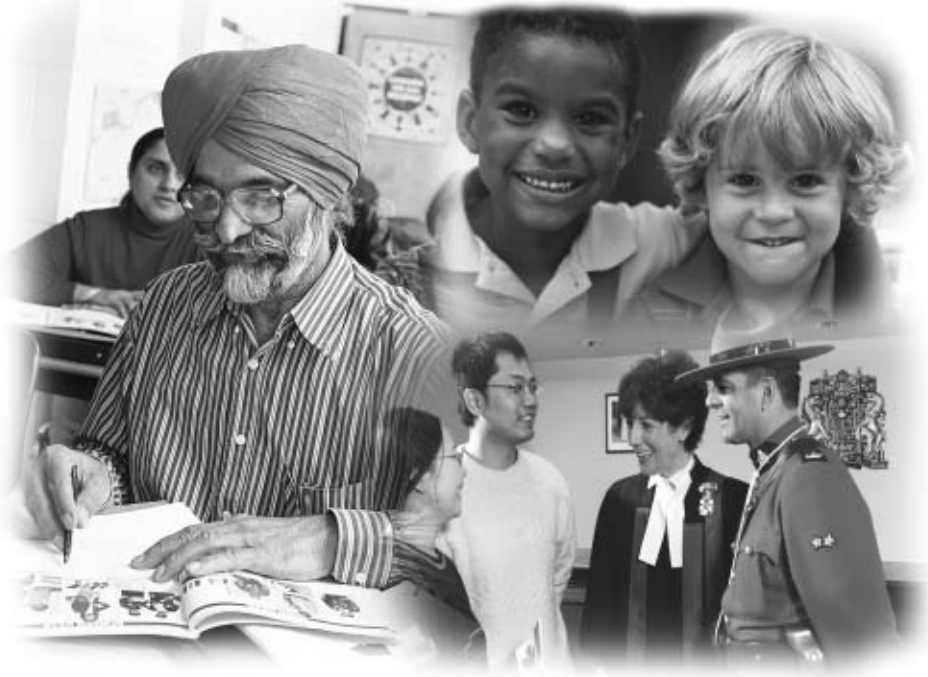




Citizenship and
Immigration Canada

Citoyenneté et
Immigration Canada

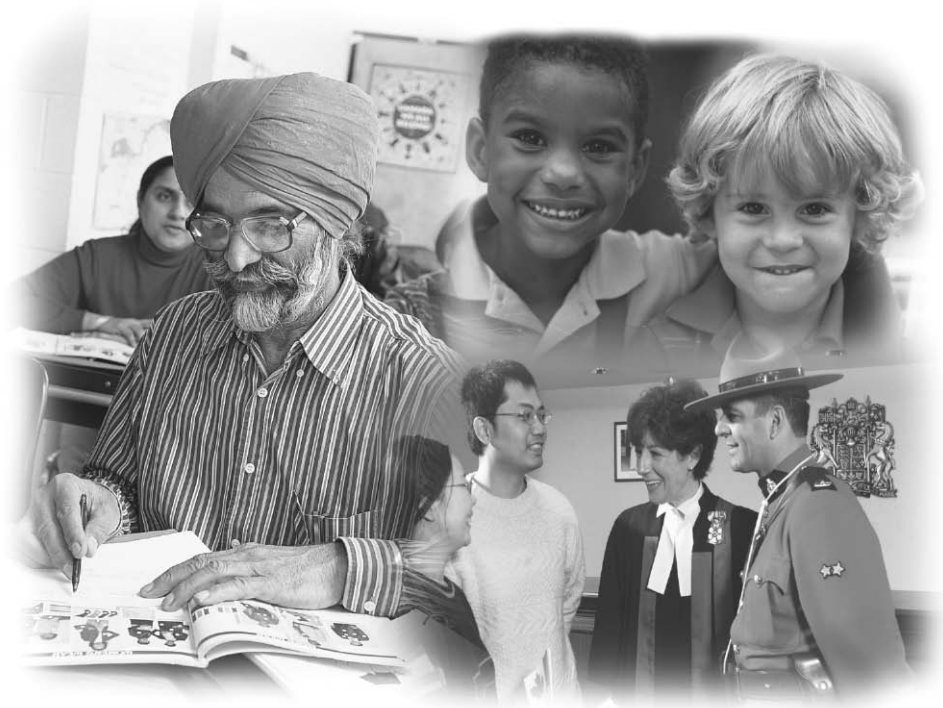


You asked about ...

immigration and citizenship



Canada



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 the Communications Branch

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How to use this guide

After the introduction that follows, this guide has been divided into two parts to reflect the citizenship and immigration components 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 and rules for working and studying in Canada. The second part, “Citizenship,” is a guide to the rights and responsibilities of Canadian citizenship and to the process of becoming a Canadian citizen.

The guide should answer most of your questions about CIC’s programs and services. For more information or other publications, contact the CIC Call Centre (see annex 3) or visit CIC’s Web site at 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 and the *Citizenship Act* and its regulations, available on-line. You can find the detailed requirements for programs and services in fact sheets on specific programs, available on-line or through the CIC Call Centre. Programs may change with little notice; you should check the latest details through the CIC Call Centre.

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, and federal-provincial relations on immigration. CIC 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.

Creation of the Canada Border Services Agency

The Canada Border Services Agency (CBSA) was created on December 12, 2003. It is part of the new portfolio of Public Safety and Emergency Preparedness, which includes emergency preparedness, crisis management, national security, corrections, policing, oversight, crime prevention and border services.

The CBSA brings together all the major players involved in facilitating legitimate cross-border traffic and supporting economic development while stopping people and goods that pose a potential risk to Canada. It integrates several key functions previously spread among three organizations: the customs program of the Canada Customs and Revenue Agency; the

immigration program at ports of entry and the intelligence, interdiction and enforcement program of Citizenship and Immigration Canada; and the import inspection at ports of entry program of the Canadian Food Inspection Agency.

