" section of this guide).

CPCs process about 80 percent of the applications made in Canada. Clients and their representatives can check the progress of their applications by phoning a Call Centre or using the CIC Web site.

When sending an application to one of these centres, applicants should make sure it is complete and that they have signed it. They must include all the required information and documents, photographs and proof of fee payment.

How do I pay the fees?

Before sending your application to a CPC, you must pay the required fee (free of charge) at a bank or credit union. Include the stamped receipt when you mail your application to the CPC.

## **Immigration operations abroad**

How does CIC deliver the immigration program abroad?

The International Region of CIC delivers Canada's immigration programs at Canadian missions abroad. Its responsibilities include:

- selecting permanent residents;
- processing temporary resident applications;
- providing immigration health services;
- reporting on local conditions and situations affecting immigration;
- providing liaison with officials of other governments and international organizations;
- controlling immigration and preventing illegal immigrants and criminals from reaching Canada;
- cooperating with other parties on international migration and refugee issues; and
- working with the Department of Foreign Affairs and International Trade, other nations and multilateral organizations.



## Where should I apply?

You should apply at the visa office responsible for the country where you live. Annex 4 lists the overseas offices that process immigration applications. They include Regional Program Centres (RPCs), satellite offices, Full-Service Centres, and specialized offices.

### RPCs:

- process routine immigration applications;
- process temporary resident applications in the host country and nearby countries; and
- provide other services, such as interdiction, control, reporting, liaison and promotion of Canada as a place to live.

### Satellite offices:

- handle permanent resident applications referred by an RPC if an interview or verification of documents is needed;
- provide temporary resident services, such as issuing temporary resident visas and study and work permits;
- maintain contacts with host country officials and representatives of other diplomatic, official and non-governmental organizations;
- report on local conditions or investigate specific issues, as requested by the RPC; and
- handle immigration interdiction and control functions.

Full-Service Centres process all permanent and temporary resident applications, when local workloads are not routine or cannot be easily processed elsewhere.

### Specialized offices:

- handle additional reporting and liaison activities in key cities;
- perform processing functions, if necessary; and
- carry out other unique duties.

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

Processing times at visa offices vary. More complicated applications will take longer to process than simple ones. Processing begins when the visa office receives a complete application form with the correct fees.

In situations such as the following, it may take CIC longer to process an application:

- CIC needs to interview the applicant;
- CIC finds it hard to communicate with the applicant due to local communication structures or to the fact that the sponsor did not provide the applicant's correct contact address;
- CIC does not receive timely information from the applicant;
- CIC needs more medical information to do a health admissibility assessment;
- there are criminal or security concerns;
- CIC has trouble getting satisfactory supporting documents; or
- the sponsor has problems meeting sponsorship requirements.

## What are the medical requirements?

All immigrants and certain visitors must go through an immigration medical examination. This examination is designed to protect Canadians' health and safety and to prevent excessive demands on Canadian health and social services systems.

The examination may include any or all of the following: a physical examination, a mental examination, a review of past medical history, laboratory tests, diagnostic tests and a medical assessment of the applicant's records.

Currently, four routine tests are part of the immigration medical examination:

- urinalysis for applicants aged 5 or over;
- a chest X-ray for applicants aged 11 or over;
- syphilis serology for applicants aged 15 or over; and
- an HIV test for applicants aged 15 or over, and for children who have received blood or blood products, have a known HIV-positive mother or may be adopted.

The CIC Web site has a list of doctors who can perform this examination, divided by country.

Medical officers consider three criteria when assessing the health of many applicants. A foreign national cannot enter Canada on health grounds if his or her health condition:

- is likely to be a danger to public health;
- is likely to be a danger to public safety; or
- might reasonably be expected to cause excessive demands on health or social services.

Medical officers do not consider the third point for certain groups, including family class sponsored spouses, common-law partners, conjugal partners and their dependent children; and Convention refugees and persons in similar circumstances, and their family members.

## **Immigration and Refugee Board**

What does the Immigration and Refugee Board do?

Created by an Act of Parliament in 1989, the Immigration and Refugee Board (IRB) is an independent, quasi-judicial administrative tribunal. The chairperson of the IRB, who is its chief executive officer, reports to Parliament through the Minister of Citizenship and Immigration. The IRB's mandate is "to make well-reasoned decisions on immigration and refugee matters efficiently, fairly and in accordance with the law."

The IRB has four divisions:

- the Refugee Protection Division;
- the Refugee Appeal Division (not in force);
- the Immigration Division; and
- the Immigration Appeal Division.

People who disagree with any decision made under the *Immigration and Refugee Protection Act* (IRPA), including any IRB decision, can ask the Federal Court of Canada to review it. However, they must wait until they have exhausted all rights of appeal under the IRPA, and they must get leave from a Federal Court judge first.

## Refugee Protection Division

The Refugee Protection Division determines whether a person in Canada is a Convention refugee or a person in need of protection, in accordance with the IRPA, the *Canadian Charter of Rights and Freedoms*, the *Convention Relating to the Status of Refugees* and the *Convention against Torture*.

The goals of the refugee determination process are as follows:

- to hear and determine refugee protection claims as quickly and fairly as possible, in accordance with the law and in a way that reflects Canada's humanitarian traditions;
- to maintain the integrity of the refugee protection process while protecting the health, safety and security of Canadians; and
- to fulfil Canada's international obligations regarding refugees and to maintain an effective and humanitarian process that reflects our international commitments.

Under the *Convention Relating to the Status of Refugees*, "Convention refugees" are persons who:

- are outside their country of nationality or former habitual residence;
- have a well-founded fear of persecution due to their race, religion, nationality, political opinions or membership in a particular social group; and
- are unable or, owing to that fear, unwilling to return there.

Persons in need of protection are persons who:

- if sent back to their country of nationality or former habitual residence, would risk torture, death, or cruel and unusual treatment or punishment, in any part of that country (when that risk is not related to lawful sanctions or to a lack of adequate medical care in that country); and
- are unable or unwilling to avail themselves of the protection of that country.

## What happens at a refugee protection hearing?

CIC immigration officers refer refugee protection claims to the IRB. The IRB usually holds an oral hearing where the claimants present their case.

Hearings usually take place in private to protect the safety of claimants and their families. The Refugee Protection Division may, however, decide to hold them in public, while taking all measures necessary to ensure confidentiality when someone's life, liberty or security might be endangered. Representatives of the United Nations High Commissioner for Refugees may observe.

Hearings are non-adversarial and allow claimants to put forward their cases as thoroughly as possible. The *Canadian Charter of Rights and Freedoms* protects claimants. They have the right to participate fully in the process, to be represented by counsel and, if necessary, to have an interpreter.

A hearing normally takes place before one member of the Refugee Protection Division. In some situations, a representative of the Minister of Citizenship and Immigration may present evidence.

Technical or legal rules of evidence do not restrict the presentation and acceptance of evidence at hearings. A refugee protection officer helps the members by ensuring that all available and relevant evidence is presented.

## Refugee Appeal Division

When implemented, the Refugee Appeal Division will allow claimants to appeal a decision of the Refugee Protection Division. On April 29, 2002, the Minister of Citizenship and Immigration, Denis Coderre, announced that implementation of the Refugee Appeal Division would be delayed. In the meantime, claimants or the Minister may ask the Federal Court, Trial Division to review Refugee Protection Division decisions.

## Immigration Division

At the request of the Minister of Citizenship and Immigration, the Immigration Division conducts admissibility hearings for permanent residents and for foreign nationals who are seeking admission to Canada or who are already in Canada and are considered inadmissible.

One member of the Immigration Division conducts the admissibility hearing. The hearing is public, unless the person is a refugee protection claimant, and proceeds in an adversarial manner. A hearing officer represents the Minister of Citizenship and Immigration.

The person concerned has the right to be represented by counsel and both parties can present evidence and call witnesses.

At the conclusion of the hearing, the member will either authorize the person concerned to enter Canada or will order the person to leave the country.

The Immigration Division also regularly reviews the reasons for detaining people under the IRPA. Foreign nationals or permanent residents may be detained for the following reasons:

- they are likely to pose a danger to the public;
- they are likely not to appear for further immigration proceedings or for removal from Canada; or
- there are concerns about their identity.

## Immigration Appeal Division

The Immigration Appeal Division hears appeals made by:

- Canadian citizens and permanent residents who have sponsored family class applications that have been refused;
- permanent residents and protected persons who have been ordered removed from Canada;
- the Minister of Citizenship and Immigration against an Immigration Division decision in an admissibility hearing; and
- permanent residents who have not fulfilled their residency obligations, according to overseas CIC officials.

If foreign nationals or permanent residents have been found inadmissible on grounds of security, human or international rights violations, serious criminality or organized criminality, neither they nor—in the case of foreign nationals—their sponsors may make an appeal.

The Immigration Appeal Division is an independent tribunal with the powers of a court. A person has the right to be represented by counsel and to have an interpreter. The Minister of Citizenship and Immigration is also represented at the hearing. The hearing is public unless the Immigration Appeal Division decides, on application, to hold it in private because there is a risk to any individual.

For more information on the IRB, see its Web site at <[www.irb.gc.ca](http://www.irb.gc.ca)> or write to the following address:

Immigration and Refugee Board  
Minto Place  
344 Slater Street  
Ottawa ON K1A 0K1

## **Federal-provincial agreements**

Under the Constitution, the federal and provincial governments share responsibility for immigration, with federal legislation prevailing. The IRPA recognizes Canada's commitment to consulting with the provinces when setting immigration goals and to sharing the benefits of immigration across all regions of the country. CIC consults extensively with provincial and territorial governments when developing immigration legislation.

Section 8 of the IRPA allows the Minister of Citizenship and Immigration to sign agreements with the provinces to coordinate and implement immigration policies and programs. Federal-provincial agreements outline specific responsibilities and establish mechanisms for the provinces and territories to contribute to the development of immigration policies and programs.

Federal-provincial working groups examine specific immigration issues, such as access to professions and trades, sponsorship, business immigration, promotion and recruitment, selection, settlement and language training, health, and information sharing and research.

## What are provincial nominees?

Provincial nominees allow the provinces and territories to select immigrants for specific skills that will contribute to the local economy. The *Immigration and Refugee Protection Regulations* establish a provincial nominee class, allowing provinces and territories that have agreements with CIC to nominate a certain number of workers. Nominees must meet federal admissibility requirements, such as those related to health and security.

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

**Quebec:** The *Canada–Quebec Accord* was signed in 1991 (see the following section).

**British Columbia:** An agreement signed in 1998 gave the province responsibility and funding for settlement and integration services, a greater role in immigration planning and policy, and a provincial nominee program. It also established a pilot project to attract business immigrants. In 2001, the B.C. government—in partnership with the Canadian government and professional organizations—launched a pilot project to help foreign professionals work in their field in B.C.

**Saskatchewan:** A 1999 agreement established a provincial nominee program.

**Manitoba:** The *Settlement Services Agreement*, signed in 1999, made it simpler to administer such settlement services as orientation, language training and labour market access. The parties also signed a provincial nominee agreement, which was expanded in 2002.

**New Brunswick:** A provincial nominee agreement was signed in 1999.

**Newfoundland and Labrador:** A 1999 agreement established a five-year provincial nominee program.

**Yukon:** An agreement signed in 2001 gave the territory a role in immigration planning and integration, and established a territorial nominee program.

