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Table of contents

1.0 Introduction3
2.0 Significance of the audit4
3.0 Statement of conformance.....5
4.0 Audit opinion.....6
5.0 Key findings6
6.0 Summary of recommendations6
7.0 Management response7
8.0 Audit findings7
8.1 Compliance results7
8.2 Key control - program oversight12
8.3 Key control - policies and training13
8.4 Monitoring TRP stay compliance15
9.0 Conclusion17
Appendix A – Previous audits and assessments.....18
Appendix B – Audit objective and scope19
Appendix C – Risk assessment20
Appendix D – Approach and methodology21
Appendix E – Detailed audit criteria.....23
Appendix F – List of acronyms24

1.0 Introduction

1. A Temporary Resident Permit (TRP) may be issued in exceptional circumstances to a foreign national (FN):
 - who would otherwise be inadmissible¹ and not authorized to enter Canada; and
 - if the officer is satisfied that the FN's need to enter or remain in Canada is compelling enough to overcome the health and safety risks to Canadian society².
2. TRPs can be issued for up to three years. They may be issued for a single entry or for multiple entries, depending on the circumstances.
3. Once a TRP expires, the foreign national must leave Canada³.
4. The Canada Border Services Agency (CBSA) and Immigration, Refugees and Citizenship Canada (IRCC) both have a shared responsibility for issuing TRPs. Officers from the CBSA and IRCC can issue TRPs based on their designated authority as outlined in the Instrument of Designation and Delegation and based on the severity of the inadmissibility.
5. TRPs are issued at the discretion of a designated officer and can also be cancelled.
6. The Travellers Branch (TB) is the functional lead for processing people at the border, including traveller facilitation and compliance, and the issuance of TRPs. Regions are primarily responsible for issuing TRPs at ports of entry (POE).
7. The Intelligence and Enforcement Branch (IEB) is responsible for activities related to investigation, screening, targeting and enforcement to protect Canada's economy, national security and public safety. It provides functional guidance on immigration enforcement activities. The regions are responsible for carrying out enforcement activities based on IEB defined guidance and policies.
8. IRCC is overall responsible for the TRP program and for issuing certain types of TRP.
9. The Global Case management System (GCMS) is IRCC's single, integrated and worldwide system used internally to process applications for citizenship, passport, and immigration services. CBSA officers also use it to document immigration activities, including issuing TRPs.

¹ A FN can be inadmissible for a number of reasons including criminality (convicted or committed an indictable offence), non-compliance with the *Immigration and Refugee Protection Act* (IRPA) (no passport or visa). TRPs may be issued for the following reasons: "economic contribution, national interest, personal reasons, political visit, ministerial intervention"; Enforcement Manual 4: Port of Entry Examinations. Generally, individuals who do not meet the requirements of the IRPA, or who are inadmissible under the IRPA, may be:

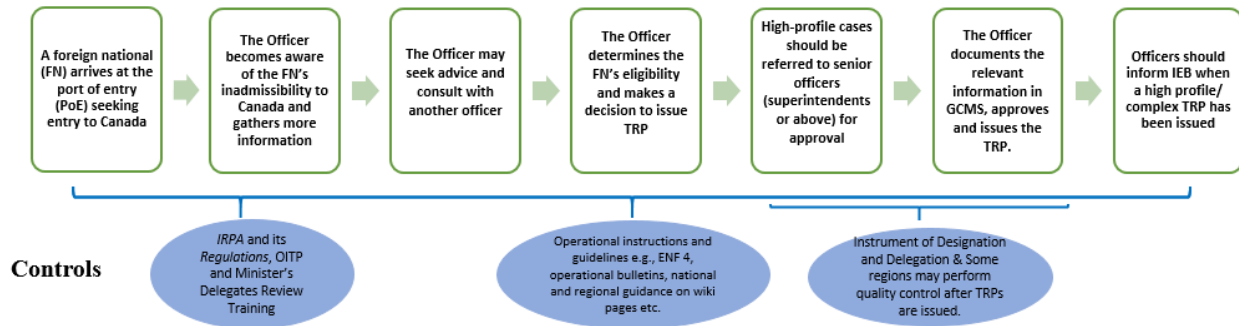
- refused a permanent resident visa or temporary resident visa abroad
- refused an electronic travel authorization (eTA)
- reported inadmissible under section A44(1)
- allowed to withdraw their application to enter Canada at a port of entry (POE)
- refused processing within Canada

² Temporary resident permits (TRPs): Eligibility and assessment: [Temporary resident permits \(TRPs\): Eligibility and assessment - Canada.ca](https://www.canada.ca/en/immigration-refugees-citizenship/services/visas-travel-authorizations/temporary-resident-permits-trps-eligibility-and-assessment)

³ A TRP is no longer valid once the traveller departs from Canada.

10. The following reflects the steps⁴ for issuing TRPs by the CBSA and the controls currently in place and when they occur.

Figure 1 : Simplified TRP process and current controls



2.0 Significance of the audit

11. In 2020, the CBSA and IRCC issued over 2,000 TRPs⁵.

12. A TRP is granted in exceptional circumstances and carries privileges⁶ greater than other temporary resident statuses:

- If valid for at least 6 months, it allows the FN to apply for a work/study permit and gives access to health and social services; and
- It also allows the FN to apply for permanent residence after 3 years, and if the holder meets eligibility criteria.

13. Officers are the sole decision makers and must use their discretion and judgment to grant the traveller entry into Canada.

14. TRPs have been the subject of a number of audits from the Office of the Auditor General (OAG) in the last few years, as far back as 2008, as well as of CBSA internal assessments⁷.