The CBSA will build on the success of the Canada-United States Smart Border Declaration to meet the twin goals of public safety and economic security.

What is CIC's mandate?

CIC has developed new vision and mission statements to reflect changes in its role as a result of government reorganization.

CIC's vision

Canada attracts and welcomes people from all parts of the world, both to enrich our economic, social and cultural development and to protect those in need of Canada's protection.

We are committed to delivering the highest quality immigration, refugee protection and citizenship programs inspired by integrity, efficiency and responsiveness to community needs. CIC is also committed to being a model of Public Service management.

CIC's mission

Citizenship and Immigration Canada's mission is to build a stronger Canada by

- enabling the migration of temporary and permanent residents to meet the social, economic and cultural needs of communities across Canada;
- contributing to the management of international migration, including refugee protection;
- screening applicants to help protect the health, safety and security of Canadians;
- supporting the successful integration of newcomers; and
- promoting Canadian citizenship.

How do CIC and the CBSA work together?

CIC and the CBSA are building a close partnership to administer and enforce the *Immigration and Refugee Protection Act* (IRPA). A transitional team has divided responsibilities for policy development and the delivery of programs and services. For information on the CBSA's responsibilities under IRPA, please see the CBSA Web site at www.cbsa-asfc.gc.ca.

Citizenship functions governed by the *Citizenship Act* remain the responsibility of CIC.

CIC policy and service delivery responsibilities

- Citizenship, including revocation, searches, proofs and grants
- Integration and settlement
- Extradition and rehabilitation
- Medical services
- Refugee claims processing and refugee resettlement, including sponsorship
- Permanent resident processing, including humanitarian and compassionate considerations, family class sponsorship, status and cards
- Temporary resident processing, status and documents
- Non-status documents (student and employment permits)
- Visa policy
- Compliance with terms and conditions (entrepreneurs and desk investigations)
- Pre-removal risk assessment
- Admissibility policies, except security, war crimes and organized crime

CIC policy responsibilities and shared service delivery with the CBSA

- Danger opinions

CIC policy responsibilities and service delivery by the CBSA

- Refugee redetermination and cessation
- Appeals, including family class, permanent resident status, removals and residency status

How many people work for CIC and where are they?

The Department has approximately 3,500 employees. It has offices in the following locations:

- 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 applications;
- a call centre 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:

- Canadian Heritage (www.pch.gc.ca), which promotes understanding of Canadian citizenship values;
- the Federal Court of Canada (www.fct-cf.gc.ca), which hears appeals and applications for judicial review;
- Foreign Affairs Canada (www.fac-aec.gc.ca) and International Trade Canada (www.itcan-cican.gc.ca), which supply office and living accommodations, communications, shipping and personnel administration services for all Canadian federal employees working abroad, as well as support for foreign students and business programs;
- Health Canada (www.hc-sc.gc.ca), which provides input on medical examinations and standards;
- Human Resources and Skills Development Canada (www.hrsdc-rhdcc.gc.ca), which helps temporary and permanent skilled workers enter Canada;

- Industry Canada (www.ic.gc.ca), which works with CIC on projects to strengthen the economic contribution of immigrants;
- the Department of Justice Canada (www.canada.justice.gc.ca), which provides legal advice, represents CIC in court and drafts any proposed legislative changes;
- Public Safety and Emergency Preparedness Canada (PSEPC) (www.psepc-sppcc.gc.ca), which provides information, expertise and support on public safety and security, including border security, criminality, terrorism, organized crime, fraud and people smuggling. PSEPC is responsible for a number of agencies, including:
 - the Canada Border Services Agency, which is responsible for examining people as they arrive in Canada and enforcing the *Immigration and Refugee Protection Act*, including interdiction, arrest, detention and removal;
 - the Canadian Security Intelligence Service (CSIS), which provides advice on security issues; and
 - the Royal Canadian Mounted Police (RCMP), which provides information and support on criminality and security issues, investigates and prosecutes violations of the *Immigration and Refugee Protection Act* and the *Citizenship Act*, and helps remove illegal immigrants;
- Statistics Canada (www.statcan.ca), which shares and analyses statistics; and
- Canada International (www.canadainternational.gc.ca), which provides links to information and services to non-Canadians.

For more information on CIC's priorities and activities, please see the most recent *Report on Plans and Priorities* and the latest *Performance Report* at www.cic.gc.ca/english/pub.

How can I get current information about immigration and citizenship?

Call Centre

See annex 3 for the telephone number of the CIC Call Centre. This centre provides the following free services and information to clients across Canada:

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

For information on the permanent resident card, please contact the permanent resident card Call Centre (see annex 3).

Internet

You can find information and check the status of your immigration application on CIC's Web site at www.cic.gc.ca. CIC continues 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.

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.

Since June 28, 2002, the immigration program has been based on the *Immigration and Refugee Protection Act (IRPA)* and its regulations. 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.

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,” 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.

Objectives

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 purposes 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.

Annual report to Parliament and immigration plan

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

- CIC’s activities and initiatives, including cooperation with the provinces;
- the number of new permanent residents who arrived during the year and the number projected for the following year;
- the number of permanent residents from 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 of these agreements.

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:

2004	235,824
2003	221,355
2002	229,040
2001	250,633
2000	227,465
1999	189,966
1998	174,200
1997	216,038
1996	226,073
1995	212,869
1994	224,400
1993	256,726
1992	254,829
1991	232,773
1990	216,429

* Includes principal applicants and immediate family members.

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.

For more information on how to submit an application and current processing times, please see the CIC Web site for Application Processing Times at www.cic.gc.ca/english/department/times/index.html.

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 outline 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 the current immigration processing fees.

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 for persons who truly need help, if they can show they will be able to repay the money.

Applicants may pay the RPRF any time before the permanent resident visa is issued. They can get the fee back if they do not become permanent residents.

What services does CIC provide?