**Prince Edward Island:** An agreement signed in 2001 covers a range of immigration issues, including planning and integration, and established a five-year provincial nominee program.

**Alberta:** A 2002 agreement established a two-year provincial nominee program.

**Nova Scotia:** A provincial nominee agreement is expected in 2002.



## The **Canada–Quebec Accord**

The *Canada–Quebec Accord*, the most comprehensive agreement to date, gives Quebec certain selection powers and sole responsibility for integration services. The federal government is still responsible for defining immigration categories, planning levels of immigration and enforcing laws.

The IRP Regulations specifically describe classes of applicants destined for Quebec, such as the Quebec skilled worker class.

## Who needs Quebec’s approval?

Students, temporary foreign workers and foreign nationals seeking medical treatment in Quebec need the province’s consent.

**Permanent residents:** The *Canada–Quebec Accord* gives Quebec exclusive responsibility for all foreign nationals who are neither members of the family class nor persons whom the IRB has determined to be Convention refugees. Those selected by the province receive a document called a *Certificat de sélection du Québec*. Before issuing visas, the federal government ensures that immigrants meet statutory admission requirements, such as medical and criminal checks.

**Family class sponsors:** Le ministère des Relations avec les citoyens et de l’Immigration (MRCI) sets criteria for sponsors and assesses sponsors’ finances. Case Processing Centres forward sponsorship applications from Quebec residents to the MRCI for approval. Applicants complete sponsorship undertakings for Quebec.

The Quebec government has set fees for some of the MRCI’s immigration-related services. For information on current fees, contact the MRCI directly.

## What settlement services does Quebec provide?

The Quebec government provides settlement and integration services to newcomers to the province. These services include reception, counselling, language training and other services to help newcomers adapt to Quebec society. Often, the provincial government provides them in partnership with community organizations. These services must correspond overall to those provided by the federal government elsewhere in the country.

For more information on immigrating to Quebec, see the MRCI Web site at [www.immigration-quebec.gouv.qc.ca/anglais/index.html](http://www.immigration-quebec.gouv.qc.ca/anglais/index.html).

## **Immigrating to Canada**

What are the categories of permanent residents?

The IRPA establishes three basic categories of permanent residents, which correspond to major program objectives: reuniting families, contributing to economic development and protecting refugees. The IRP Regulations describe these and other classes.

Family classes comprise foreign nationals sponsored by close relatives or family members in Canada.

Economic classes comprise people selected for their skills and ability to contribute to Canada's economy, including skilled workers, business persons and provincial nominees.

Refugees and persons in need of protection include:

- Convention refugees or persons in similar circumstances selected at a visa office abroad;
- persons in Canada whom the Immigration and Refugee Board has accepted as Convention refugees or persons in need of protection; and
- persons in Canada granted protection under a Pre-Removal Risk Assessment.

Other classes of permanent residents include:

- live-in caregivers, who apply for permanent residence after completing two years of full-time, live-in caregiving employment (see the information on live-in caregivers in the "Temporary foreign workers" section); and
- permit holders, who have lived in Canada for three or five years under the authority of a temporary resident permit (see the information on temporary resident permits in the "Enforcement" section).

Applicants must meet health and security requirements, as well as the selection criteria for the specific classes.

In exceptional circumstances, the Minister of Citizenship and Immigration may exempt applicants from the requirements of the IRPA or its Regulations for humanitarian or public policy reasons.

How can I apply to immigrate to Canada?

You can apply to CIC using an application guide and form. You can get most CIC guides and forms by downloading them from the CIC Web site, phoning a Call Centre in Canada or contacting a visa office.

Can I include my family members on my application?

You may include your family members on your application for permanent residence. Your family members are your spouse, common-law partner and dependent children, and your spouse's or common-law partner's dependent children. You must list all your family members, whether or not they plan to immigrate to Canada at this time. Family members must meet the same visa requirements as you, including medical and background checks. If they do not undergo medical and background checks, you may not be able to sponsor them in the future.

## **Family class immigration**

Who is eligible for sponsorship in the family class?

Canadian citizens or permanent residents may sponsor the following members of the family class living abroad:

- a spouse, common-law partner or conjugal partner;
- dependent children;
- parents and grandparents;
- children under age 18 whom the sponsor intends to adopt in Canada;
- children of whom the sponsor is the guardian (where the province of destination will recognize the guardianship under the provincial law);
- brothers, sisters, nephews, nieces and grandchildren who are orphans under age 18; and
- any other relative, if the sponsor has no relative as described above, either abroad or in Canada.

In cases involving marriages, common-law or conjugal relationships, or adoptions, officers must be satisfied that a relationship is genuine and not undertaken simply to obtain status or privileges in Canada.

## Can I sponsor a family member already living in Canada?

You may sponsor your spouse or common-law partner if the person has legal temporary resident status and is living with you in Canada, as a member of the spouse or common-law partner in Canada class.

Your spouse or common-law partner may include dependent children in the application.

## Who is considered a dependent child?

A dependent child is either a biological child or an adopted child. Children can be dependent if they meet one of the following conditions:

- they are under age 22 and unmarried or not in a common-law relationship;
- they have been full-time students since before age 22, attend a post-secondary educational institution and have been substantially dependent on the financial support of a parent since before age 22 and, if married or a common-law partner, since becoming a spouse or a common-law partner; or
- they are aged 22 or over and have been substantially dependent on the financial support of a parent since before age 22 because of a physical or mental condition.

## What is a common-law partner?

A common-law partner is a person who has been living in a conjugal relationship with the sponsor for at least one year. The term refers to both opposite-sex and same-sex relationships.

## What is a conjugal partner?

A conjugal partner is a person who has maintained a conjugal relationship with the sponsor for at least one year but has been unable to live with the sponsor due to immigration impediments. The term refers to both opposite-sex and same-sex couples.

## Can I sponsor any other relatives?

A Canadian citizen or permanent resident who does not have a spouse, common-law partner, 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.

## How can I adopt a foreign child?

While immigration law allows Canadians to bring foreign children to Canada for adoption here, most children are adopted outside the country. If you want to adopt a foreign child, send your sponsorship application to the Case Processing Centre in Mississauga well before you plan to leave for the foreign country. You may submit the application before the adoption is final. You must consult provincial child welfare authorities to determine the requirements in your province; the federal government will not issue permanent resident visas to adopted children without a letter from the province approving the adoption.

Canadian laws concerning foreign adoptions are designed to protect the best interests of the child. Adoptions and similar situations require the involvement of provincial and federal authorities in Canada and authorities in the child's country of residence. International adoptions must comply with immigration regulations and the laws of the foreign country, if the adoption is completed outside Canada.

## What is the ***Hague Convention***?

The *Hague Convention on Protection of Children and Cooperation in respect of Intercountry Adoption* requires that the central adoption authority in the child's destination and the central authority in the child's country of residence agree to the child's adoption. Moreover, immigration authorities in the destination country must decide that the child can live in that country permanently before the adoption can be completed and the child entrusted to the adoptive parents.

See Annex 5 for the list of countries, and provinces and territories in Canada, that have implemented the Convention, or contact one of the CIC Call Centres for an updated list. If you are a resident of one of these provinces or territories and intend to adopt a child from one of the implementing countries, contact your provincial or territorial adoption authority for information about *Hague Convention* requirements.

## What are the requirements for adoption?

Before someone can adopt a child from another country:

- the Case Processing Centre in Mississauga must approve the sponsorship; and
- a doctor authorized by Canadian immigration authorities must medically examine the child.

The applicant must also have the following documents:

- a letter from provincial authorities consenting to the adoption;
- final adoption documents, when the adoption is completed abroad;
- a valid passport or other travel document; and
- any other documents that the immigration office in Canada or the visa office might require.

In addition, the applicant needs to:

- pay a processing fee at the time of sponsorship; and
- complete an application for permanent residence in Canada on behalf of the child and submit it to the appropriate visa office abroad.

Finally:

- the adoption must be legal in the country of adoption; and
- the applicant must be aware of the child's medical condition.

## Can I sponsor a child whom I have already adopted outside Canada?

You may sponsor children under age 22 to come to Canada if you have adopted them outside Canada according to the laws of another country. The visa officer will approve the application for permanent residence if he or she believes there is a genuine parent-child relationship. However, the visa officer may refuse the application if he or she concludes that the real purpose of the adoption is to circumvent immigration requirements.

Laws regarding adoption by foreigners vary from one country to another. The visa officer will ensure that an adoption completed abroad is legal according to the laws of the country in question. If you have already adopted the child, you must provide the documentation needed to establish this fact.

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

You may sponsor a child to be adopted in Canada if the child is under age 18, and one of the following conditions applies:

- if the child's country of residence and the province of destination are parties to the *Hague Convention*, they have approved the adoption as conforming to the *Hague Convention*; or
- if the *Hague Convention* does not apply, the child has been placed for adoption, there is no evidence of child trafficking or profit under the *Hague Convention*, and the province of destination has confirmed in writing that it does not object to the adoption.

## Are there different procedures in Quebec?

For information on international adoptions in Quebec, contact the agency responsible for adoptions in Quebec:

Secrétariat à l'adoption internationale  
201 Crémazie Boulevard East, Suite 1.01  
Montreal QC H2M 1L2  
Tel.: (514) 873-5226 or 1 800 561-0246  
Fax: (514) 873-1709  
Web site: <[www.msss.gouv.qc.ca/adoption/#](http://www.msss.gouv.qc.ca/adoption/#)>

## Can I sponsor a member of the family class?

To sponsor a member of the family class or of the spouse or common-law partner in Canada class, you must be a Canadian citizen or permanent resident, aged 18 or over, living in Canada. You must submit the required sponsorship application form, along with a signed undertaking to the Minister of Citizenship and Immigration that you can provide for the basic requirements (such as food, accommodation and clothing) of the person you are sponsoring and accompanying family members, for a specified period.

You must have the minimum income needed to support the sponsored relatives as well as your own family. That amount is based on Statistics Canada's annual Low Income Cut-Off for cities with a population of 500,000 or more.

If you are sponsoring your spouse, common-law partner, conjugal partner or dependent children, you are exempt from the financial requirements. However,

you are still expected to be able to support these family members. The income requirement applies if children have children of their own.

The sponsorship application guide provides the information you need to complete your financial evaluation. You should provide your most recent income tax Notice of Assessment from the Canada Customs and Revenue Agency.

### Can I sponsor my family members if I live outside Canada?

If you are a Canadian citizen living abroad, you may sponsor your spouse, common-law partner, conjugal partner, or dependent children with no dependent children of their own, provided you will return to live in Canada once your family members become permanent residents.

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

After your sponsored family members or relatives become permanent residents of Canada, you must support:

- your spouse, common-law partner or conjugal partner for three years;
- dependent children under age 22 for 10 years or until age 25, whichever comes earliest;
- dependent children aged 22 or over for three years; and
- other relatives for 10 years.

During these periods, if the sponsored persons receive social assistance, you are in default and must repay the social assistance payments to the government concerned.

### Who is not eligible to sponsor a member of the family class?

You cannot sponsor a member of the family class or the spouse or common-law partner in Canada class if you are:

- under a removal order;
- detained in a penitentiary, jail, reformatory or prison;
- convicted of a criminal offence related to family violence;
- in default of a previous sponsorship undertaking, unless you have resumed your obligations and repaid social assistance payments made to the sponsored person;



- in default of family support payments;
- in default of any repayment of an immigration debt, such as a transportation loan or performance bond;
- bankrupt; or
- receiving social assistance, other than for disability reasons.