⁴ Source – <http://cicintranet.ci.gc.ca/connexion/tools-outils/temp/permits-permis/index-eng.aspx>

Refusals:

When a request and fees have been submitted, officers are to:

- record the refusal decision, with relevant case notes, in the Global Case Management System (GCMS)
- inform the client of a negative decision in writing for inland cases
- follow up on or monitor the application to ensure compliance (for example, confirmation of departure or check-out letter)

⁵ 2,044 TRPs issued. This number is based on calendar year. It accounts for a decreased number of travellers given the pandemic. In 2019, there were 6,080 TRPs issued, Annual Report to Parliament on Immigration, IRCC.

⁶ [Temporary resident permits \(TRPs\): Eligibility and assessment - Canada.ca](https://www.canada.ca/en/immigration-refugee-citizenship/services/visas-travel/temporary-resident-permits-trps-eligibility-and-assessment.html)

⁷ See Appendix A for further details on the OAG audits and internal reviews.



15. The OAG has consistently identified gaps in compliance, specifically in the documentation of the reasons for issuing TRPs, as well as in monitoring the quality of TRPs. The agency committed to implementing national quality assurance, and improving its monitoring controls at POEs.
16. Given the areas for improvement identified and the impact officer decisions may have on Canada and Canadians, it is critical that the agency seize the opportunity to improve its compliance and establish monitoring and oversight over the issuance of TRPs.
17. This audit was approved as part of the 2022-2023 Risk-Based Audit and Evaluation Plan.
18. The objective of this audit was to determine whether the agency consistently issued temporary resident permits in compliance with policies and standards, and monitored the non-compliance of TRP holders' authorized stay.
19. The scope period for the entire audit was April 1, 2021 to September 30, 2022.
20. The scope of this audit included:
 - a review of a sample of TRPs issued between April 1, 2021 and April 30, 2022
 - policies, procedures, training and tools available to support TRP processing
 - oversight and compliance monitoring regimes of selected regions and National Headquarters (NHQ)
 - monitoring of TRP holders for non-compliance with their authorized stay
21. This audit did not include:
 - a review of TRPs issued by the IRCC
 - a review of the TRP fee collection and exemption
 - a review and management of TRP paper files, including creation, storage and disposal
 - the assessment of the determination of criminality
 - compliance with policy changes after April 30, 2022
22. The following steps were taken to meet the objective of this audit⁸:
 - engaged all 7 regions
 - leveraged the Global Case Management System (GCMS) to obtain TRP data
 - interviewed 80 agency officials (including chiefs, superintendents, BSOs and NHQ staff)
 - reviewed 147 documents including legislation, policies, Operational Bulletins and training materials
 - reviewed 168 TRPs issued between April 1, 2021 to April 30, 2022

3.0 Statement of conformance

23. This audit engagement conforms to the related Treasury Board's Policy and Directive on Internal Audit and the Institute of Internal Auditors' International Professional Practices Framework.

⁸ See Appendices C and D for key risks, and the full audit approach and methodology.

Sufficient and appropriate evidence was gathered through various procedures to provide an audit level of assurance. The agency's internal audit function is independent and internal auditors performed their work with objectivity as defined by the IIA's International Standards for the Professional Practice of Internal Auditing.

4.0 Audit opinion

24. The agency has the supporting structure in place to issue TRPs to foreign nationals, including policies, procedures, training and guidance tools. However, significant non-compliance was identified with the requirements documenting the justification for issuing temporary residents permits, and there is limited oversight. Further work is required to have these fundamental elements in place to allow the agency to consistently demonstrate and justify its decisions to issue TRPs and make program improvements when needed.

5.0 Key findings

25. Only half (48%) of the 168 TRPs reviewed were fully compliant in documenting the 5 required elements related to the justification for issuing a TRP, as prescribed in the ENF 4 manual. Almost all of the TRPs reviewed (99%) were issued at the appropriate designated authority.
26. There is no formal requirement to conduct quality control (QC) of TRPs in the regions. Some regions have established QC practices; however, they vary in scope and non-compliance remains high.
27. The Travellers Branch has limited compliance monitoring of TRPs and has conducted two Port Program assessments over the last 3 years. However, improvements needed are not consistently applied nationally to address systemic issues and gaps identified. The Branch has no plan to continue or expand compliance monitoring of TRPs beyond the Port Program Assessments.
28. TRP policies, resources and training cover the overall process and requirements to issue TRPs, but they provide limited guidance on the acceptable threshold of factors when they risk assess and training could include more on documenting TRPs in GCMS.
29. The agency does not systematically monitor TRP holders' compliance with their authorized stay. At the time of the audit, clear responsibility for monitoring TRP holders was not established. Although there is no monitoring, TB has processes to notify IEB when high profile TRPs are issued. Officers may also request that certain travellers report their departure. Despite these processes, a traveller's departure may not be recorded in GCMS allowing the agency to confirm their departure. Entry/Exit data was designed to determine overstay, but current limitations with this function further limit the agency's ability to monitor overstay.

6.0 Summary of recommendations

30. The audit makes three recommendations pertaining to:
 - improving compliance with respect to the documentation of TRP justification, through program oversight and ensuring that training for designated authorities is completed and tracked



- updating policies and supporting resources
- determining the risk and impacts for TRP holders who overstay and the extent to which monitoring and subsequent action is needed

7.0 Management response

Overall, the Vice-President (VP) of Travellers Branch agrees with the recommendations of the audit and will work in collaboration with the Intelligence and Enforcement and Human Resources branches to develop an established and sustained quality control/quality assurance framework to improve oversight and overall compliance.