CIC offers the following services, among others:

- centralized case processing centres in Canada and regional processing centres abroad;
- an automated call centre to handle routine business;
- a Web site at **www.cic.gc.ca**;
- the e-Client Application Status service, which allows some applicants to 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 or by mail;
- an on-line change of address service;
- fee payment service at local financial institutions or on-line;
- the permanent resident card, which provides secure proof of permanent resident status; and
- joint application guides and forms for the sponsorship of spouses, common-law partners, conjugal partners and dependent children.

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 (IMM 1000) 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 only.

Since June 28, 2002, all new permanent residents have been receiving permanent resident cards. People who were granted permanent residence prior to June 28, 2002, may apply for the card anytime. Permanent residents travelling outside Canada need the card to prove their status so that they can return to Canada without unnecessary delays.

For information on the card or to request application forms, visit the CIC Web site or contact the Call Centre at **1 888 242-2100**.

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) out of every 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.

To provide these services, CIC has a network of local and regional offices, centralized case processing centres, a call centre and other offices across the country, including national headquarters in Ottawa.

Local CIC offices:

- 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.

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

The Canada Border Services Agency (CBSA) is responsible for operations at ports of entry, including border crossings, international airports and seaports.

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 through the Web site or by contacting the Call Centre.

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 at a bank or credit union (free of charge) or pay on-line. 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;
- working with the migration integrity officers of the Canada Border Services Agency;
- cooperating with other parties on international migration and refugee issues; and
- working with Foreign Affairs Canada and International Trade Canada, other nations and multilateral organizations.

Where should I apply for immigration?

You should apply at the visa office responsible for the country where you live or for your country of nationality. 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 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 a 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; and
- report on local conditions or investigate specific issues, as requested by the RPC.

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.

What are the medical requirements?

All immigrants and certain visitors must go through an immigration medical examination. This examination is designed to protect the health and safety of Canadians and 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 included in the immigration medical examination:

- urinalysis for applicants aged 5 or more;
- a chest X-ray for applicants aged 11 or more;
- syphilis serology for applicants aged 15 or more; and

- an HIV test for applicants aged 15 or more, and for children who have received blood or blood products, who have a known HIV-positive mother or who may be adopted.

The CIC Web site provides the names of doctors, listed by country, who can perform this examination. The medical examinations are done at the expense of the applicant.

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 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 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 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 tradition;
- 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 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 are excluded from the definition of a Convention refugee if:

- another country has given them nationality or a resident status giving them the rights of nationality;
- they have committed a war crime, a crime against humanity or a serious non-political crime; or
- they are guilty of acts contrary to the purposes and principles of the United Nations.

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 all parts of that country (as long as the risk is not related to lawful sanctions, faced generally by other persons in that country or caused by lack of adequate medical care); and
- are unable or unwilling to avail themselves of the protection of that country.

What happens at a refugee protection hearing?

The IRB usually holds an oral hearing where eligible claimants present their case.

Hearings usually take place in private to protect the safety of claimants, their families or witnesses. 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 usually non-adversarial and allow claimants to put forward their cases. 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 Public Safety and Emergency Preparedness may present evidence.

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

Refugee Appeal Division

If 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 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 Public Safety and Emergency Preparedness, the Immigration Division conducts admissibility hearings for permanent residents and foreign nationals who are seeking admission to Canada or who are already in Canada and are alleged to be inadmissible. All admissibility decisions regarding minors must be made by the IRB.

A member of the Immigration Division conducts the admissibility hearing. The hearing is public, unless the person is a refugee protection claimant or a report for private proceeding has been granted, and proceeds in an adversarial manner. A hearing officer represents the minister of Public Safety and Emergency Preparedness.

The person concerned has the right to be represented by counsel and to have an interpreter, 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 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 by CIC officials;
- permanent residents, foreign nationals who hold a permanent resident visa and protected persons who have been ordered removed from Canada by CBSA officials;
- the minister of Public Security and Emergency Preparedness 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 or the minister of Public Security and Emergency Preparedness is also represented at the hearing, depending on whose decision is being appealed. 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-cisr.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. 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 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?

The Provincial Nominee Program allows 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?

British Columbia: An agreement signed in 1998, and renewed in April 2004, gave the province responsibility and funding for settlement and integration services, a greater role in immigration planning and policy, and a 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.

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

Saskatchewan: A 1998 agreement established a provincial nominee program.

Manitoba: The Settlement Services Agreement, signed in 1998, 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 2003.

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

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

Nova Scotia: A provincial nominee agreement was signed in 2002.

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

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

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 determining admissibility requirements, defining immigration categories, planning levels of immigration and enforcing IRPA and its regulations.

The IRP regulations specifically describe classes of applicants destined for Quebec, such as the Quebec skilled worker class. These classes are selected based on criteria under Quebec’s immigration program set out in provincial legislation.

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: The Ministère de l'Immigration et des Communautés culturelles (MICC) sets criteria for sponsors and assesses sponsors' finances. Case processing centres forward sponsorship applications from Quebec residents to the MICC for approval. Applicants complete sponsorship undertakings for Quebec.

The Quebec government has set fees for some of the MICC's immigration services. For information on current fees, contact the MICC 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 MICC Web site at www.micc.gouv.qc.ca.

Immigrating to Canada

What are the categories of permanent residents?

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

The family class comprises foreign nationals sponsored by close relatives or family members in Canada.

The economic class comprises people selected for their skills and ability to contribute to Canada's economy, including skilled workers, business persons, live-in caregivers 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 permit holders who have resided continuously in Canada for three to five years under the authority of a valid temporary resident permit.

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 IRPA or its regulations for humanitarian or public policy reasons.

How can I apply to immigrate to Canada?

You can apply to CIC by following the instructions of the application guide and completing a form. You can get most CIC guides and forms by downloading them from the CIC Web site, or contacting the Call Centre or a visa office.

Will my family members obtain permanent residence with me if I include them on my application?