CIC will stop processing your application if you are subject to citizenship revocation proceedings, reported for inadmissibility or facing criminal charges, or if you have an outstanding appeal on a decision regarding your residency obligation.

### How do I apply to sponsor a member of the family class?

If you are sponsoring a spouse, common-law partner, conjugal partner or dependent children living outside Canada:

- complete a combined sponsorship package, which includes
  - the sponsorship forms and documents specified in the package, and
  - the application for permanent residence by your family members; and
- mail the completed application to the Case Processing Centre in Mississauga, with proof of fee payment at a bank or credit union in Canada.

The Case Processing Centre will send your family members' application to the visa office responsible for processing their application.

If you are sponsoring a spouse or common-law partner living with you in Canada who has legal temporary resident status:

- complete a combined sponsorship package, which includes
  - the sponsorship forms and documents specified in the package, and
  - the application for permanent residence by your spouse or common-law partner; and
- mail the completed application package with proof of fee payment to the Case Processing Centre in Vegreville.

The Case Processing Centre in Vegreville will tell your spouse or common-law partner and dependent children in Canada when to go for a medical examination, and will inform the appropriate visa office if there are dependent children abroad.

If you are sponsoring any other member of the family class living outside Canada, including children adopted overseas or to be adopted in Canada,

- complete an application to sponsor a family class relative; and
- mail it to the Case Processing Centre in Mississauga with proof of fee payment.

The Case Processing Centre will send the information to the visa office and arrange for an application guide and forms for the relative to be sent to you. You are responsible for sending the application kit to your relative abroad. Your relative must complete the application form as quickly as possible (within 12 months) and send it to the visa office. Applicants must undergo a medical examination, as instructed by the visa office.

Different procedures apply in Quebec. For more information, see the information on the *Canada–Quebec Accord* in the “Federal-provincial agreements” section, or see the Web site of Le Ministère des Relations avec les citoyens et de l’Immigration at <[www.immigration-quebec.gouv.qc.ca/anglais/index.html](http://www.immigration-quebec.gouv.qc.ca/anglais/index.html)>.

What happens if I don’t meet the sponsorship requirements?

On the sponsorship application, you will state whether you wish the Case Processing Centre to stop processing your application if the CPC’s preliminary assessment shows you do not meet the sponsorship requirements. If you agree to discontinue at this stage, the CPC will repay the fees for the application for permanent residence. The sponsorship processing fee is not refundable. You will not be able to appeal to the Immigration Appeal Division. If you wish to continue, the application for permanent residence will be refused because you are not an eligible sponsor. The CPC will not refund the fees for the application for permanent residence. You will be able to appeal to the Immigration Appeal Division.

Can I withdraw my sponsorship later?

If you decide to withdraw your sponsorship after the CPC begins processing the application for permanent residence, you will not receive a refund. If CIC has already issued a visa, or your relative or family member has already become a permanent resident, you cannot withdraw your sponsorship; you are obliged to support your relative or family member.

## **Economic classes**

Economic immigrants are selected for skills or other assets that will contribute to the Canadian economy. They apply for permanent residence on their own initiative.

Applicants in the economic classes are assessed using selection criteria for each class. The classes include skilled workers, and provincial and territorial nominees, investors, entrepreneurs and self-employed persons.

Economic applicants destined for Quebec are subject to that province's selection criteria. However, the federal government must determine whether applicants are inadmissible for medical, security, criminal or other reasons stated in the *Immigration and Refugee Protection Act*.

How can I find out whether I qualify for immigration to Canada?

You can get application guides and forms for economic immigrants from visa offices outside Canada or on the CIC Web site. If you have the required number of points for the category under which you are applying, complete the form, attach the required documents and fee, and mail your application package to the appropriate visa office.

### Skilled workers

Skilled workers are selected for their flexible skills, which will ensure their success in a fast-changing labour market and benefit the Canadian economy. The new Regulations stress education, English or French language abilities, and work experience involving certain skills, rather than specific occupations. Applicants must have at least one year of experience working in an occupation in specified skill categories described in the National Occupational Classification developed by Human Resources Development Canada (HRDC). The assessment of language abilities and adaptability is more objective than it was under the previous system.

Skilled workers must have enough funds to support themselves and their family members in Canada.

Are qualifications earned outside the country recognized in Canada?

In Canada, some occupations are regulated under provincial and territorial legislation to protect public health and safety. Approximately 20 percent of the work force is employed in regulated occupations. A provincial or territorial regulatory body must recognize a person's qualifications before that person can work in one of those regulated occupations. The regulatory bodies establish the requirements for admittance to a profession, assess applicants' qualifications and issue licences to practise. The process varies among provinces and territories and among occupations. Generally, persons must wait until they arrive in Canada to have their qualifications recognized and receive a licence.

Non-regulated occupations have no set requirements. There is no legal requirement to obtain a licence to work in these occupations. Individual employers set the standards reflecting the occupation and the sector. Provincially mandated assessment services determine how foreign qualifications compare to those earned in Canada; this information can help newcomers looking for work.

## What is the “point” system?

Skilled workers are assessed against a selection system based on specific factors, for which points are assigned. You can assess your potential using the following grid, which is based on the Regulations that came into effect on June 28, 2002. An on-line self-assessment form is available on the CIC Web site.

EDUCATION	Maximum 25
A PhD, or a master's degree AND at least 17 years of full-time or full-time-equivalent study	25
<ul style="list-style-type: none"> <li>• Two or more university degrees at the bachelor's level AND at least 15 years of full-time or full-time-equivalent study OR</li> <li>• a three-year diploma, trade certificate or apprenticeship<sup>1</sup> AND at least 15 years of full-time or full-time-equivalent study</li> </ul>	22
<ul style="list-style-type: none"> <li>• A two-year university degree AND at least 14 years of full-time or full-time-equivalent study OR</li> <li>• a two-year diploma, trade certificate or apprenticeship AND at least 14 years of full-time or full-time-equivalent study</li> </ul>	20
<ul style="list-style-type: none"> <li>• A one-year university degree AND at least 13 years of full-time or full-time-equivalent study OR</li> <li>• a one-year diploma, trade certificate or apprenticeship AND at least 13 years of full-time or full-time-equivalent study</li> </ul>	15
A one-year diploma, trade certificate or apprenticeship AND at least 12 years of full-time or full-time-equivalent study	12
High school diploma	5

<sup>1</sup> “Diploma, trade certificate or apprenticeship” refers to a post-secondary educational credential other than a university educational credential.

OFFICIAL LANGUAGES		Maximum 24
First official language	High proficiency (per ability) <sup>2</sup>	4
	Moderate proficiency (per ability)	2
	Basic proficiency (per ability)	1-2
	No proficiency	0
	Possible maximum (all four abilities)	16
Second official language	High proficiency (per ability)	2
	Moderate proficiency (per ability)	2
	Basic proficiency (per ability)	1-2
	No proficiency	0
	Possible maximum (all four abilities)	8
WORK EXPERIENCE		Maximum 21
One year		15
Two years		17
Three years		19
Four years or more		21
AGE		Maximum 10
21-49 years at time of application		10
Less two points for each year over 49 or under 21		

<sup>2</sup> Applicants are rated on their ability to speak, understand, read or write Canada's two official languages.

ARRANGED EMPLOYMENT IN CANADA	Maximum 10
HRDC-confirmed permanent offer of employment	10
For applicants from within Canada, a temporary work permit that is:	
• HRDC-confirmed, including sectoral confirmations	10
• exempt from HRDC confirmation under NAFTA, GATS, CCFTA or a significant benefit (for example, intra-company transferee)	10

ADAPTABILITY	Maximum 10
Spouse's or common-law partner's education	3-5
Minimum one year of full-time authorized work in Canada <sup>3</sup>	5
Minimum two years of full-time authorized post-secondary study in Canada <sup>3</sup>	5
Received points under the arranged employment in Canada factor	5
Family relationship in Canada <sup>3</sup>	5

TOTAL	Maximum 100
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The Minister of Citizenship and Immigration may change the pass mark from time to time, to manage the flow of applications more effectively while ensuring economic benefits for Canada. The pass mark as of June 28, 2002, is 75.

<sup>3</sup> Applies to either the principal applicant or the accompanying spouse or common-law partner.

What criteria apply to applications already in progress on June 28, 2002?

Generally speaking, under the transitional provisions, applications already in progress when the *Immigration and Refugee Protection Act* (IRPA) took effect will be processed under the new rules introduced by the IRPA. However, the new Regulations make important distinctions among the ways CIC will handle these applications, depending on whether CIC received the application before January 1, 2002, and whether CIC made a selection decision before June 28, 2002.

- If an applicant who applied **before** January 1, 2002, did not receive a selection interview before June 28, 2002, CIC will continue to use the previous selection criteria for the application until March 31, 2003.
- If an applicant who applied **before** January 1, 2002, has not received a selection interview before April 1, 2003, CIC will use the new selection criteria for the application and the applicant will need a pass mark of 70 points.
- If an applicant who applied **on or after** January 1, 2002, did not receive a selection decision before June 28, 2002, CIC will use the new selection criteria for the application and the applicant will need a pass mark of 75.

## Business immigrants

Canada encourages the admission of businesspersons whose business skills and capital will contribute to the nation's economy and create job opportunities. There are three business categories: entrepreneurs, investors and self-employed persons.

### Do I qualify as a business immigrant?

You must satisfy the visa officer that you meet the requirements for the specific requirements of the business class in which you are applying. Investors and entrepreneurs must have business experience as defined in the Regulations. Self-employed applicants must have the experience and ability to create their own employment and contribute significantly to Canada in certain defined areas. For details, consult the CIC Web site.



## **Entrepreneurs**

Entrepreneur applicants must:

- have managed and controlled a percentage of equity of a qualifying business for at least two years in the period beginning five years before they apply; and
- have a legally obtained net worth of at least \$300,000 (Canadian).

They must own and manage a qualifying business in Canada. For at least one year in the three years following arrival in Canada. A qualifying business must meet the criteria specified in the Regulations, related to sales, net income, assets and jobs.

Entrepreneurs and their family members are granted permanent residence under conditions that CIC monitors. They report to an immigration officer in Canada on their progress in establishing a business that meets the requirements.

## **Investors**

Investor applicants must:

- have business experience as defined in the Regulations;
- have a legally obtained net worth of at least \$800,000 (Canadian); and
- invest \$400,000 (Canadian) before receiving a visa.

The Canadian government allocates the investment to participating provinces and territories, which guarantee the investment and use it to develop their economies and create jobs. The investment is repaid, without interest, after five years.

## **Self-employed persons**

Self-employed applicants must:

- show that they can and intend to create their own employment in Canada; and
- contribute significantly either to the Canadian economy as farmers or to the cultural or athletic life of Canada.

## How do I apply?

Submit an application at a Canadian visa office.

The visa officer:

- decides whether you meet the definition of entrepreneur, investor or self-employed person;
- assesses you against five selection criteria—business experience, age, education, language ability and adaptability (as of June 28, 2002, the pass mark is 35 for business applicants).