8.0 Audit findings

8.1 Compliance results

Compliance with policy and procedures

31. The audit reviewed 168 TRPs⁹ issued by the CBSA to determine whether:
 - required information is documented, including officer justification
 - designated authority for issuing TRPs is documented and at the appropriate level¹⁰
32. Requirements for issuing and documenting TRPs in GCMS are listed in the Enforcement Manual 4 (ENF 4): Port of Entry Examinations¹¹.

Officer justification in GCMS

- a description of the FN's inadmissibility and the equivalent in the *Criminal Code* of Canada
- a description of the compelling reasons to warrant the issuance of the TRP and how the need outweighs the risk: economic contribution, national interest, personal reasons, political visit, and ministerial intervention
- the relevant circumstances that prompted a favourable recommendation
- the duration of the TRP as it corresponds with the purpose of the trip
- a description of the reasons for either granting or refusing re-entry

Designation of authority

- to ensure that the correct designated authority issues the TRP, officers were also required to include their title, along with their name or initials, badge number and CBSA user ID (ABC123) in their GCMS TRP Application Notes and on hard copy files

Other required information

- the foreign national's contact address in Canada

⁹ Refer to the Sample in Appendix D.

¹⁰ Instrument of Designation and Delegation, 105 and 103.

¹¹ Sections 15.3 and 15.5 of the Enforcement Manual 4 (ENF 4): Port of Entry Examinations (2020)

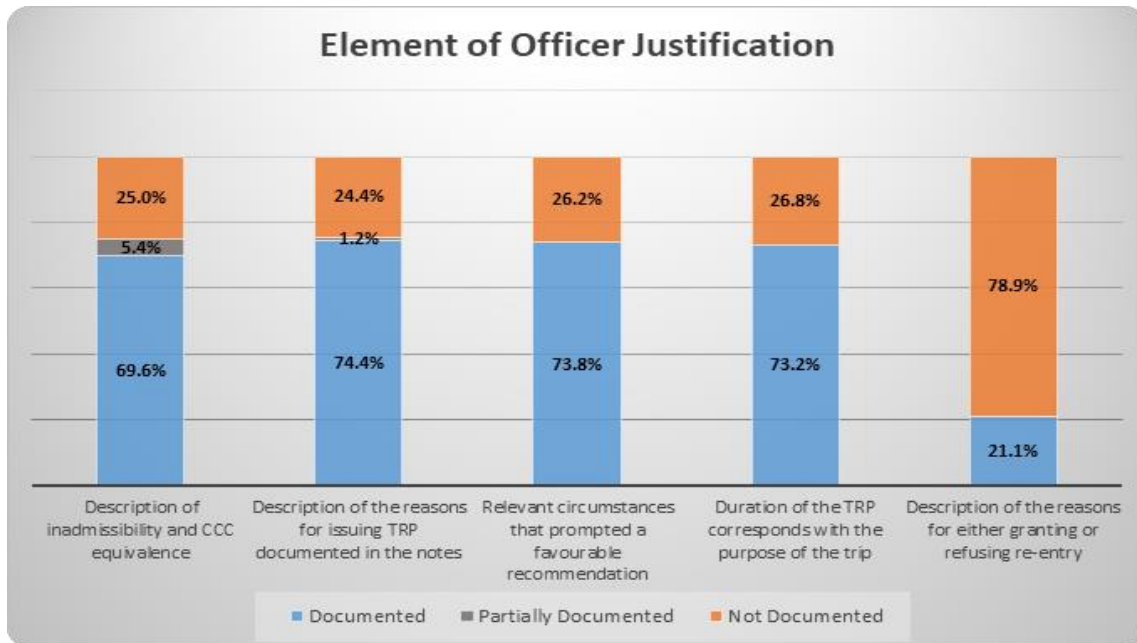


33. Expectation: Required information, including officer justification for issuing a TRP, is documented in accordance with enforcement manuals.
34. Overall, 48% of TRPs were compliant with the officer justification: one or more of the 5 required elements were not documented¹².

¹² 48% (88 of 168) of the TRPs were overall compliant, meaning one or more of the 5 required elements were not documented.

- 24% (41 of 168) had no description of the compelling reason to warrant issuing the TRP.
- 26% (44 of 168) did not document the relevant circumstances that prompted the favourable decision to issue the TRP.
 - Two files included partial justification for issuing the TRPs, meaning only the category was documented for example 'issued for humanitarian grounds' no other description was given and therefore the actual purpose of the trip was not written.
- 25% (42 of 168) did not document the traveller's inadmissibility and its equivalent in the *Criminal Code* of Canada.
 - 5% (9) had only partial notes meaning they documented one of the two requirements of inadmissibility and *Criminal Code* equivalence.
- 27% (45 of 168) did not document the reason for the duration of the TRP as it corresponds with the purpose of the trip to Canada.
- 79% (75 of 95) did not document the reason for granting the traveller re-entry to Canada.

Figure 2



35. 23% of the TRPs reviewed were issued to FNs from Ukraine and Afghanistan.

- These cases may have been issued as part of the temporary Public Policy to exempt foreign nationals from certain immigration requirements in support of Canada-Ukraine Authorization for Emergency Travel and the Afghan Special Immigration Measures.
- 74% of these cases had no notes in GCMS indicating why the TRP was issued or the specific grounds for inadmissibility¹³, so the audit could not confirm if the cases were issued under these measures. Officers were still expected to document their justification for issuing a TRP.
- If Ukraine and Afghanistan TRPs are excluded, compliance with officer justification reaches 60%.