You must list all your family members, whether or not they plan to immigrate to Canada with you. Your family members are your spouse or common-law partner and your dependent children, or those of your spouse or common-law partner and the dependent children of those dependent children. Your family members can obtain permanent residence with you if your application is approved, provided you indicate on your application that they are seeking permanent residence with you. 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.

Who may represent me when I apply for a visa or make any other application under the *Immigration and Refugee Protection Act*?

You are not obliged to hire a representative for immigration and refugee matters. The Government of Canada treats everyone equally, whether they use the services of a representative or not. In some cases, however, individuals who wish to come to, or stay in, Canada have a representative who provide them with additional support or advice once they have made an application.

There are two types of representatives: unpaid and paid. Unpaid representatives could include non-governmental and religious organizations, friends or family. The immigration regulations state that in order to conduct business on behalf of clients when dealing with the Government of Canada in immigration and refugee matters, paid representatives must be:

- immigration consultants who are members in good standing of the Canadian Society of Immigration Consultants, **or**
- lawyers who are members in good standing of a Canadian provincial or territorial law society or students-at-law under their supervision, **or**
- notaries who are members in good standing of the *Chambre des notaires du Québec* or students-at-law under their supervision.

If you have an application or a proceeding already under way as of April 13, 2004, you may continue to use the services of your paid representative until April 13, 2008.

If you are anywhere outside of Canada and have questions about the application process, please contact the Canadian embassy, high commission or consulate responsible for your region. Applicants in Canada can contact the CIC Call Centre. For up-to-date information on immigration representatives, please visit the CIC Web site.

Family class immigration

Who is eligible for sponsorship in the family class?

Canadian citizens or permanent residents aged 18 or over 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 the age of 18 whom the sponsor intends to adopt in Canada;
- brothers, sisters, nephews, nieces and grandchildren who are orphans, under the age of 18 and not married or in a common-law relationship;
- a blood relative, if the sponsor has no relative as described above, either abroad or in Canada.

In cases involving marriages, common-law partner or conjugal partner relationships, or adoptions, officers must be satisfied that a relationship is genuine and was not entered into or dissolved 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 as a member of the spouse or common-law partner in Canada class if the person is living with you in Canada, regardless of his or her immigration status.

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 are considered dependent if they meet one of the following conditions:

- they are under the age of 22, unmarried and not in a common-law relationship;
- they have been full-time students since before the age of 22;

- if over the age of 22 or if a spouse or a common-law partner, they have attended a post-secondary educational institution and have been substantially dependent on the financial support of a parent since before the age of 22 or since before becoming a spouse or a common-law partner; or
- they are 22 or older and have been substantially dependent on the financial support of a parent since before the age of 22, and are unable to be financially self-supporting because of a physical or mental condition.

What is a common-law partner?

A common-law partner is a person who has been living continuously in a conjugal relationship with the sponsor for at least one year, that is, in a committed and interdependent relationship of some permanence where both partners have combined their affairs economically, socially, emotionally and physically. 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, that is, a committed and interdependent relationship of some permanence where both partners have combined their affairs economically, socially, emotionally and physically. This category is intended for a person who has been unable to live with the sponsor continuously for one year because of immigration impediments and, in most cases, is also unable to marry the sponsor. The term refers to both opposite-sex and same-sex relationships. Conjugal partners are not normally fiancés. If you are the fiancé of a Canadian or a permanent resident, you must either marry before the immigration process can begin, or you must demonstrate that you qualify as a common-law partner.

Can I sponsor any other relatives?

A Canadian citizen or a 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 blood relative regardless of the 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 or to children to be adopted in Canada 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.

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 country of destination must decide that the child can live in that country permanently before the adoption can be completed and before the child is 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 the CIC Call Centre 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 on the Hague Convention requirements.

What are the requirements for adoption?

Before someone can adopt a child from another country:

- 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 the age of 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 the age of 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, and 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 or is otherwise legally available 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 that province:

Secrétariat à l'adoption internationale
201, boulevard Crémazie Est, bureau 1.01
Montréal, QC H2M 1L2
Tel.: (514) 873-5226 or 1 800 561-0246
Fax: (514) 873-1709
Web site: www.adoption.gouv.qc.ca/fr/

Am I eligible to sponsor a member of the family class?

To sponsor a member of either the family class or the spouse or common-law partner in Canada class, you must be a Canadian citizen or a permanent resident, aged 18 or over, and 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 will 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 in Canada. 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 minimum income requirements.

However, you are still expected to be able to support these family members and you must sign an undertaking for a specified period indicating such. The income requirement applies if dependent 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 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?

The financial support you must provide for the relatives or family members you are sponsoring depends on their age and relationship to you. If you are sponsoring:

- your spouse, common-law partner or conjugal partner, you must provide financial support for **three years** from the date that person becomes a permanent resident;
- your or your spouse's common-law or conjugal partner's dependent children who are less than 22 years of age, you must provide financial support for **10 years** from the date that person becomes a permanent resident or until the child turns 25, whichever comes first;
- your or your spouse's common-law or conjugal partner's dependent children who are 22 years of age or older, you must provide financial support for **three years** from the date that person becomes a permanent resident; or
- any person not mentioned above, you must provide financial support for **10 years** from the date that person becomes a permanent resident. The undertaking is an unconditional promise of support. For example, the granting of Canadian citizenship, divorce or separation, or relationship breakdown or moving to another province does not cancel the undertaking. The undertaking also remains in effect if your financial situation deteriorates.

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 sexual offence or an offence related to family violence for which a pardon has not been granted;
- 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 certain 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 to be completed by you, and
 - the application for permanent residence to be completed by your family members; and
- mail the completed package 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:

- 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 the Ministère de l’Immigration et des Communautés culturelles at www.immigration-quebec.gouv.qc.ca/anglais/index.html.