You are encouraged to make exploratory visits to Canada; doing so will give you points for adaptability. Such trips will also allow you to evaluate opportunities personally, investigate business costs and markets, and meet with provincial officials. You may need a temporary resident visa to travel to Canada for an exploratory visit.

## Business applicants destined for Quebec

Under the *Canada–Quebec Accord*, Quebec selects its own business applicants. For further information, contact a Quebec immigration office outside Canada or the following office:

Le Ministère des Relations avec les citoyens et de l'Immigration  
Direction de l'aide à l'immigration d'affaires  
360 McGill Street, Suite 3.01  
Montreal QC H2Y 2E9  
Tel.: (514) 873-2730 • Fax: (514) 873-0762

## Provincial and territorial nominees

Most provinces and territories are becoming more involved in selecting foreign workers. They identify nominees who can meet their specific labour market needs. These nominees must meet federal admissibility requirements, such as those related to health and security.

Agreements with several provinces and territories (notably British Columbia, Manitoba, New Brunswick, Saskatchewan, Newfoundland, Prince Edward Island, Alberta, Nova Scotia and Yukon) contain provisions for selecting nominees. Please see the “Federal-provincial agreements” section for more information on provincial and territorial involvement in immigration.

## **Refugees**

How many refugees does Canada accept annually?

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. Roughly half of these refugees are selected abroad for resettlement in Canada; the others are successful refugee protection claimants, who arrive in Canada seeking protection and are accepted by the Immigration and Refugee Board.

Who are Convention refugees?

Canada has signed the 1951 *Convention Relating to the Status of Refugees* and its 1967 Protocol. The IRPA incorporates the refugee definition contained in the Convention.

Convention refugees are persons who:

- have a well-founded fear of persecution based on their race, religion, nationality, political opinions or membership in a particular social group;
- are outside the country of their nationality and are unable or, by reason of that fear, are 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, are unwilling to return to that country.

Clauses in the Convention exclude persons who have committed serious crimes, war crimes or crimes against humanity.

## Do other people need protection?

The IRPA has expanded the concept of refugee protection to cover persons applying both outside and inside Canada who need protection due to similar circumstances. This concept is based on considerations in other international conventions besides the *Convention Relating to the Status of Refugees*, such as the *Convention against Torture*. People may be considered in need of protection if returning them to their country would subject them to torture, a risk to their life, or cruel or unusual treatment or punishment.

## How are refugees selected abroad?

The Refugee and Humanitarian Resettlement Program continues Canada's humanitarian traditions, by resettling both refugees and persons in refugee-like situations. In addition to government assistance, private sponsorships enable organizations and groups of individuals to help refugees and persons in similar circumstances rebuild their lives in Canada. Each year, the government sets annual targets in the immigration plan.

Refugees selected abroad must be eligible in one of three classes: the Convention refugee abroad class, the country of asylum class or the source country class. They should show an ability to eventually re-establish their lives in Canada, unless they are particularly vulnerable or in urgent need of protection. They must also meet medical, security and criminality requirements. Unlike most immigrants, refugees and persons in similar circumstances do not have to meet certain medical requirements designed to prevent excessive demands on Canadian health and social services systems.

Members of these classes must be referred to a visa office by the United Nations High Commissioner for Refugees (UNHCR) or by a pre-approved private sponsor. If the UNHCR refers them because they urgently need protection, the visa office will speed up processing. When family members are separated, they may be included in the application and allowed to come to Canada within one year of the principal applicant.

The Convention refugee abroad class includes Convention refugees for whom resettlement to another country is the only solution to their situation available within a reasonable period. Individuals selected under this class are eligible for government assistance or may be privately sponsored.

The country of asylum class includes persons outside their country of citizenship or habitual residence who continue to be seriously and personally affected by civil war, armed conflict or massive violations of human rights, and for whom

no possibility of an alternative solution exists, within a reasonable period. Individuals selected under this class must be privately sponsored or have enough money to support themselves and their family members.

The source country class includes people who would meet the definition of Convention refugees but who are still living in their country of citizenship or habitual residence, for whom there is no possibility, within a reasonable period, of an alternative solution to their refugee situation. It also includes people who are suffering serious deprivation of the right of freedom of expression, the right of dissent or the right to engage in trade union activity, and who have been detained or imprisoned as a result. 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. The current schedule includes El Salvador, Colombia, Guatemala, Sudan, the Democratic Republic of the Congo and Sierra Leone.

Quebec also selects refugees abroad who are destined for Quebec. For information, see the "*Canada–Quebec Accord*" section of this guide.

### Who may sponsor a refugee?

Organizations and groups of Canadian citizens and permanent residents may sponsor refugees under the Private Sponsorship of Refugees Program. Such sponsorships allow more refugees to enter the country, in addition to those assisted by the federal government. Sponsors provide the refugees with basic necessities, such as accommodation, clothing, food and settlement assistance, for one year after the refugee's arrival or until the refugee becomes self-sufficient, whichever occurs first. In exceptional circumstances and with the sponsors' approval, the sponsorship period may be extended to three years. Individuals cannot be sponsors if they are under a removal order, imprisoned, in default of an undertaking or support payments, or subject to citizenship revocation proceedings, or if they have been convicted of a violent crime.

A number of community groups sign sponsorship agreements with the Minister of Citizenship and Immigration. Sponsorship agreement holders are pre-approved sponsors. They may issue letters of approval to their constituent groups, thereby assuming responsibility for any default in sponsorship.

A group of five Canadian citizens or permanent residents can sponsor refugees living abroad. Each member of the group must be at least 18 years old, live in the community where the refugee will live, and personally provide settlement assistance and support.

Other groups interested in sponsoring refugees may consider a community sponsorship. This type of sponsorship is open to organizations, associations and corporations that have the necessary finances and that can provide adequate settlement assistance to refugees. An individual may also partner with a community sponsor. Community sponsors must have members in the community where the refugee will live.

### How can I sponsor a refugee?

Your group can get a private sponsorship application through a Call Centre or the CIC Web site. Send the completed form to your local immigration office. You do not need to identify a specific refugee; the Refugees Branch in Ottawa will match you with one. The sponsorship goes to the appropriate visa office, where a visa officer determines the refugee's eligibility.

For more information on sponsorship, please refer to the Refugee Protection site on the CIC Web site.

### What assistance does the government give refugees?

#### **Resettlement Assistance Program**

CIC provides resettlement assistance to Convention refugees and to members of the source country class admitted to Canada as government-assisted refugees. The funds provide income support, and help people pay for basic household items and immediate essential services, including reception, temporary accommodation, help in finding permanent accommodation and financial orientation. The program also provides links to mandatory federal-provincial programs and services. Income support can last for up to one year or until the refugee becomes self-sufficient, whichever occurs first.

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

#### **Immigration Loans Program**

The Immigration Loans Program 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 each applicant's needs and ability to repay.

Loans are made to applicants for permanent residence, mostly refugees and other protected persons, to cover the costs of medical examinations abroad, travel documents, transportation to Canada and the right of permanent residence fee. Disadvantaged newcomers can also get loans to cover expenses such as housing rental, telephone deposits or work tools.

## **Refugee protection in Canada**

What is a claim for refugee protection in Canada?

A person who has arrived in Canada seeking protection may make a claim for refugee protection, upon or after arrival in Canada, by notifying an immigration officer. A person subject to an unexecuted removal order may not claim refugee protection. A claimant receives Canada's protection when found to be a Convention refugee as defined by the *Convention Relating to the Status of Refugees* and its 1967 Protocol, or a person needing protection based on risk to life, risk of cruel and unusual treatment or punishment, or danger of torture as defined in the *Convention against Torture*. 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 or protected person?

At an oral hearing, members of the Refugee Protection Division of the Immigration and Refugee Board (IRB) determine whether a person is a Convention refugee or in need of protection. These members receive special training in refugee law and have access to up-to-date information on various national conditions, through the IRB's documentation centre. The IRB is an independent tribunal that makes decisions on a quasi-judicial basis. For more information, see the "Immigration and Refugee Board" section of this guide, or visit the IRB Web site at <[www.irb.gc.ca](http://www.irb.gc.ca)>.

An immigration officer first decides whether a person is eligible to have a claim determined by the Refugee Protection Division. The eligibility decision must be made within three working days, or the claim is deemed to be referred to the Refugee Protection Division. The decision may be suspended pending a decision on criminal charges or an admissibility hearing on issues of security, human rights violations, serious criminality or organized criminality.

Claimants are also subject to a criminality check and security screening at this stage of the process.

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

The Refugee Protection Division will not consider a claim if:

- the claimant has already been granted refugee protection;
- the claimant has already been found ineligible;
- the IRB has already rejected a claim by the claimant, or determined that the claim has been withdrawn or abandoned;
- another country has recognized the claimant as a Convention refugee and the person may return to that country;
- the claimant has arrived in Canada from a prescribed country, other than his or her country of nationality or former habitual residence, to which the claimant can be returned and which will not return the claimant to a country where he or she fears persecution or risk of torture or death; or
- the claimant is inadmissible based on security issues, human rights violations, serious criminal convictions or organized crime connections (the Minister of Citizenship and Immigration may determine that persons convicted outside Canada are a danger to the public).

While the claim is before the Refugee Protection Division, an officer may notify the IRB that he or she has determined that the claim is ineligible, or that it was referred because material facts were misrepresented or withheld. This will terminate the proceedings of the Refugee Protection Division. If the person is subject to extradition proceedings, the *Extradition Act* has precedence, so the Refugee Protection Division will suspend its consideration of the person's claim.

## What happens at a refugee hearing?

For details, please refer to the "Immigration and Refugee Board" section of this guide, or see the IRB Web site at <[www.irb.gc.ca](http://www.irb.gc.ca)>.

## What is meant by cessation or vacation?

The need for protection may have ceased if:

- the person has voluntarily returned to his or her country;
- the person has accepted the protection of his or her country;
- the person has acquired a new nationality; or
- the reasons for the claim have ceased, unless there are strong grounds for the person to continue fearing persecution.



The Minister of Citizenship and Immigration may apply for cessation if any of these situations applies to a person already granted protection. The Minister may also apply for vacation of a claim if the person obtained refugee protection through misrepresentation.

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

Once the Refugee Protection Division accepts a claim, the person applies for permanent residence within 180 days. The applicant may include family members in Canada and abroad. CIC may not grant permanent resident status if it has concerns about the person's identity or if the person is inadmissible for serious criminal or security reasons.

### What happens if the refugee claim is refused?

When the Refugee Protection Division rejects a claim, it sends a written notice to the claimant explaining the reasons for the decision. The unsuccessful claimant must leave Canada immediately. The claimant may apply to the Federal Court, Trial Division for a judicial review. A judge of that court will decide whether leave will be granted. With certain exceptions, a person has the right to remain in Canada pending the outcome of the judicial review.

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

### What is a Pre-Removal Risk Assessment?

If claimants receive a negative decision from the Refugee Protection Division, yet feel they would be at risk if they returned to their country of origin, they may apply for a risk assessment before removal from Canada. A Pre-Removal Risk Assessment (PRRA) allows such persons to apply to remain in Canada.

This review is conducted immediately before removal by a PRRA officer (a CIC employee). He or she assesses the risk to the individual based on the same protection grounds considered by the IRB, including the criteria in the *Convention Relating to the Status of Refugees* and the *Convention against Torture*.

It is normally a paper-based review, but an oral hearing may be required. Applicants facing removal receive formal notification that they may apply for a PRRA and have 15 days to apply.