36. 63% of TRPs had no Canadian address documented on file¹⁴.

37. Expectation: The designated authority for issuing a TRP is documented and at the appropriate level.

38. Approval level by type of TRP¹⁵

- Superintendent or above
 - Serious Criminality
 - Health Grounds
- BSOs
 - Criminality

¹³ Note that 87% (34 of 39) of the TRPs issued to Ukraine and Afghanistan citizens were issued in one region.

¹⁴ 37% of the TRP case files had Canadian contact address documented on file, 49% had documented a foreign address, and 14% had no address documented.

¹⁵ ENF 4, section 15.9, Designated authority to issue a TRP.

- Financial Reasons
- Misrepresentation
- Non-compliance
- Inadmissible family member

39. Almost all TRPs reviewed (99%) were issued at the appropriate designated authority¹⁶.

40. There are no controls in GCMS to prevent a BSO from issuing a TRP that requires approval at a higher level. The approval and issuance of a TRP in GCMS is captured using:

- the ID of the officer who logs in the file, or
- the approver, if properly documented in the notes

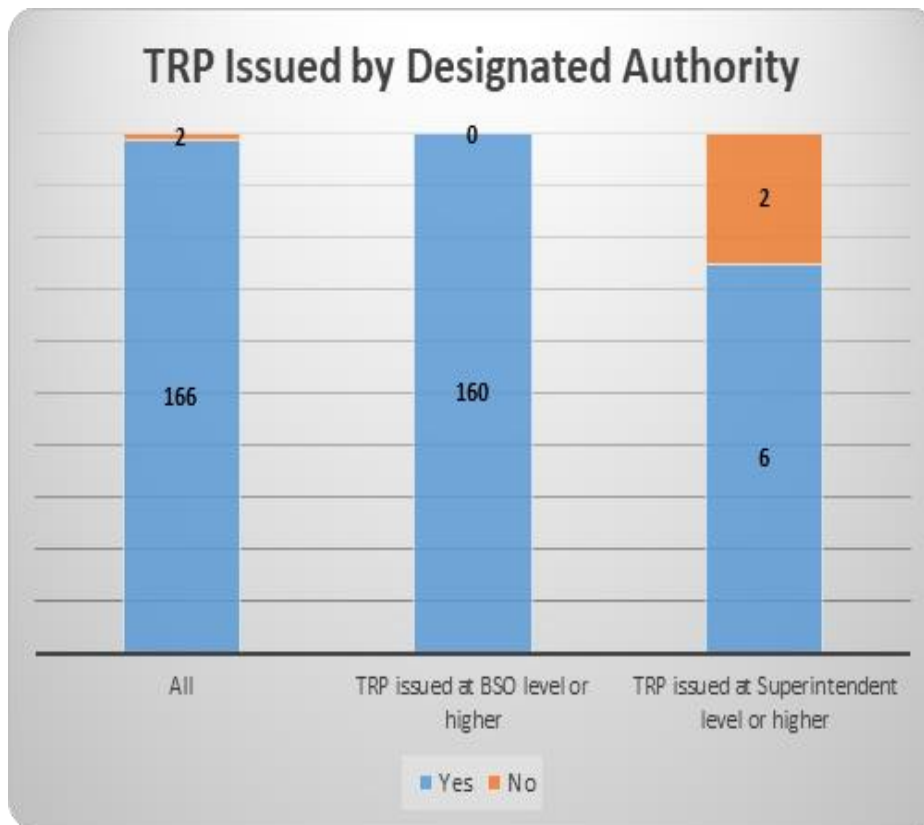
This last option becomes important in situations where approval at the superintendent level or higher is needed¹⁷.

¹⁶ Results:

- 99% (166 of 168) of the TRPs were issued at the appropriate designation level.
- 5% (8 of 168) of the TRPs issued were serious criminality cases which required issuance from a designated authority at a Superintendent level or higher.
 - 25% (2 of 8) of the serious criminality TRPs did not include documentation to demonstrate that the TRP was issued at the right level of designated authority. The regions confirmed that they were issued at the BSO level.

¹⁷ In 1 serious criminality case, the superintendent had been acting for at least 6 months but this management role had not been updated in GCMS.

Figure 3



41. Eight cases in the sample required the approval at the superintendent level or higher. Six were appropriately documented; two had no notes to document the authority. The regions confirmed that they were approved by a BSO and therefore not at the appropriate level.
42. Based on the testing elements related to officer justification and the designation of authority, the audit found that overall:
 - 48% of TRPs included a complete officer justification
 - 99% of TRPS were issued at the appropriate designation level
43. It is important that the agency demonstrate the justification for issuing TRPs, including the careful consideration of the need and risk for allowing an inadmissible person into Canada (who may potentially gain access to health and social services, or be granted permanent resident status), as well as the appropriate designated authority to issue the TRP. This justification is critical if the decision is challenged in a legal proceeding, and to support subsequent immigration decision-making.

Recommendation 1: The VP of Travellers Branch should improve compliance with respect to the documentation of TRP justification, by establishing continued program compliance oversight and monitoring, and ensuring that training for designated authorities is completed and tracked.

Management response: Agree. The VP of the Travellers Branch will update the policy to include requirements for regional management to perform compliance monitoring of TRP issuance. The Regional Director Generals will ensure compliance with the policy through regular oversight and monitoring, including implementing any mitigation necessary, and reporting to NHQ. Additionally, the VP of Travellers Branch will update the policy to reflect the need for regional management responsible for overseeing TRP issuance to complete the Minister's Delegates Review and/or Immigration for Chiefs and Directors courses, depending on their operational background.