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

On the sponsorship application, you must indicate 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 refund 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 processing of the application for permanent residence has begun, you will not receive a refund nor will you have appeal rights. 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 class

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 from the economic class are assessed on the selection criteria for each class. The class includes skilled workers, and provincial and territorial nominees, investors, entrepreneurs, self-employed people and live-in caregivers.

Applicants destined for Quebec as skilled workers, investors, entrepreneurs and self-employed persons 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 and Skills Development Canada. The assessment of language abilities and adaptability is more objective than it was under the previous system.

Skilled workers must also 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 or territorial legislation to protect public health and safety. Approximately 20 percent of the work force is employed in regulated occupations. Provincial and territorial regulatory bodies establish the requirements for admittance to a profession, assess and recognize applicants' qualifications and issue licences to practise. If you want to practise a regulated occupation in Canada, you should contact the appropriate regulatory body in the province of your destination to find out what is involved before you decide to immigrate.

There is no legal requirement to obtain a licence to work in non-regulated occupations. Many employers set the standards for the occupation and the sector. Many of them do not have the ability to assess international qualifications and often rely on assessment services to determine how these qualifications compare to those earned in Canada. This information can help newcomers looking for work.

Please follow the links from www.cic.gc.ca/english/skilled/work-1.html to learn more about working in Canada and to find out if your occupation is regulated. You should research the possibility of working in your preferred occupation before you immigrate to Canada.

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, and amended on August 11, 2004. 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"> • Two or more university degrees at the bachelor's level AND at least 15 years of full-time or full-time-equivalent study OR • a three-year post-secondary diploma, trade certificate or apprenticeship¹ AND at least 15 years of full-time or full-time-equivalent study 	22
<ul style="list-style-type: none"> • A two-year post-secondary university degree at the bachelor's level AND at least 14 years of full-time or full-time-equivalent study OR • a two-year post-secondary diploma, trade certificate or apprenticeship AND at least 14 years of full-time or full-time-equivalent study 	20
<ul style="list-style-type: none"> • A one-year post-secondary university degree at the bachelor's level AND at least 13 years of full-time or full-time-equivalent study OR • a one-year post-secondary diploma, trade certificate or apprenticeship AND at least 13 years of full-time or full-time-equivalent study 	15
A one-year diploma, trade certificate or apprenticeship AND at least 12 years of full-time or full-time-equivalent study	12
A secondary school diploma	5

¹ A “diploma, trade certificate or apprenticeship” means a post-secondary educational credential other than a university educational credential.

OFFICIAL LANGUAGES		Maximum 24
First official language	High proficiency (per ability) ²	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 old at time of application		10
Less two points for each year over 49 or under 21		

² Applicants are rated on their ability to speak, listen to, read or write Canada's two official languages.

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

ADAPTABILITY	Maximum 10
Accompanying spouse's or common-law partner's education	3-5
Minimum one year of previous full-time authorized work in Canada under a work permit ³	5
Minimum two years of full-time authorized post-secondary study in Canada under a study permit ³	5
Received points under the arranged employment in Canada factor	5
Family relationship in Canada ³	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 September 18, 2003, is 67.

For information on the current pass mark and to use the self-assessment tool, please see the CIC Web site at www.cic.gc.ca/english/skilled.

³ 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 would be processed under the new rules introduced by IRPA. However, the new transitional regulations made important distinctions between the ways CIC would handle these applications, depending on whether CIC received the application before January 1, 2002, and whether it made a selection decision before June 28, 2002.

Under a dual assessment, applicants who applied before January 1, 2002, will be assessed against the selection criteria of the former *Immigration Act*, or the current *Immigration and Refugee Protection Act*, whichever is more favourable. In cases where the results are not positive, the application will automatically be assessed under the selection criteria of the other regulations.

The following groups will automatically receive a dual assessment:

- Applications still pending or in progress on **December 1, 2003**, when the new regulations came into force.
- Applications referred back by the Federal Court of Canada or the Supreme Court of Canada for a determination following a decision under the former Act if the determination was not made before December 1, 2003.

The following groups **had to reapply before January 1, 2005**, to receive the benefit of a dual assessment:

- Applications withdrawn between January 1, 2002, and November 30, 2003.
- Applications refused after March 31, 2003, and before June 20, 2003, under the transitional requirements of the *Immigration and Refugee Protection Regulations* that were in effect during this period.

Applicants who applied on or after January 1, 2002, and who did not receive a selection decision before June 28, 2002, will be assessed under the new selection criteria.

Business immigrants

Canada encourages the admission of business people whose business skills and capital will contribute to the nation's economy and create job opportunities. There are three business classes: the investor class, the entrepreneur class, and the self-employed class.

Do I qualify as a business immigrant?

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

Entrepreneurs

Entrepreneur applicants must:

- have business experience as defined in the Regulations;
- have a legally obtained net worth of at least \$300,000 (Canadian); and
- provide a written statement to an officer that they intend and will be able to meet the conditions referred to in the Regulations.

Entrepreneurs must own and manage a qualifying business in Canada for at least one year in the three years after their arrival in Canada. A qualifying Canadian 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, who guarantee the investment and use it to develop their economies and create jobs. The investment is repaid, without interest, after five years.

Self-employed people

Self-employed applicants must:

- have relevant experience in cultural or athletic activities as described in the Regulations or in the management of a farm;
- 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; and
- assesses you against five selection criteria: business experience, age, education, language ability and adaptability (since June 28, 2002, the pass mark has been 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:

Centre de service aux gens d'affaires
Tour de la Bourse, C.P. 408
800, rue du Square-Victoria, 2^e étage
Montréal (Québec) H4Z 1J7
Canada
Tel.: (514) 864-7089 • Fax: (514) 873-7867
E-mail: imm-affaires@micc.gouv.qc.ca

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. The responsibility for nomination lies with the province. Anyone interested in the Provincial Nominee Program should contact the appropriate provincial officials.

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

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 a Canadian secondary school education;
- have six months of full-time training in a classroom setting 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 in the Live-in Caregiver Program may apply for permanent resident status in Canada after completing two years of live-in caregiving employment within three years of their arrival in Canada.