A PRRA is available to:

- claimants for refugee protection rejected by the IRB;
- persons found ineligible for consideration by the IRB;
- repeat claimants; and
- other persons found inadmissible and ordered removed.

Successful applicants may apply for permanent residence in Canada.

Persons who are not eligible for refugee protection based on grounds of security, serious criminality or human rights violations are entitled only to consideration under the *Convention against Torture*. They cannot apply for permanent residence if they receive a positive PRRA decision, but benefit only from a stay of removal.

When can a refugee protection claimant be removed?

When a claimant is referred to the IRB, an 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 refugee protection; or
- is refused refugee protection.

What rights do refugee protection claimants have?

**Work:** Refugee protection claimants may apply for work permits if they cannot survive without public assistance and have completed the medical examination.

**Study:** Refugee protection claimants may apply for study permits while waiting for a decision on their claims. Minor children may attend primary and secondary school without a study permit.

**Health care:** CIC's Interim Federal Health Program covers emergency and essential health services for needy refugee protection claimants and refugees in Canada not yet covered by provincial health care programs.

## **Settlement programs and services**

How does Canada help newcomers adapt to living in Canada?

CIC offers programs and services to help newly arrived permanent residents settle into, adapt to and integrate into Canadian society. Under the *Canada–Quebec Accord*, Quebec is responsible for integration services in its jurisdiction. Other provinces, including British Columbia and Manitoba, have assumed responsibility for administering and delivering settlement programming and services.

Programs and services provide newcomers with many of the tools they need to settle into Canada and integrate as quickly as possible. They encourage new arrivals to become self-reliant and to participate fully in the economic, social, political and cultural dimensions of Canadian life.

Assistance may be provided abroad through Canadian posts or through international organizations (orientation materials and sessions); upon arrival at a port of entry (orientation materials); and at the final destination in Canada (full range of settlement services).

Integration promotion activities present Canadians and newcomers with positive messages about the benefits of immigration and the contribution that newcomers make to Canada. They are intended to foster an environment where immigrants and refugees feel that they are welcome and that they belong. Promotional campaigns such as “Canada, We All Belong” and the “Citizine” youth-oriented Web site highlight the contributions of immigrants to the future of Canada and emphasize citizenship and inclusion values to fight prejudice and racism.

For more information on settlement services and programs, including eligibility criteria, contact a CIC Call Centre or visit the CIC Web site.

What settlement programs and services are available?

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

The Immigrant Settlement and Adaptation Program (ISAP) funds service provider organizations to deliver direct, 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 to complement or improve the delivery of settlement services. These include research projects on settlement and integration, seminars and conferences to share information, 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 dispel unrealistic expectations that 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**

The Host Program is a “two-way street” approach to immigrant integration, helping establish friendships between newcomers and resident Canadians. It matches newcomers with a volunteer who is familiar with Canadian ways and can teach newcomers about available services, work with them to practise English or French, help them make employment contacts and encourage them to 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**

Language Instruction for Newcomers to Canada (LINC) funds basic instruction in one of Canada’s official languages to help adult newcomers integrate. It is offered to permanent residents in cooperation with provincial governments, school boards, community colleges, and immigrant and community organizations.

Before attending training, students are assessed to determine their placement level. 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 newcomers but does not include training allowances. Child minding is provided on site and transportation assistance is available if needed.

## **Temporary residents**

A temporary resident is a person who is lawfully in Canada for a temporary purpose. Temporary residents include students, foreign workers and visitors, such as tourists.

## Do I need a temporary resident visa?

Every temporary resident, except people from countries specifically exempted in the Regulations, must get a temporary resident visa before arriving in Canada. See Annex 1 of this guide or the CIC Web site for a list of countries whose citizens need visas to visit Canada. Visa-exempt countries can be found on the CIC Web site under “Visitors.”

## What do visa officers consider when assessing applications for temporary resident visas?

Foreign nationals wishing to come to Canada as temporary residents must show that they will respect the conditions that apply to temporary residents. 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 temporary resident or someone who will seek to stay in Canada through a refugee claim or an illegal action. They consider the purpose of the visit and the applicant’s ties to his or her home country, including 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 less important in the officer’s decision. For example, the host may believe the temporary resident will depart at a specific time, but there is no way to enforce this intention. Some visitors may not have informed their host of their true intentions.

Officers make decisions on a case-by-case basis. The onus is on applicants to show that their intentions are genuine.

Individuals who apply to come to Canada as temporary residents 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 family members while in Canada; and
- will leave Canada voluntarily at the end of their stay.

\*Citizens of the United States need proof of citizenship but do not necessarily require a passport. Other exceptions to the passport requirement include permanent residents of the United States arriving from the U.S. or from St. Pierre and Miquelon, as well as French citizen residents of St. Pierre and Miquelon and residents of Greenland arriving from their country of residence.

## **Foreign students**

A foreign student is a temporary resident who has been approved by an immigration officer to study in Canada. The application is normally approved at a visa office outside Canada. The study permit identifies the level of study and the length of time the individual may study in Canada. Students do not need a study permit for courses shorter than six months if they will finish the course within the period of the stay authorized upon entry, which is usually six months.

In 2001, there were approximately 130,000 foreign students with valid study permits 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 taken steps to streamline processing of student applications.

For information about schools in Canada, visit the Department of Foreign Affairs and International Trade's Web site at <[www.dfait-maeci.gc.ca](http://www.dfait-maeci.gc.ca)>.

For requirements to study in the province of Quebec, please see the Quebec Immigration Web site at <[www.immigration-quebec.gouv.qc.ca/anglais/how\\_immigrate/students/index.html](http://www.immigration-quebec.gouv.qc.ca/anglais/how_immigrate/students/index.html)>.

## What do I need if I want 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; and
- pass a medical examination, if required.

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

Citizens or permanent residents of the United States and residents of Greenland or St. Pierre and Miquelon can apply for study permits at Canadian ports of entry. (Family members of foreign representatives do not require a study permit.)

## Am I allowed to work while studying in Canada?

Some foreign students 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 his or her schooling;
- the work is graduate assistant work; or
- the student needs to work for emergency financial reasons when an existing source of funding is temporarily cut off through no fault of his or her own.

Spouses or common-law partners of full-time students enrolled in degree-granting institutions may also apply for a work permit.

Canada has signed agreements on youth employment exchange programs (including working holidays) with certain countries. For information, see the Web site of the Department of Foreign Affairs and International Trade at <[www.dfait-maeci.gc.ca](http://www.dfait-maeci.gc.ca)>.

## **Temporary foreign workers**

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

In general, foreign workers who want to work temporarily in Canada must have an approved job offer and a work permit before they arrive.

After receiving an approved job offer, the potential foreign worker should apply for a work permit. The officer will decide whether the applicant qualifies for the work permit and will assess health and security requirements. A work permit is usually valid only for a specified job, employer and time period.

There is a fee for work permits; see Annex 2 for more information. In most cases, temporary workers may not undertake full-time studies and may not change jobs unless authorized by CIC.

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

How can I hire a foreign worker?

As an employer, you must have the job offer approved or “confirmed” by Human Resources Development Canada (HRDC). HRDC assesses the job’s economic effect on the Canadian labour market, and confirms either an individual job or a group of jobs. HRDC examines several factors, including whether acceptable Canadian wages and working conditions are offered, whether qualified Canadians are available, and whether the work is likely to result in skills and knowledge creation or transfer that will benefit Canadians. An HRDC officer will approve the job offer if he or she determines that it will have a positive or neutral effect on the labour market in Canada. HRDC may also provide an opinion on specific types of jobs where labour market shortages exist. The government may reach agreements with industry sectors facing worker shortages to process work permits for needed workers faster.

In many cases, a foreign national can conduct business activity in Canada without a work permit (see the “Business visitors” section of this guide). In other cases, a work permit is required but an HRDC confirmation is not—for example, when persons are working as professionals under NAFTA or as skilled intra-company transferees. Some persons are issued “open” or non-employer-specific work permits—for example, spouses or common-law partners of skilled temporary foreign workers or of students. For more details, see CIC’s Web site.



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

**Facilitated processing for information technology professionals**

In response to industry concerns over the shortage of highly skilled workers in this sector, HRDC has issued a national confirmation letter that streamlines the hiring of foreign workers for specific software positions. It makes it unnecessary to obtain approval for each individual whose job offer meets the specified criteria.

**Program for spouses and common-law partners of skilled temporary workers**

Spouses and common-law partners of skilled temporary workers, including skilled tradespeople and high-tech workers, may apply for work permits without a job offer or HRDC confirmation. This helps Canada attract temporary workers with skills needed in sectors of the economy facing labour shortages. They may be inclined to choose Canada over other countries if it is easier for their spouses and common-law partners to work.

What is the Live-in Caregiver Program?

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

What are the requirements for live-in caregivers?

Applicants must:

- have successfully completed the equivalent of Canadian secondary school;
- have six months of full-time training in a field or occupation related to that for which they are seeking a work permit, or have completed one year of full-time paid employment (including at least six months of continuous employment with one employer in the occupation being applied for), within the three years preceding the application for a work permit;
- be able to speak, read and understand either English or French at a level sufficient to communicate effectively in an unsupervised situation; and
- sign an employment contract with the future employer.

Participants may apply for permanent resident status in Canada after completing two years of live-in caregiving employment within three years of arrival in Canada.

Prospective employers should contact a Human Resource Centre Canada (HRCC) or a CIC Call Centre. The HRCC can provide information about acceptable wage standards, taxation, health insurance and workers' compensation.

## **Business visitors**

Business visitors may work in Canada without a work permit. They enter Canada for international business activities, without entering the Canadian labour market. Business visitors may represent a foreign business or government, and are remunerated outside Canada. Their principal place of business is outside Canada. The business visitor category includes certain persons entering under the provisions outlined in certain free trade agreements, such as the *North American Free Trade Agreement (NAFTA)*, the *Canada–Chile Free Trade Agreement (CCFTA)* and the *General Agreement on Trade in Services (GATS)*.

What are the temporary worker provisions of free trade agreements?

### ***North American Free Trade Agreement***

Under Chapter 16 of the 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 businesspersons covered by the NAFTA are exempt from the need to obtain approval from HRDC. This means that Canadian employers do not need to have a job offer approved by HRDC to employ a U.S. or Mexican businessperson.

General provisions on temporary entry also apply to citizens of the three countries.

The NAFTA applies to four specific categories of businesspersons: business visitors, professionals, intra-company transferees, and traders and investors.

A business visitor:

- must be entering Canada to take part in an activity listed in Appendix 1603.A.1 of Chapter 16 of the NAFTA (these activities include technical or scientific research, attendance at a convention or trade fair, sales of products or services—but not delivery at the time—and after-sales service);
- cannot be seeking to join the domestic labour market—in other words, the principal source of remuneration remains outside Canada; and
- does not need a work permit.

A professional:

- must be qualified to work in one of the more than 60 professions listed in Appendix 1603.D.1 of Chapter 16 of the NAFTA (for example, accountants, computer systems analysts, engineers, management consultants and technical writers); and
- needs a work permit.

An intra-company transferee:

- must have worked for at least one year in the preceding three-year period for the U.S. or Mexican employer who wishes to effect the transfer;
- must be transferred to Canada to work temporarily for the same or an affiliated employer;
- works only at the executive or managerial level, or has specialized knowledge; and
- needs a work permit.