Completion date: January 2024

8.2 Key control - program oversight

44. Oversight helps identify gaps in compliance and areas of improvement while supporting overall program consistency.
45. Expectations: Management oversight is conducted regionally to ensure that TRPs are documented in accordance with policies and procedures. Compliance monitoring is conducted nationally to ensure consistent application of TRP policies and procedures when issuing a TRP.

Regional quality control

46. Regionally, there is no formal requirement to perform reviews of TRPs issued to ensure the quality of information on file.
 - Some regions have established QC practices; however, they vary in scope.
 - Two of the three regions (Southern Ontario Region and Pacific Region) with the highest compliance rate have established QC practices of reviewing TRPs; however, even those regions still had high overall non-compliance.
 - Some POEs have established review functions where quality checks are performed for immigration processes including TRPs.

National quality assurance

47. Currently, there is limited compliance monitoring of TRPs nationally.
 - Two assessments, Port Program Assessment and Operational Program Assessment¹⁸, were conducted as a result of OAG findings. However, the improvements needed are not consistently

¹⁸ The objective of the Port Program Assessment / Operational Program Assessment is to determine whether POEs are adhering to policy and procedure for various activities within commercial and traveller operations. This is achieved through a self-assessment, meaning set criteria for a particular activity are provided and POEs then assess whether they were in compliance. POEs also select the files/cases they will review, if they have more than the requested amount. Each POE will develop and implement its own local action plan to address any identified non-compliance. (2021-B Operational Program Assessment National Results Overview, Temporary Resident Permit.)

applied nationally to address systemic issues and gaps identified. There is no plan to continue sustained monitoring of TRPs beyond the Port Program Assessments.

- TB has a compliance monitoring function, however TRPs are not assessed under this regime: only one program (Digital Device Examinations) is currently being assessed.
- TB officials noted that the expansion to monitor other programs would require consultation with senior management on risk tolerance and resource planning.

48. A lack of oversight may limit the agency's ability in identifying weaknesses and improving compliance with TRP policies and procedures, and ultimately program performance.

8.3 Key control - policies and training

49. Policies, training and supporting resources guide officers in making sound decisions when issuing TRPs. It also supports the consistent delivery of the program.

50. Expectations: TRP training provides adequate guidance to officers on the assessment, decision making and documentation of TRPs. TRPs are issued by Superintendents and Chiefs who have completed the required training.

TRP training

51. In addition to the initial BSO training, the Officer Induction Training Program, the agency has two trainings providing guidance and information on issuing TRPs¹⁹ to varying degrees. However, they provide limited information on how to document the officer's justification for issuing TRPs in GCMS.

52. Specifically, superintendents and chiefs who enforce the IRPA are required to complete the Minister's Delegates Review training; superintendents within 12 months, and chiefs, within 6 months of appointment, regardless of acting or substantive²⁰. This training is not required to issue TRPs, however it provides additional guidance.

53. In the sample of 6 TRPs that were approved at the superintendent level, 5 superintendents had completed the Minister's Delegates Review training.

54. In addition, the audit could not confirm whether all superintendents and chiefs had completed the training within the required timelines because:

- Information on who should take the training (appointed individuals) is not tracked centrally, and completion of those 2 training courses is not reported to the Travellers Branch or the regions for follow-up.

¹⁹ The three trainings are:

- The Officer Induction Training Program (OITP) – taken at the start of an officer's career,
- The Minister's Delegates Review required training for Superintendents and Chiefs and for BSOs who must have 1 year of experience,
- The Immigration for Chiefs and Directors training – only available at the Chief and Director level.

²⁰ Minister's Delegates Review Training within 12 months of appointment; while Chiefs have to complete the Immigration for Chiefs and Directors Training within 6 months of appointment.

55. Expectation: Tools and guidance documents are available to support officers in processing TRPs. TRP policies include the requirements to support the assessment, decision making and documentation when issuing TRPs.

Resources to issue a TRP

56. There are resources available for issuing TRPs: Officers can refer to ENF manuals, procedures, job aids and training and can consult with senior officers (on-the-job learning).
57. Although available, the resources are not located in a single repository for officers to get a comprehensive overview of the TRP process.
58. The ENF 4 (and supplementary resources) includes the procedure and the requirements to issue a TRP. However, there is limited guidance on the acceptable threshold of factors that would outweigh the inadmissibility and compel an officer to issue a TRP. Officers, particularly new or with limited immigration experience, consistently flagged the need for more support in that area²¹.
59. To bridge the gap noted in immigration knowledge, some regions developed their own supplementary resources: practical operational instructions, ad hoc immigration refresher sessions and an Immigration Development Program.

Guidance on documenting approval in the ENF 4

60. The 2020 ENF 4 included a requirement that “officers document their names and title in GCMS notes and paper files” to indicate that the correct designated authority issued the TRP.
61. With the ENF 4 revision in May 2022, this requirement was removed on the basis that GCMS automatically records the name and authority level of the officer that issues a TRP.
62. However, in certain situations, when management is not on site, BSOs have to issue a TRP on their supervisors' behalf by obtaining prior approval via phone or email. With this new change to the ENF 4, officers are no longer required to document the approver, limiting the ability to determine if the TRP was issued at the appropriate designated authority.
63. Thoroughly documenting TRP decisions allows the agency to demonstrate that they are issued appropriately and within its authority, which reduces legal and reputational risks.