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

Refugees

How does Canada accept refugees?

Canada accepts two streams of refugees and protected persons: those who apply abroad under the Refugee and Humanitarian Resettlement Program and those who seek asylum on or after arrival in Canada.

Who are Convention refugees?

Canada has signed the 1951 Convention Relating to the Status of Refugees and its 1967 protocol. IRPA incorporates the definition of a refugee 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, unwilling to be protected by that country; or
- not having a country of nationality, are outside the country of their former habitual residence and are unable or, by reason of that fear, unwilling to return to that country.

The Convention excludes persons who have committed serious crimes, war crimes or crimes against humanity. It also excludes people who are recognized as having the rights and obligations of a national of a country other than their country of origin.

Do other people need protection?

IRPA has expanded the concept of refugee protection to cover people applying both outside and inside Canada who need protection because they are at risk. 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 and unusual treatment or punishment.

Refugee resettlement

Who can be selected as a refugee for resettlement?

The Refugee and Humanitarian Resettlement Program maintains Canada's humanitarian tradition by resettling both refugees and persons in similar 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.

Before accepting a person under this program, CIC will make sure that person cannot go home to their country of nationality or usual residence or stay in the country where they have been given asylum. CIC will also look to see if there is another country where refugees can resettle. Persons selected for resettlement undergo medical, security and criminality screening. They must

also show that they will eventually be able to re-establish themselves in Canada. Refugees selected abroad must be eligible in one of three classes:

Convention Refugee Abroad Class

The Convention Refugee Abroad class refers to people who are outside their country of citizenship or habitual residence. Refugees in this class have a well-founded fear of persecution for reasons of race, religion, political opinion, nationality, or membership in a particular social group. This definition is taken from the 1951 Convention Relating to the Status of Refugees. It excludes persons who have the rights and obligations of the nationals of the country they are residing in as well as those who have committed serious crimes, war crimes or crimes against humanity. Individuals selected under this class are eligible for government assistance through the Resettlement Assistance Program or may be privately sponsored.

Country of Asylum Class

The Country of Asylum class also refers to people who are outside their country of citizenship or habitual residence. Refugees in this class are seriously and personally affected by civil war, armed conflict, or massive violations of human rights. Individuals selected under this class must be privately sponsored or have adequate financial means to support themselves and their dependants.

Source Country Class

The Source Country class includes people who would meet the definition of a Convention refugee but who are still in their country of citizenship or habitual residence. It also includes people who have been detained or imprisoned and are suffering serious deprivations of the right of freedom of expression, the right of dissent, or the right to engage in trade union activity. Only citizens or habitual residents of specific countries are eligible under this class. Please refer to the Refugee section of the CIC Web site for the current list of source countries. Individuals selected under this class are eligible for government assistance through the Resettlement Assistance Program or may be privately sponsored.

How are refugees selected?

Citizenship and Immigration Canada relies on the United Nations High Commissioner for Refugees (UNHCR), referral organizations and private sponsors to identify and refer refugees for resettlement. However, the final decision to accept or reject always rests with the visa officer.

UNHCR

The UNHCR seeks to provide protection to refugees worldwide. As part of this activity, it identifies refugees for resettlement to Canada when this is the best possible solution.

Generally, resettlement is promoted in situations when no other solution is available or when effective protection is not available. Most refugees are not resettled to another country.

Ultimately, the Canadian visa officer decides whether or not a person meets the requirements of Canada's refugee resettlement program and whether the person will be admitted to Canada.

Referral Organizations

Referral organizations are organizations that have an arrangement with Canada's minister of Citizenship and Immigration to refer refugees for resettlement. Currently, the UNHCR is the only referral organization working with Canada.

Private Sponsors

Organizations and individuals may sponsor refugees under the Private Sponsorship of Refugees Program. Sponsors must be Canadian citizens or permanent residents and at least 18 years old.

Sponsoring groups commit to providing settlement assistance to refugees for a minimum of one year, with the goal of helping the refugee become self-sufficient. This assistance can take such forms as accommodation, clothing and food. In special cases, if the sponsor agrees, the sponsorship period can be extended for up to 36 months. 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.

Who may sponsor a refugee?

Sponsorship Agreement Holders and Their Constituent Groups

A number of organizations and groups across Canada have signed sponsorship agreements to facilitate the sponsorship process. Sponsorship agreement holders (SAH) are pre-approved sponsors. They may sponsor refugees themselves or they may issue letters of approval to their constituent groups to sponsor a refugee, thereby assuming responsibility for any default in sponsorship.

Groups of Five

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

Community Sponsors

Other groups interested in sponsoring refugees may consider a community sponsorship. This type of sponsorship is open to organizations, associations and corporations who have the necessary finances and who can provide adequate settlement assistance to refugees. Community sponsors must have representatives in the community where the refugee will live.

Joint Assistance Sponsorships

Joint assistance sponsorships (JAS) provide the opportunity for the government and private sponsors to work together in the resettlement of special needs persons who would not otherwise be accepted for resettlement to Canada. The government provides income support and private sponsors provide moral and emotional support. Cases that can be considered for a JAS include women at risk, victims of trauma or torture, large families, persons who have been in refugee camps for extended periods, and persons with medical conditions.

How can I sponsor a refugee?

To sponsor a refugee, send your sponsorship application to the local immigration office. If you have not chosen or named a refugee you wish to sponsor, Citizenship and Immigration Canada (CIC) can match you with a refugee. For more information, and for the complete application kit, please refer to the Refugee Resettlement section on the CIC Web site, or contact the CIC Call Centre.

What assistance does the government give refugees?

The Canadian government has several programs to help refugees resettle in Canada and establish themselves in their new home.