A trader or investor:

- is a businessperson carrying on substantial trade in goods or services principally between Canada and his or her country of citizenship, or is a businessperson conducting substantial investment activities in Canada, in a supervisory or executive capacity, or in a capacity that involves essential skills;
- meets additional requirements under the NAFTA; and
- needs a work permit.

For further information on all categories, consult the booklet *Temporary Entry to Canada under the NAFTA—A Guide for American and Mexican Business Persons*.

### ***Canada–Chile Free Trade Agreement***

The CCFTA is modelled on the NAFTA and makes it easier for Canadian and Chilean citizens to temporarily enter the other country. The rules and requirements are similar to those under the NAFTA and cover the four categories of business persons: business visitors, professionals, intra-company transferees, and traders and investors.

For more information, please refer to the booklet *Temporary Entry to Canada under the Canada–Chile Free Trade Agreement—A Guide for Chilean Business Persons*.

### ***General Agreement on Trade in Services***

Under the GATS, Canada has committed to facilitate market access for certain businesspersons who are foreign service providers in specified sectors. The commitments apply to service providers from more than 140 World Trade Organization member countries. Three categories of businesspersons are covered: business visitors, professionals and intra-company transferees. Qualifying businesspersons find it easier to enter Canada because they do not need to obtain HRDC confirmation or, in the case of a business visitor, a work permit.

For more information, please refer to the booklet *Temporary Entry to Canada under the General Agreement on Trade in Services (GATS)*.

## **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 and security of Canadian society and to prevent abuse by those who attempt to bypass the legal immigration process.

What activities are involved in immigration enforcement?

Key enforcement and control activities include:

- interdiction (preventing illegal immigrants and criminals from reaching Canada);
- background checks before visas are issued;
- intelligence (gathering information on such activities as people smuggling, illegal migration and use of fraudulent documents);

- cooperation with other enforcement and international agencies;
- examination abroad and at ports of entry;
- investigations and admissibility hearings;
- arrest and detention;
- measures to deal with dangerous criminals, security risks and war criminals;
- enforcement of penalties for illegal activities such as people smuggling;
- appeals; and
- removals.

For more information, please see the enforcement fact sheets.

### Who is admissible to Canada?

Canadian citizens, permanent residents and persons registered under the *Indian Act* have the right to enter or remain in Canada. Other persons wanting to come to Canada as permanent or temporary residents are permitted to enter Canada if they possess a valid visa (if required) and are admissible to Canada.

### Who is inadmissible to Canada?

Persons may be denied a visa, refused entry or removed from Canada on the following grounds:

- security reasons, including espionage, subversion, violence or terrorism, or membership in an organization involved in such activities;
- human or international rights violations, including war crimes or crimes against humanity, or being a senior official in a government engaged in gross human rights violations or subject to international sanctions;
- serious criminality, involving an offence, or equivalent, punishable by a maximum term of imprisonment of at least 10 years;
- criminality, including conviction for an offence or commission of a criminal act;
- organized criminality, including membership in an organization that takes part in organized criminal activity, people smuggling or money laundering;

- health reasons, if their condition is likely to endanger public health or public safety, or might reasonably be expected to cause excessive demands on health or social services;\*
- financial reasons, if they are unable or unwilling to support themselves and their family members;
- misrepresentation, which includes providing false information or withholding information directly related to decisions made under the *Immigration and Refugee Protection Act (IRPA)*;
- failure to comply with any provision of the IRPA; or
- having an inadmissible family member.

\*The IRPA exempts certain groups from excessive demands assessment. These include family class sponsored spouses, common-law partners and their dependent children, and Convention refugees and protected persons, and their family members, protected persons and persons in similar circumstances and their family members.

Examples of failure to comply with the IRPA include the following:

- temporary residents who do not comply with conditions of entry—for example, they stay longer than authorized, or work or study without the necessary permits;
- permanent residents who do not comply with the residency obligation; and
- persons who have previously been deported and are seeking to enter Canada without written authorization.

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 IRPA and its Regulations and do not present any risk to Canada. Visitors from some countries are exempt from the visa requirement.

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

What measures does CIC take to combat people smuggling?

CIC has played an active role in negotiating the United Nations' *Convention against Transnational Organized Crime* and its Protocols against migrant smuggling and trafficking, signed in December 2000.

The IRPA provides more stringent penalties for smuggling migrants, up to a maximum of life imprisonment or a \$1-million fine, or both, for smuggling 10 persons or more. It also creates an offence and similar penalties for human trafficking, as well as an offence for money laundering related to the crimes of migrant smuggling or trafficking.

What are background checks?

A background check is a normal part of permanent resident visa processing. The procedure is intended to bar the entry into Canada of criminals and security threats.

Background checks are done for all persons aged 18 or over before they receive a permanent resident visa. Documents used in these checks include the following:

- the application for permanent residence form;
- security, intelligence and criminal conviction records; and
- immigration records for persons who have violated immigration legislation.

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

## Can a criminal ever be considered rehabilitated?

A foreign national 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 of Citizenship and Immigration that he or she has been rehabilitated;\*
- the person was convicted of an indictable offence in Canada but has obtained a pardon from the National Parole Board; or
- there are reasons of national interest or strong humanitarian or compassionate grounds.

\*This usually requires proof that at least five years have elapsed since the end of the sentence and that further criminal activity is unlikely.

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.

Persons convicted of a less serious criminal offence may be deemed rehabilitated if at least 10 years have passed since they completed their sentence, or five years in the case of summary convictions.

## What role do transportation companies play in preventing illegal migrants from coming to Canada?

The IRPA and its Regulations specify requirements for transportation companies, including the following:

- ensuring that passengers are authorized to enter Canada;
- providing advance passenger information;
- presenting passengers for examination at ports of entry with valid travel documents and visas, if required;
- providing crew lists and informing CIC of deserters;
- reporting stowaways and presenting them to immigration officials; and
- paying costs related to bringing inadmissible persons to Canada, including processing, medical and return transportation costs (this may be done through the assessment of an administration fee).



Canadian officials provide airlines with training and technology to help them identify improperly documented passengers before those passengers embark for Canada. Passenger screening has increased the interception of improperly documented persons attempting to board flights to Canada.

How do immigration officials control people arriving at the border?

Canada has been working closely with the United States on the Border Vision initiative to improve border management, share information and develop processes to facilitate legitimate travel across our shared border, while targeting high-risk traffic.

Immigration officers have the authority to:

- search travellers lacking adequate identity documentation;
- seize travel documents;
- seize vehicles that may be involved in immigration violations; and
- detain persons who present a flight risk, pose a danger to the public or lack adequate identity documents.

If a person is inadmissible, an immigration officer may prepare a report under the IRPA. The IRPA describes circumstances in which an officer may determine inadmissibility and issue a removal order and others in which the person is referred to an admissibility hearing before the Immigration and Refugee Board.

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

The legislation does not permit repeat claims for refugee protection. It also contains provisions regarding identity, which expand the government's ability to detain persons without satisfactory identification, and require the Immigration and Refugee Board (IRB) to consider a claimant's lack of proper identification when assessing the claimant's credibility.

## What is a temporary resident permit?

A temporary resident permit may be issued to an inadmissible person to allow him or her to enter or remain in Canada, if justified by compelling circumstances. Cost-recovery fees apply. This permit may be cancelled at any time, and the person may be subject to an admissibility hearing or a removal order. A permit is issued for a specified, often short, period—for example, for a week so that the person can attend a conference. However, it may be issued for up to three years, and extended before expiry.

Depending on the reason for his or her inadmissibility, a permit holder who has lived continuously in Canada for three to five years under the authority of a temporary resident permit may be eligible to apply for permanent resident status.

## What happens at an admissibility hearing?

Immigration officers may issue removal orders under certain circumstances described in the IRPA. In other cases, persons believed to be inadmissible have the right to be heard at an admissibility hearing before a member of the Immigration Division of the IRB. For details, please see the “Immigration and Refugee Board” section of this guide or the enforcement fact sheet called *Investigations and Admissibility Hearings*.

## When can a person be detained?

Immigration officers or members of the Immigration Division may detain persons who are:

- inadmissible and a danger to the public;
- unlikely to appear for subsequent immigration processes; or
- unable to satisfy an officer as to their identity.

Detainees have the right to regular detention reviews by a member of the Immigration Division, who may order release, subject to conditions.

## What happens when people receive a removal order?

People under a removal order are required to leave Canada immediately.

How many people are actually removed from Canada?

In 2001, 9,125 people were removed from Canada, an increase of about 4.5 percent over the previous year. This increase reflects the priority CIC has given to removals. Timely, effective removals can discourage abuse of legal immigration and refugee processes.

What are the different kinds of removal orders?

**Departure order:** This is a removal order made against a person who has violated the IRPA or its Regulations. The person must leave Canada immediately after the order becomes enforceable and confirm departure with an immigration officer. Otherwise, the departure order automatically becomes a deportation order after 30 days.

**Exclusion order:** Under an 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 of Citizenship and Immigration (or two years if removed for misrepresentation). If the person wishes to return to Canada during this period, he or she must apply for permission at a visa office abroad.

**Deportation order:** This is a removal order issued for serious inadmissibility or violation of the IRPA and its Regulations. A person who is deported may not return without written permission from an immigration officer.

Are family members included in removal orders?

A member of the Immigration Division may include family members in a removal order, unless they are Canadian citizens or permanent residents. Family members included in a removal order do not need authorization to return to Canada.

## Appeals

Who has a right of appeal under immigration law?

The following persons can appeal a decision to the Immigration Appeal Division of the IRB:

- permanent residents, protected persons and foreign nationals with a permanent resident visa who have received a removal order;
- people who sponsor family members or close relatives, if an immigration officer refused the family class application; and
- the Minister of Citizenship and Immigration, who may appeal decisions by members of the Immigration Division not to issue a removal order.

Who does not have a right of appeal?

Foreign nationals or sponsors have no right of appeal in the following cases:

- when admission has been denied on grounds of security issues, human or international rights violations, serious criminality or organized criminality; or
- when admission has been denied in family class cases due to misrepresentation, except for sponsorship of spouses, common-law partners or dependent children.

The IRPA does not provide for appeals to the IRB of other decisions, such as refusals of temporary resident visas 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, Trial Division.

## Questions about status

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

A temporary resident enters Canada with a particular status and under specific conditions. A temporary resident who wants to change these conditions and status after arrival must get the approval of an immigration official.

In most cases, temporary residents cannot apply for permanent resident status from within Canada.

Exceptions to this rule include:

- refugees or protected persons;
- live-in caregivers; and
- spouses or common-law partners of Canadian citizens or permanent residents.

To request a change of status or condition of admission, or to apply for permanent residence, use the application guides and forms available on the CIC Web site or from a Call Centre. Mail your completed applications to the Case Processing Centre in Vegreville.

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

Permanent residents are given a Permanent Resident Card, which is valid for five years. It allows them to travel outside Canada and return to Canada. They must ensure that they meet the residency obligation for permanent residents or they may lose their status. See the “What are the rights and obligations of permanent residents?” section of this guide.

Who can get information about an individual’s case?

Under the *Privacy Act*, personal information about an individual may not be provided to a third party without that individual’s written consent. For example, CIC cannot give specific reasons for a refusal to a member of the person’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. The third party must be a Canadian citizen or permanent resident. Personal information may be given to a federal member of Parliament (MP) or a senator only when the MP or senator is working to help that individual.