Recommendation 2: The VP of Travellers Branch should:

- update the ENF 4 Manual to include the requirement of the approval of TRPs when issued on behalf of another officer; and
- enhance TRP resources to include more guidance on how to assess the risks against the compelling need for the traveller to enter Canada, and the importance of documenting TRP decisions

²¹ While it is not possible to document all possibilities, officers may benefit from tools such as case scenarios with examples of the assessment considerations.

Management response: Agree. Travellers Branch updated policy in May 2022 which provides guidance on decision making, documentation of the decision and making a risk assessment. The Vice-President of the Travellers Branch will update agency policy specific to the requirement of approval a TRP when issued on behalf of another officer.

Completion date: September 2023

8.4 Monitoring TRP stay compliance

64. TRP holders are inadmissible travellers who are allowed to enter Canada on a temporary and exceptional basis. Although there is no explicit legislative requirement to monitor the departure of TRP holders, the agency has a responsibility to identify border-related risks and protect the safety of all Canadians; as a result, it is important that it monitors the departure of individuals who may pose a risk to Canada.
65. Expectation: TRP holders' authorized stay is being consistently monitored.

Monitoring overstay

66. The agency does not systematically monitor travellers' (including TRP holders) departure from Canada. All travellers are expected to comply with their visa/permit conditions.
67. TRP holders are granted special permission to enter Canada for a temporary period of time. The duration of the permit is determined by the officer and based on the traveller's purpose of travel and their risk to Canada (past (serious) criminality).
68. At the time of the audit, clear responsibility for monitoring TRP holders was not established.
69. TB has established processes for officers to:
- At their discretion and in certain circumstances, require that a traveller reports to a POE upon leaving Canada (for e.g. serious criminality cases); and
 - Notify IEB and senior management when a high-profile/complex TRP is issued (for e.g. serious criminality). There is no reconciliation to determine if all high profile cases (e.g. serious criminality) are brought to IEB's attention. These cases are not monitored to determine the traveller's departure.
70. Despite these processes:
- There is no requirement to document in GCMS if the TRP holder has left Canada as requested and/or to report to IEB.
 - IEB officials noted that TRP holders and other permit holders are deemed low risk; IEB is not resourced to monitor all travellers along with their associated departure.
 - As a result, travellers' authorized stay period is not monitored by IEB, regardless of whether it is a high- profile case or not. The associated risk of not monitoring travellers' departure has not been assessed by IEB, and the risk tolerance was neither defined, nor approved in agency documents.



71. Since February 26, 2019, the agency collects some Entry/Exit information on travellers²². This traveller Entry/Exit information is designed to:
- identify individuals who do not leave Canada at the end of their period of authorized stay (overstay)
 - focus immigration enforcement activities on persons believed to still be in Canada; and
 - respond to the departure, or intended departure, of high risk persons or goods who may pose a risk to the national security or public safety of Canada
72. Expectation: Entry/Exit Data is available to support monitoring activities.

Entry and exit data

73. A traveller's entry and exit records are needed in order to determine overstay. As of September 2022, exit data was not yet available for all modes of travel to determine and report overstays. Specifically, land data was available since 2019, while air data only became available in 2022²³.
74. TB was still designing this function and it was not yet operational. IEB was also developing guidance to determine how to use it.
75. Current limitations with the overstay function in Entry/Exit include:
- Some overstay data is only available from January 25, 2022 onwards, so information may be incomplete and inaccurate. As a result, the audit could not confirm the departure of all travellers with expired TRPs from the sample.
 - The related overstay indicator in GCMS (once operational) will not trigger an alert to take action; and
 - A list of overstays can only be generated by the Strategic Policy Branch, however each traveller's status has to be further validated individually.
76. Taking into account these limitations, the only way to determine a traveller's departure is to manually review a TRP holder's file.
77. Of the 168 TRPs reviewed, 8 were serious criminality cases and considered high profile²⁴. Of those, 6 TRPs were expired as of September 30, 2022 and the Program confirmed that those travellers departed Canada through land mode²⁵.
78. Without monitoring and confirming the departure of these travellers, the agency cannot take enforcement action, particularly for persons who may pose a risk to Canada.

Recommendation 3: The VP of Travellers Branch, with support from the VP of Intelligence and Enforcement Branch, should determine the risk and impacts of the TRP holders who overstay, the extent to which monitoring is required and implement associated actions as required.

²² [Entry and exit data collection and use \(cbsa-asfc.gc.ca\)](https://cbsa-asfc.gc.ca)

²³ Entries and exits for marine (including cruise ships) and rail is not yet available; [Entry/Exit Program - Canada.ca](https://cbsa-asfc.gc.ca)

²⁴ IRCC's Program Delivery Instructions, [identifying high-profile, complex, sensitive or contentious cases \(ci.gc.ca\)](https://cbsa-asfc.gc.ca)

²⁵ 1 was confirmed by reviewing notes in GCMS and the other 5, by reviewing Entry/Exit Data.



Management response: Agree. By nature of the TRP program, TRP holders are a low-risk population. The VP of Travellers Branch and VP of Intelligence and Enforcement Branch will review the audit findings, its case sampling and additional case samples to determine level of risk posed by TRP holders. The VPs will determine whether additional actions are required based on findings of the risk assessment against the priority framework.

Completion date: September 2023

9.0 Conclusion

79. The agency has established controls, including policies, procedures, training and other supplementary tools to support the issuance of temporary resident permits. However, more guidance is needed in assessing the risk associated with issuing temporary resident permits to support sound decision making.
80. TRPs in the last few years have been reviewed in multiple audits and non-compliance still persists, specifically with regard to the documentation of the justification for issuing TRPs. This non-compliance is further compounded by limited oversight, both regionally and nationally, and the inability to ensure that all requirements for issuing TRPs are being met.
81. Weaknesses within these controls will continue to contribute to non-compliance should they not be addressed. As a result, opportunities exist to:
 - establish sustained quality control and quality assurance practices to improve oversight and overall compliance, and
 - enhance supporting tools and guidance to ensure a consistent approach
82. Lastly, the agency should determine the risk and impacts of TRP holders who overstay, the extent to which monitoring is required and implement associated actions as required.