Resettlement Assistance Program

Resettlement assistance is provided to Convention Refugees Abroad and members of the Humanitarian Protected Persons Abroad classes admitted to Canada as government-assisted refugees. These funds are given to help pay for meeting the refugee at the airport or port of entry, providing temporary accommodation if needed, help finding permanent accommodation, basic household items, financial orientation, and help make sure that the refugee has continued access to support where necessary. This money can also be used to support a refugee's income for up to one year or until that person becomes self-sufficient, whichever comes first.

Immigration Loans Program

The Immigration Loans Program (ILP) is funded by a \$110 million advance from the federal government's Consolidated Revenue Fund. Repayments on the loans replenish this fund. Loans are approved according to the applicant's needs and ability to repay. Loans are largely given to government-assisted or privately sponsored Convention refugees and members of the Humanitarian Protected Persons Abroad classes. The loans may be approved to pay for the costs of medical examinations abroad, travel documents, transportation to Canada and the Right of Permanent Residence Fee. Assistance loans are also available to disadvantaged newcomers to cover expenses such as housing rental, telephone deposits or work tools. Interest is charged on ILP loans. The interest rate is set each January by the Department of Finance. Convention refugees and members of the Humanitarian Protected Persons Abroad classes may have a period of one to three years when they will not be charged interest on their ILP loans.

Interim Federal Health Program

Citizenship and Immigration Canada administers the Interim Federal Health Program (IFHP). The IFHP ensures emergency and essential health services for needy refugee claimants and refugees in Canada who are not yet covered by provincial health care.

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 officer, usually a CBSA officer at a port of entry. A person subject to a removal order may not claim refugee protection.
- An officer refers claims that are eligible to be determined by the Refugee Protection Division. The eligibility must be determined within three working days or the claim is deemed to be referred to the Refugee Protection Division. The eligibility determination may be suspended pending a decision on criminal charges or an admissibility hearing on issues of security, human rights violations, serious criminality or organized crime.

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

What is a protected person in Canada?

A claimant receives Canada's protection when found to be a Convention refugee as defined by IRPA, which incorporates 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 IRPA, reflecting international and Charter obligations.

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 a protected person?

Members of the Refugee Protection Division of the Immigration and Refugee Board (IRB) hold an oral hearing to determine whether a person is a Convention refugee or a person in need of protection. These members receive special training in refugee law and have access to up-to-date information on various country conditions through the IRB's documentation centre. The IRB is an independent tribunal that makes decisions on a quasi-judicial basis. A pre-removal risk assessment (PRRA) officer may also determine that someone

is a protected person. For more information, see the “Immigration and Refugee Board” section of this guide, or visit the IRB Web site at www.irb-cisr.gc.ca.

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;
- a prior claim by the person was found ineligible, or the claim was withdrawn or declared abandoned;
- the IRB has already rejected a claim by the claimant;
- 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 (the United States is the only country so designated—see the following section on the Safe Third Country Agreement);
- the claimant is inadmissible because of 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 is the Safe Third Country Agreement?

The Safe Third Country Agreement allows for the return to the United States of persons arriving in Canada from the United States seeking refugee protection unless the person can satisfy an officer that an exemption from the agreement applies and vice versa. A claimant arriving from the United States at a land border port of entry will be allowed to make a claim for refugee protection in Canada if the claimant:

- is an American citizen or a stateless habitual resident of the United States;
- has a family member in Canada who is a Canadian citizen;
- has a family member in Canada who has made a claim for refugee protection that has been accepted or who has become a permanent resident;
- has a family member in Canada who is a protected person under a pre-removal risk assessment (PRRA);
- has a family member in Canada who is a person in favour of whom a removal order has been stayed for humanitarian and compassionate considerations;
- has a family member in Canada who is over the age of 18 and who has made a claim for refugee protection that has been referred to the IRB for determination;
- under some conditions, has a family member in Canada who is the holder of a work or study permit;
- is an unaccompanied minor;
- has a valid visa, a travel document for permanent residents or for refugees, or another valid admission document (other than a transit visa) issued by Canada;
- was not required to obtain a visa to enter Canada but was required to obtain a visa to enter the United States;
- has been charged with or convicted of an offence that could subject the claimant to the death penalty in the United States or in a third country; or
- is a national who, not having a country of nationality, is a habitual resident of a country in respect to which the minister has imposed a stay on the enforcement of removal orders.

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-cisr.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 compelling reasons arising out of previous persecution or treatment for refusing to avail themselves of the protection of the country that they left.

The minister of Citizenship and Immigration may apply for cessation if any of these situations applies to a person already granted protection. The minister of Public Security and Emergency Preparedness 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?

Protected persons are required to apply for permanent residence within 180 days of receiving a written determination from the Immigration and Refugee Board. Protected persons who fail to apply within the 180-day period cannot be granted permanent resident status under the Regulations. They may submit an application for permanent residence on humanitarian and compassionate grounds. 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 Trial Division judge will decide whether leave will be granted for the judicial review to be

heard. With certain exceptions, a person has the right to remain in Canada pending the outcome of the judicial review.

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

What is a pre-removal risk assessment?

Anyone under a removal order that is in force, who feels that they would be at risk if they returned to their country of origin, 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 by a PRRA officer. The officer assesses the risk to the individual based on the same protection grounds considered by the IRB.

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 they 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 other than under the Safe Third Country provisions; and
- other persons found inadmissible and ordered removed.

Most successful applicants may apply for permanent residence in Canada.

Persons who are not eligible for refugee protection on the grounds of security, serious criminality or human rights violations are entitled only to consideration on the grounds related to torture or similar risks. 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 officer, usually a CBSA 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 benefits do refugee protection claimants receive?

Work: Refugee protection claimants may apply for work permits if they cannot survive without public assistance and have passed 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 urgent 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 newcomers adapt, settle and integrate into Canadian society. Under the Canada–Quebec Accord, Quebec is responsible for settlement services in its jurisdiction. British Columbia and Manitoba have also assumed responsibility for administering and delivering settlement programs 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 newcomers 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 the Canadian Orientation Abroad initiative (orientation sessions and materials); upon arrival at a port of entry (orientation materials); and at the final destination in Canada (a range of settlement services).