When a third party represents the interests of a constituent to a federal member of Parliament, the third party must have the constituent's written authorization to disclose personal details that would otherwise not be given to the MP.

When a person contacts a CIC office—whether it is the Minister's office or a Call Centre—about an immigration case on behalf of a client, CIC officials cannot release any information on the case without the client's written consent.

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

Where can I get more information about immigration?

Information on CIC programs and publications, and links to related sites, are available on the CIC Web site at <[www.cic.gc.ca](http://www.cic.gc.ca)>.

The CIC Call Centres can provide up-to-date information. (See Annex 3.)

You can download the IRPA and its Regulations from the Department of Justice Canada's Web site at <[canada.justice.gc.ca](http://canada.justice.gc.ca)>.

To buy a copy of the IRPA, contact a federal government bookstore or the following office:

Canadian Government Publishing  
Ottawa, Ontario K1A 0S9  
Tel.: (819) 956-4800

# Citizenship

## **What does Canadian citizenship mean?**

Canadians 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, such as respecting the rights and freedoms of all Canadians.

Canadians are also proud of Canada's bilingual and multicultural heritage, created as generations of immigrants joined the Aboriginal peoples who had 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?

On average, Canadian citizenship is granted to 160,000 persons every year. About 85 percent of immigrants become Canadian citizens.

What are my rights as a Canadian?

Canadians have the right to:

- stand as a candidate in federal, provincial and territorial elections;
- apply for a Canadian passport;
- vote in federal, provincial and territorial elections; and
- enter and leave Canada freely.

What are my responsibilities as a Canadian?

As a Canadian citizen you are expected to:

- obey Canadian laws;
- participate in Canada's democratic processes;
- respect the rights and freedoms of others; and
- 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;
- have lived in Canada for at least three of the past four years;
- be aged 18 or over (to apply on your own);
- complete an application form and mail it, along with the required documents, photographs and fee, to the Case Processing Centre (CPC) in Sydney, Nova Scotia; and
- 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 the CPC in Sydney, Nova Scotia.



## 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 or 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; and
- 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?

Please see the fee schedule in Annex 2.

## How do I get an application form?

Application guides and forms are available on the Citizenship and Immigration Canada (CIC) Web site. In Canada, phone a CIC Call Centre to have an application mailed to you. Outside Canada, you may get forms from a Canadian high commission, embassy or consulate.

## How do I fill out the application form?

The application guide gives step-by-step instructions on how to fill out the form, what documents you must include and what photographs are required. If you have any questions about the form, phone a Call Centre.

Mail all applications for one family in the same envelope, with a proof of payment receipt for all of the applications.

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

Yes, in some cases. You may be credited with time spent legally in Canada before becoming a permanent resident, 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 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.

The residence requirement for citizenship is calculated as follows.

Within the four years before your application, every day that you were not a permanent resident is counted as half a day, and every day that you were a permanent resident is calculated as one day. The rule is:

- a maximum of two years as a non-permanent resident (for example, as a visitor, student or refugee protection claimant); and
- a minimum of two years of permanent resident status.

Only the previous four years (immediately before 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, 2002, your residence calculation starts on January 1, 1998, even if you lived in Canada before 1998.

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 temporarily 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, you may need to submit extra documentation to show that you have established and maintained a residence in Canada. If you are uncertain about the effect of your absences, contact a Call Centre for advice on your eligibility to apply.

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

Yes. You may apply for your children at the same time as you apply for yourself, or after you have become a citizen. You must complete a child's application form for each child and submit copies of his or her documents. Follow the instructions included with the form.

Children age 14 or over must sign the application form and their photographs.

Children under age 18 are not required to write the test.

If you apply for yourself and your minor children at the same time, you must pass 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:

- proof of permanent residence, either
  - an immigrant visa and Record of Landing (IMM 1000)—a paper document sometimes folded and stapled into your passport—if you became a permanent resident before June 28, 2002, or
  - a Permanent Resident Card, if you became a permanent resident after June 28, 2002, or obtained a Permanent Resident Card as an existing permanent resident;
- two pieces of identification, such as a driver's licence, provincial health card or social insurance card;
- two photographs that are signed and citizenship-sized (35mm x 53mm, or 1 3/8" x 2 1/16"); and
- the current fee of \$200, which includes a \$100 right of citizenship fee.

To apply on behalf of your child, you will need:

- your child's long-form birth certificate or adoption order showing the names of the adoptive parents;
- your child's IMM 1000 (immigrant visa and Record of Landing) or Permanent Resident Card (see above);
- two pieces of identification, such as school records, report cards, a provincial health card, an immunization record or a library card;

- two citizenship-sized photographs (see above), signed by the child if he or she is aged 14 or over; and
- the current fee of \$100.

You may submit photocopies of documents; the citizenship office may ask you later to show the original documents. Do not send originals.

What kinds of photographs are acceptable?

Citizenship-sized photographs are 35mm x 53mm (1 3/8" x 2 1/16"). They are not the size used for passports. Tell the photographer that you want citizenship photos.

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 must be for religious reasons. Follow the guidelines for citizenship photos in the application guide.

You do not need a guarantor for your photos.

## **The citizenship test**

How long will it be before I am called to write the test?

It takes about 8 to 12 months to process an application. A Call Centre agent can tell you how long you will wait. You should begin to study for the test when you receive the booklet, *A Look at Canada*, which the CPC in Sydney will send you after receiving your application.

You will receive a letter telling you to go for a test. If you move to a new address, you must inform a Call Centre or the CPC.

What does the test involve?

The test shows us whether you have an adequate knowledge of Canada and of either official language. The language and knowledge requirements are as follows.

### **Language**

- You must know enough English or French to show that you can understand simple spoken statements and questions.

- You must be able to express yourself accurately using adequate vocabulary to convey simple information.
- The test is usually written, but you may also be invited to an oral interview with a citizenship judge.

### **Knowledge**

The test will determine whether you have a general knowledge of Canada and Canadian citizenship. Everything you need to know is in the book, *A Look at Canada*, mailed to you after the CPC in Sydney receives your application.

You will be asked to answer questions on voting and election procedures in Canada. You will have to answer some of these questions correctly to pass the test.

You may be asked questions on:

- the responsibilities and privileges of citizenship;
- Canadian social and cultural history (for example: Which three Aboriginal groups are recognized in the Constitution?);
- Canadian political history (for example: Who are the leaders of the major political parties?); and
- 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 a 10- to 15-minute oral interview with a citizenship judge. It will allow you to prove you meet the language and knowledge requirements when the questions are asked orally.

### **What if I cannot attend the test session?**

Notify the citizenship office immediately and another test or an interview with the judge will be scheduled as soon as possible. If you do not appear for the test and do not notify the citizenship office, you will be scheduled for an interview with the judge.

The Citizenship Regulations state that an applicant will receive two notices to appear for an interview:

- the first notice by regular mail at least seven days before the interview date; and

- the second and final notice by registered mail at least seven days before the second interview date.

If the applicant does not appear for the second interview date, the application will be considered abandoned and the file will be closed.

I have a visual, learning or hearing disability. Can I get assistance to take the test?

Yes, assistance is available. You should indicate your disability on the application.

- If you are visually disabled, study material is available in large-print form and on audio cassette. Tests are available in large-print form. You may also have an oral interview instead of taking a written test. Indicate your requirements on the application.
- If you have a learning disability, you must submit a medical opinion form (available from CIC) from your physician with your application. The physician indicates the nature of the disability and the requirements (language or knowledge) you cannot meet because of the disability or condition. A citizenship judge will decide whether to ask the Minister of Citizenship and Immigration to waive any requirements.
- If you are hearing disabled, include a note asking for American Sign Language (ASL) or Quebec Sign Language (QSL) interpretation for the test, interview (if necessary) and ceremony. CIC will arrange to have an interpreter present.

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

Yes. If you are not approved, you may appeal the judge's decision to the Federal Court, or reapply as soon as you feel ready to meet all the requirements. There is no waiting period before you can reapply.

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 citizenship applicants should try to meet the language and knowledge requirements. Citizenship classes may be available in your community.

The current *Citizenship Act* provides for a waiver of some of the requirements for citizenship. For example, although people age 60 or older are sometimes scheduled to write the test, they are not obligated to do so.

## **The citizenship ceremony**

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

This period may vary but, generally, the ceremony takes place a few weeks after you pass the test. The citizenship office will mail you a notice giving 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 or 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 attend. 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 the CPC in Sydney.

You cannot take the Oath outside Canada.

What will happen during the ceremony?

Many people will be taking the Oath with you. The presiding officer (usually a 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. After taking the Oath, you become a citizen. The presiding officer will give you your certificate of Canadian citizenship.

Does my adopted child automatically become a Canadian citizen?

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

Special procedures are in place for Canadian citizens living outside Canada with no intention to return who have adopted a non-Canadian child. These parents may contact the local Canadian high commission, embassy or consulate for information.

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:

- the child's adoption order indicating the adoptive parents and any change of name;
- proof of citizenship of either parent;
- the child's proof of permanent resident status;
- two pieces of identification for the child (for example, school records, a health card, an immunization record or a letter from a doctor);
- an application for citizenship on behalf of a minor child; and
- the \$100 fee.



## **Criminal records**

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

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

You cannot become a citizen if you:

- have been convicted of an indictable offence within the past three years;
- are in prison, on parole or on probation;
- have been charged with an indictable offence and not yet found guilty or not guilty;
- are under a deportation order; or
- are under investigation for war crimes or crimes against humanity.

If you are currently on probation or charged with an offence and awaiting trial, you should wait to apply until after the probation has ended or the trial has concluded.

The *Citizenship Act* states that time spent on probation does not count as residence in Canada, if the probation resulted from a conviction. Only time spent on probation as the result of a conditional discharge may be counted towards residence. If you have spent time on probation, on parole or in prison in the last four years, you may not meet the residence requirement for citizenship. Please check with a Call Centre before applying.

For a complete list of prohibitions, see the application guide.

## **Other commonly asked questions about Canadian citizenship**

Can I have dual citizenship?

Since 1977, Canadian citizens have been allowed to hold dual nationality. They will not lose their Canadian citizenship if they become a citizen of another country. Before February 15, 1977, a Canadian citizen who became a citizen of another country ceased to be Canadian, except in rare circumstances.

If you become a Canadian citizen, you could lose your current nationality. You should address any questions to the embassy, high commission or consulate of the country of your current nationality.

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

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

It depends on your situation. Contact a Call Centre or Canadian embassy to discuss the matter.

- If you were born before February 15, 1977, and you want to determine whether you are a citizen or can gain citizenship through a parent, you need the following documents:
  - your long-form birth certificate showing the names of your parents;
  - your parents' marriage certificate;
  - proof of citizenship of the responsible parent\* at the time of your birth (a citizenship certificate or provincial birth certificate);
  - two pieces of your identification, such as a driver's licence, provincial health card, credit card or social insurance card; and
  - two citizenship-sized photographs.

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

- If you were born on or after February 15, 1977, you should provide:
  - your long-form birth certificate showing the names of your parents;
  - proof of citizenship of either parent (a provincial birth certificate or citizenship certificate);
  - two pieces of your identification, such as a driver's licence, provincial health card, credit card or social insurance card; and
  - two citizenship-sized photographs.