Appendix A – Previous audits and assessments

Previous audits

The 2008 OAG Audit of Detention and Removals: examined 64 randomly selected TRPs issued by the CBSA, to individuals who were inadmissible for past serious criminality. The audit found that the reason for issuing permits was clearly documented in 43 (68%). In the cases where they did not find a reason clearly documented, there was some information on file, although it was not linked to the permit. The OAG recommended the implementation of processes to ensure the quality of TRPs. Both organizations agreed and noted that the TRP program could benefit from a national quality assurance and monitoring.

The 2017 OAG Audit of Preventing Corruption: examined 3,125 TRPs issued by the CBSA and found that 113 (4%) were issued without appropriate justification, some of which were issued to people with serious criminal convictions. Following this finding, the audit recommended that the agency develops a monitoring strategy to improve key controls at POEs. The agency agreed to the recommendation and committed to implementing four consecutive cycles of Port Program Assessments.

In 2021, the OAG Update on Performance Measures: followed up with the agency on the findings from the 2017 audit to see if there was improvement in the following metric “percentage of temporary resident permits issued without appropriate justification”. The OAG stated that they were “unable to assess progress.”

Internal assessments

2019 Port Program Assessment results indicated that of the 86 of 278 POEs who participated in the assessment, 50% (43 of 86 locations) were compliant and 50% (43 of 86) were non-compliant with ensuring consistent and complete documentation of officers’ decisions that led to the TRP issuance.

Draft 2021 Operational Program Assessment (formally known as the Port Program Assessment). The preliminary results indicated that, of the 75 of 276 POEs who participated in the assessment, 36% (27 of 75 locations) were compliant, whereas 64% (48 of 75) were non-compliant with ensuring consistent and complete documentation of officers’ decisions that led to the TRP issuance.



Appendix B – Audit objective and scope

Audit objective

To determine whether the agency consistently issued temporary resident permits in compliance with policies and standards and monitored the non-compliance of TRP holders' authorized stay.

Audit scope

The period under review was April 1, 2021 to September 30, 2022. Within that time, the audit scope of work included:

- The documented justifications of CBSA-issued TRPs in accordance with policies and procedures as well as the evidence of approval by the appropriate designated authority for issuing each TRP.
 - A review of a sample of TRPs issued in select regions and POEs between April 1, 2021 and April 30, 2022. This period was selected because a revised ENF 4 manual was issued in May 2022.
- The policies, procedures, training and tools available to support TRP processing. Given the CBSA's responsibility to maintain the ENF 4, any potential findings and/or recommendations related to this document will be directed to the CBSA and not the IRCC.
- The oversight and compliance monitoring regimes of selected regions and POEs as well as the NHQ with regard to the documentation of officers' decisions.
- Monitoring of TRP holders for non-compliance with their authorized stay.

Appendix C – Risk assessment

A preliminary risk assessment was conducted to identify, analyze, and evaluate the areas of highest risk, and prioritize the areas of focus for this targeted control audit. As a result, the following key risk areas were identified.

Summary of risks	
Risk 1	The justifications for issuing TRPs may not be clearly documented as per policy and procedures.
Risk 2	Evidence may not be available to confirm whether TRPs are issued by the appropriate designated authority.
Risk 3	Oversight at the regional and national level may not be sufficient to ensure that TRPs are documented per policy requirements.
Risk 4	Policy and guidance material in place may not be sufficient to guide officers' decision making process and documenting TRP issuance.
Risk 5	TRP training may not be sufficient to support officers, including new and inexperienced officers, in completing TRPs as per policy requirements.
Risk 6	The monitoring mechanism in place may not be sufficient to determine the TRP holders' non-compliance with their authorized stay.



Appendix D – Approach and methodology

Methodology

- Review key documentation such as legislation, IRCC Enforcement Manuals and supporting documentation, Operational Bulletins, and Port/Operation Program Assessments
- Review available training and guidance materials, and records of training provided
- Test a sample of TRPs issued between April 1, 2021 - April 30, 2022 to verify compliance with applicable TRP policies and procedures
- Review entry/exit overstay data, if available, as it relates to the sample listed above; and
- Interview key stakeholders such as NHQ staff responsible for TRP policy and program management and the monitoring of authorized stay conditions, as well as regional staff responsible for issuing TRPs at ports of entry (e.g. chiefs, superintendents and BSOs)

Audit sample

A sample of 168 TRP case files were randomly and judgementally selected for the period between April 1, 2021 – April 30, 2022²⁶. These factors were considered to select the sample:

- the distribution of cases across the regions
- the proportion of cases by inadmissibility type
- the proportion of cases by mode of entry; and
- anomalies present in the data like unusual spike in volume

²⁶ This time period was chosen because the policy for issuing TRPs was recently updated on May 18, 2022. Given that it takes approximately 6 months for policies to be implemented, the audit team was not able to assess compliance with the new policy with the project's timeline.