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 first obtain permanent residence, then apply for Canadian citizenship and meet the same requirements as any other person seeking naturalization in Canada.

For information on obtaining permanent resident status, see the “Immigration” section of this guide or contact a Call Centre.

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

No, with one exception. Since 1967, no Canadian loses citizenship due to a long or permanent absence from Canada, except people who were born after February 14, 1977 and who must retain citizenship before turning 28 (see the following question and answer for details). Canadian citizens should stay informed of any changes to Canadian citizenship legislation.

If I have a child outside Canada, is that child Canadian?

Since February 15, 1977, children born outside Canada to a Canadian parent are automatically considered citizens. Children born outside Canada before February 15, 1977 to a Canadian parent should check the CIC Web site or contact a Call Centre or the nearest Canadian consulate, embassy or high commission for more information. Canadians born outside Canada need a citizenship certificate to prove they are citizens.

If you are a Canadian by birth outside Canada to a Canadian parent, and you have a child also born outside Canada, please check the CIC Web site or contact a Call Centre or the nearest Canadian consulate, embassy or high commission to ask about retention of citizenship. Certain people born outside Canada after February 14, 1977, could lose their citizenship if they do not take steps to retain it before turning 28.

## 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 before their application.

You should fill out an application to resume citizenship. You must submit the following documents and fee:

- proof of former Canadian citizenship status (a birth certificate or naturalization certificate);
- proof of loss of citizenship (a naturalization certificate of the other country);
- proof of permanent residence in Canada (an immigrant visa and Record of Landing [IMM 1000] or Permanent Resident Card);
- proof of residence in Canada for at least one year, such as rent receipts, employment records and utility bills;
- two pieces of identification, such as a driver's licence, provincial health card, credit card or social insurance card;
- two citizenship-sized photographs; 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.

## Where can I learn more about Canadian citizenship?

Visit CIC's Web site at <[www.cic.gc.ca](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 citizenship fact sheets are available on the Web site or through the Call Centres.

Young people should check out *Citzine* at <[www.citzine.ca](http://www.citzine.ca)>, a Web magazine developed by CIC with private sector support.

Consult the *Canadian Charter of Rights and Freedoms*, which is available on the Department of Justice Canada's Web site at <[canada.justice.gc.ca](http://canada.justice.gc.ca)>.

## Annex 1: Visas

Citizens of the following countries\* require a temporary resident visa to enter Canada:

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

\*Visa requirements may change from time to time. Please check the CIC Web site or phone a Call Centre for up-to-date information.

## **Annex 2: Fee schedule**

### **Citizenship fees**

Right of Citizenship . . . . . \$100

#### Citizenship Services

**Note:** Persons submitting applications marked with an asterisk (\*) must also pay the Right of Citizenship fee.

Grant of Citizenship (18 years of age and older)\* . . . . . \$100

Grant of Citizenship (under 18 years of age) . . . . . \$100

Retention of Citizenship . . . . . \$100

Resumption of Citizenship . . . . . \$100

Renunciation of Citizenship . . . . . \$100

Proof of Citizenship . . . . . \$75

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

### **Immigration Fees**

#### Permanent Resident Visa

##### *Family Class Applicants*

Sponsorship application (per application) . . . . . \$75

Principal applicant . . . . . \$475

Principal applicant, if less than 22 years of age and not a spouse or common-law partner (including a dependent child of the sponsor, a child to be adopted and an orphaned brother, sister, niece, nephew or grandchild) . . . . . \$75

A family member of the principal applicant who is 22 years of age or older, or less than 22 years of age and a spouse or common-law partner . . . . . \$550

A family member of the principal applicant who is less than 22 years of age and not a spouse or common-law partner . . . . . \$150

***Investor, Entrepreneur or Self-employed Persons Class Applicants***

Principal applicant . . . . . \$1,050

A family member of the principal applicant who is 22 years of age or older, or less than 22 years of age and a spouse or common-law partner . . . . . \$550

A family member of the principal applicant who is less than 22 years of age and not a spouse or common-law partner . . . . . \$150

***Other Classes of Applicants***

Principal applicant . . . . . \$550

A family member of the principal applicant who is 22 years of age or older, or less than 22 years of age and a spouse or common-law partner . . . . . \$550

A family member of the principal applicant who is less than 22 years of age and not a spouse or common-law partner . . . . . \$150

**Application to Remain in Canada as a Permanent Resident**

***Spouse or Common-law Partner in Canada Class***

Sponsorship application (per application) . . . . . \$75

Principal applicant . . . . . \$475

A family member of the principal applicant who is 22 years of age or older, or less than 22 years of age and a spouse or common-law partner . . . . . \$550

A family member of the principal applicant who is less than 22 years of age and not a spouse or common-law partner . . . . . \$150

***Other Applicants***

Principal applicant . . . . . \$550

A family member of the principal applicant who is 22 years of age or older, or less than 22 years of age and a spouse or common-law partner . . . . . \$550

A family member of the principal applicant who is less than 22 years of age and not a spouse or common-law partner . . . . . \$150

**Permit Holders Class** . . . . . \$325

**Application under Section 25 of the Act\***

Principal applicant . . . . . \$550

A family member of the principal applicant who is 22 years of age or older, or less than 22 years of age and a spouse or common-law partner . . . . . \$550

A family member of the principal applicant who is less than 22 years of age and not a spouse or common-law partner . . . . . \$150

\*Under this section, the Minister of Citizenship and Immigration may grant permanent resident status to an inadmissible foreign national based on humanitarian and compassionate considerations or public policy considerations.

**Right of Permanent Residence Fee**

For the acquisition of permanent resident status . . . . . \$975

This fee is payable by principal applicants (with some exceptions) and accompanying spouses and common-law partners. It must be paid before the immigrant visa is issued overseas or before the applicant becomes a permanent resident in Canada. The following applicants are not required to pay this fee:

- dependent children of the principal applicant or sponsor, a child to be adopted, or an orphaned brother, sister, niece, nephew or grandchild; and
- protected persons, including Convention refugees.



**Temporary Resident Visa**

Single entry into Canada . . . . . \$75

Multiple entry . . . . . \$150

**Note:** The total will not exceed \$400 per family, provided that the family members all apply at the same time and place.

**Work Permit** . . . . . \$150

**Note:** This fee is per person, but the total amount will not exceed \$450 in the case of a group of three or more persons, consisting of performing artists and their staff, who apply at the same time and place.

**Study Permit** . . . . . \$125

**Extension of Authorization to Remain in Canada  
as a Temporary Resident** . . . . . \$75

**Restoration of Temporary Resident Status** . . . . . \$200

**Permanent Resident Card\***

Application processing fee . . . . . \$50

Renewal or replacement of lost, damaged or stolen card . . . . . \$50

\*Existing permanent residents can apply for a card starting October 15, 2002.

**Certification and Replacement of an Immigration Document** . . . . . \$30

**Application for a Travel Document A31(3)\*** . . . . . \$50

\*Permanent residents outside Canada who do not have a Permanent Resident Card or, until December 31, 2003, an Immigration Record of Landing can apply for a travel document so that they may return to Canada.

**After-hours Examination**

For entry into Canada, outside of normal service hours  
(payable at time of examination) . . . . . \$100\*

\*For the first four hours of the examination; \$30 for each additional hour or part thereof.

**Alternative Means of Examination** . . . . . \$30

**Immigration Statistical Data** . . . . . \$100\*

\*For the first 10 minutes or less of access to the Department's database in order to respond to such a request; \$30 for each additional minute or less of access.

**Determination of Rehabilitation**

If inadmissible on grounds of serious criminality . . . . . \$1,000

If inadmissible on grounds of criminality . . . . . \$200

**Authorization to Return to Canada** . . . . . \$400

**Payment of Removal Costs**

To the U.S.A. and St. Pierre and Miquelon . . . . . \$750

To any other country . . . . . \$1,500

## **Annex 3: CIC Call Centres**

An automated telephone service is available 24 hours a day, seven days a week. You can listen to pre-recorded information about immigration and citizenship programs, using a touch-tone phone. Agents are available Monday to Friday, 8 a.m. to 4 p.m.

If you are in the following local calling areas, please use these numbers:

<b>Montreal:</b>	<b>(514) 496-1010</b>
<b>Toronto:</b>	<b>(416) 973-4444</b>
<b>Vancouver:</b>	<b>(604) 666-2171</b>
<b>Elsewhere in Canada:</b>	<b>1 888 242-2100</b>

If you are hearing impaired and use a text telephone, you can access the TTY service by calling 1 888 576-8502.

Permanent Resident Card Call Centre:

For general information on Permanent Resident Card issuance and case status, please call the Permanent Resident Card Call Centre in Montréal at 1 800 255-4541. It is available from 8 a.m. to 7 p.m. Montréal time.

If you are hearing impaired and use a text telephone, you can access the TTY service from 8 a.m. to 4 p.m. Montréal time by calling 1 888 576-8502.

## Annex 4: Points of service abroad

### Regional Program Centres

Accra	Manila
Beijing	Moscow
Buffalo	Paris
Damascus	Singapore
London	Vienna

### Full-Service Centres

Abidjan	Lima
Ankara	Mexico
Berlin	Nairobi
Bogotá	New Delhi
Bucharest	Port-au-Prince
Buenos Aires	Port of Spain
Cairo	Pretoria
Caracas	Rome
Colombo	Santiago
Guatemala	São Paulo
Havana	Seoul
Hong Kong	Sydney
Islamabad	Tel Aviv
Kingston	Warsaw
Kyiv	

### Satellite offices <RPC>

Abu Dhabi <London>	Los Angeles <Buffalo>
Amman <Damascus>	New York <Buffalo>
Bangkok <Singapore>	Prague <Vienna>
Beirut <Damascus>	Rabat <Paris>
Belgrade <Vienna>	Seattle <Buffalo>
Budapest <Vienna>	Shanghai <Beijing>
Detroit <Buffalo>	St. Petersburg <Moscow>
Dhaka <Singapore>	Taipei <Singapore>
Guangzhou <Beijing>	Tehran <Damascus>
Jakarta <Singapore>	Tokyo <Manila>
Lagos <Accra>	Tunis <Paris>

### Other offices (responsible office)

Addis Ababa {Nairobi}	Kuwait {Abu Dhabi}
Algiers {Paris}	Lusaka {Pretoria}
Bombay {New Delhi}	Quito {Bogotá}
Conakry {Abidjan}	Riyadh {Abu Dhabi}
Dakar {Abidjan}	San Salvador {Guatemala}
Dar Es Salaam {Nairobi}	Santo Domingo {Port-au-Prince}
Georgetown {Port of Spain}	Sarajevo {Vienna}
Harare {Pretoria}	Skopje {Vienna}
Ho Chi Minh City {Singapore}	Stockholm {London}
Kuala Lumpur {Singapore}	Tirana {Rome}
	Yaoundé {Abidjan}
	Zagreb {Vienna}

### Specialized offices

Brussels EU	Miami
Canberra	The Hague
Dubai	Washington
Geneva	

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

The following countries have implemented the *Hague Convention on Protection of Children and Cooperation in respect of Intercountry Adoption* (as of June 2002); for more up-to-date information, see <[www.hcch.net](http://www.hcch.net)>.

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

Bulgaria has ratified the Convention, with entry into force September 1, 2002.

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

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