Figure 4

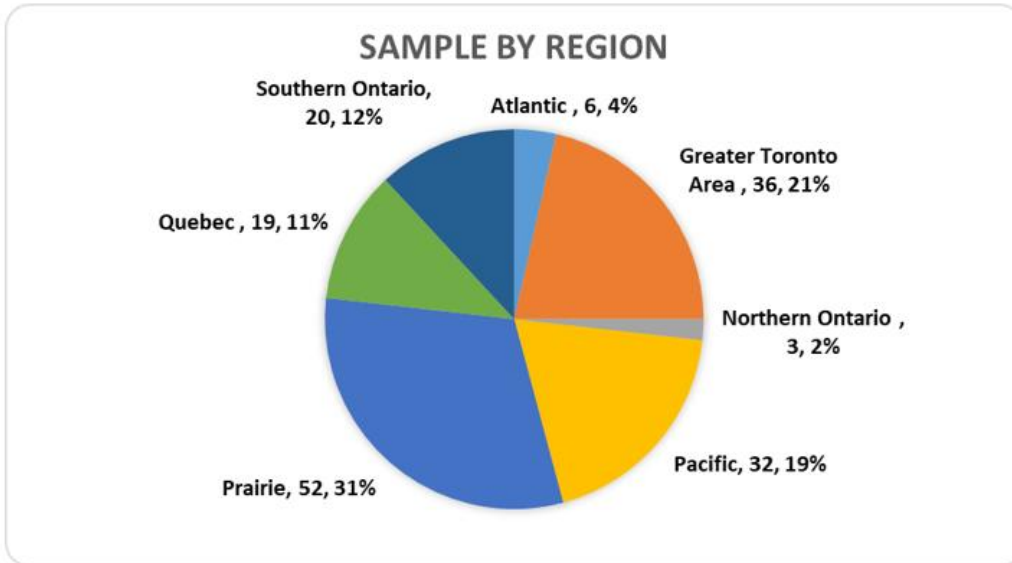
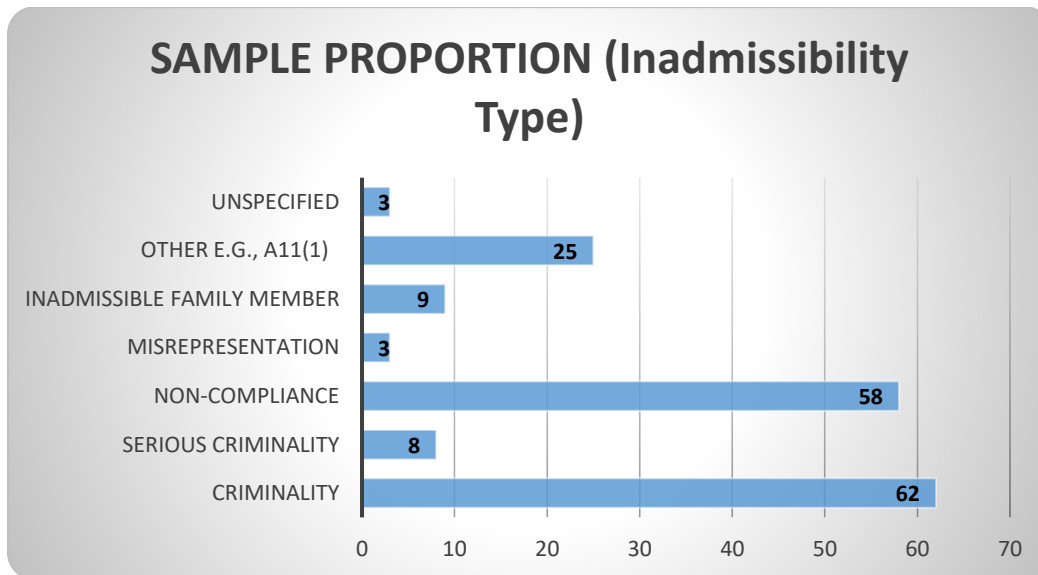


Figure 5



Appendix E – Detailed audit criteria

Given the preliminary findings from the planning phase, the following audit criteria were chosen:

Lines of enquiry	Audit criteria
1. Compliance with TRP Policies and Procedures	1.1 Required information, including officer justification for issuing a TRP, is documented in accordance with enforcement manuals. 1.2 TRPs are issued by the appropriate designated official established by the IRCC Instrument of Designation and Delegation. 1.3 The designated authority used for issuing TRPs is documented.
2. Adequacy of Policies, Training and Guidance	2.1. TRP policies include requirements to support the assessment, decision-making and documentation for TRPs. 2.2. TRPs are issued by superintendents and chiefs who have completed the required training to issue TRPs for IRPA inadmissibility sections A36(1) and A38. 2.3. TRP training provides adequate guidance to officers on the assessment, decision making and documentation of TRPs. 2.4. There are tools and/or guidance documents available to support officers in processing TRPs.
3. Management Oversight	3.1 Management oversight is conducted regionally to ensure that TRPs are documented in accordance with policies and procedures. 3.2 Compliance monitoring is conducted nationally to ensure consistent application of TRP policies and procedures when issuing a TRP.
4. Monitoring of Traveller Stay Compliance	4.1 TRP holders' authorized stay period is consistently monitored.



Appendix F – List of acronyms

BSO	Border services officer
CBSA	Canada Border Services Agency
ENF 4	Enforcement Manual 4
FN	Foreign National
GCMS	Global Case Management System
IEB	Intelligence and Enforcement Branch
IRPA	<i>Immigration and Refugee Protection Act</i>
IRCC	Immigration, Refugees and Citizenship Canada
NHQ	National Headquarters
OAG	Office of the Auditor General
OITP	Officer Induction Training Program
POE	Port of entry
QC	Quality Control
TB	Travellers Branch
TRP	Temporary Resident Permit
VP	Vice-President