Integration promotion activities present Canadians and newcomers with positive messages about the benefits of immigration and the contribution that newcomers can 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” 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 the eligibility criteria, contact the CIC Call Centre or visit the CIC Web site.

To support the work of the settlement community, CIC maintains a Web site at **www.integration-net.cic.gc.ca**. The site serves as a communications and research tool for organizations that help newcomers integrate into Canadian society.

What settlement programs and services are available?

Immigrant Settlement and Adaptation Program

The Immigrant Settlement and Adaptation Program (ISAP) helps permanent residents, or people about to become permanent residents, gain access to community services to meet their immediate needs.

Under ISAP, immigrant-serving organizations

- refer new arrivals to economic, social, health, cultural, educational and recreational services;
- provide information on everyday matters such as banking, shopping and managing a household;
- contribute interpretation and translation services when necessary;
- provide paraprofessional counselling;
- supply employment-related assistance; and
- provide labour market levels of language training, including job-specific language training to adult immigrants.

Newcomers are encouraged to access these services within their first year in Canada.

Language Instruction for Newcomers to Canada

Successful integration into Canadian society and obtaining Canadian citizenship require the ability to speak one of Canada's official languages. The Language Instruction for Newcomers to Canada (LINC) program provides adult immigrants with language instruction in English or French as soon as possible after their arrival. The language courses are provided through school boards, colleges and community organizations. They may be offered full-time or part-time, during the day, in the evenings or on weekends, and may be held at the workplace or in the community. The LINC program also

uses alternative instruction methods, such as home study. Transportation and child-minding services may be provided when necessary.

Enhanced Language Training

The Enhanced Language Training (ELT) initiative was launched in 2003–04 to provide higher levels of language training (Canadian Language Benchmarks [CLB] 7–10), including job-specific language training in Canada's two official languages. ELT will also provide bridge-to-work assistance, including mentoring, work placement and other assistance in accessing the labour market.

ELT will help immigrants and refugees reach their potential and acquire a sense of belonging by enabling them to participate fully and effectively in Canada's social, economic, cultural and political life. The initiative will help immigrants find and keep jobs they are qualified for more easily and quickly.

Host Program

The Host program matches newcomers with a Canadian volunteer family or an individual who will help them learn about their new society. CIC funds organizations to train the volunteers and arrange the match-ups. Volunteers help newcomers overcome the stress of moving to a new country, learn how to use available services, practise their English or French, develop work contacts, participate in the community and do routine activities such as banking, shopping, and using local transit. Just as important, hosts provide encouragement and emotional support. In so doing, they gain new friends, learn about another culture and help strengthen community life.

Temporary residents

A temporary resident is a person who is lawfully in Canada for a temporary period of time. 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 the list of countries whose citizens need visas to visit Canada. The list of 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 illegally. 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 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 immigration 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 United States 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 2004, there were approximately 153,700 foreign students with valid study permits in Canada. This figure does not include students on short-term courses (under six months). Recognizing the importance of foreign students to the academic community and the Canadian economy, CIC has taken steps to streamline the processing of student applications.

For information about studying in Canada, visit CIC's Web site at www.cic.gc.ca and the Government of Canada's international Web site at www.canadainternational.gc.ca.

For requirements to study in the province of Quebec, see the Quebec immigration Web site at www.immigration-quebec.gouv.qc.ca/anglais/immigration/students/step.html.

What do I need to request a permit 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 allow 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.)

Additional procedures may apply for foreign students who intend to study in the province of Quebec.

Am I allowed to work while studying in Canada?

Some foreign students may work in Canada without a work permit if:

- the work is on campus at the university or college at which they are registered as full-time students in a degree-granting course of study; or
- the work is graduate assistant work.

Some foreign students may apply for a work permit in Canada without a confirmation by Human Resources and Skills Development Canada (HRSDC) if:

- the work is an essential part of the program of study;
- they are working in a field related to their studies, for up to two years after completing their post-secondary studies;
- they need to work for financial reasons when an existing source of funding is temporarily cut off through no fault of their own; or
- they are studying full-time at a post-secondary institution participating in CIC's off-campus work permit program.

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

For more information on work opportunities for foreign students, visit CIC's Web site at www.cic.gc.ca. Canada has signed agreements on youth employment exchange programs (including working holidays) with certain countries. For more information, see the Web site of Foreign Affairs Canada at www.fac-aec.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 and Skills Development Canada (HRSDC). HRSDC assesses the job’s economic effect on the Canadian labour market and confirms either an individual job or a group of jobs. HRSDC 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 HRSDC 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. HRSDC may also provide an opinion on specific types of jobs where labour market shortages exist. The government may reach agreements with industrial sectors facing worker shortages to process work permits for needed workers faster.

In many cases, a foreign national can conduct business in Canada without a work permit (see the “Business people” section of this guide). In other cases, a work permit is required but an HRSDC confirmation is not—for example, when someone is working as a professional under NAFTA or as a skilled intra-company transferee. Some people 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.

Business people

Certain business people may work in Canada without a work permit provided that they enter Canada for international business activities without entering the Canadian labour market. Business people may represent a foreign business or government and are remunerated outside Canada. Their principal place of business is outside Canada. The business person 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).

Business persons from all countries are facilitated under the general provisions of the *Immigration and Refugee Protection Regulations*. See www.cic.gc.ca.

What are the temporary worker provisions of free trade agreements?

North American Free Trade Agreement

Under chapter 16 of NAFTA, citizens of Canada, the United States and Mexico can gain quicker, easier temporary entry into the three countries to conduct business activities or investments.

All business people covered by NAFTA are exempt from the need to obtain approval from HRSDC. This means that Canadian employers do not need to have a job offer approved by HRSDC to employ a United States or a Mexican business person.

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

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

A business visitor:

- must be entering Canada to take part in an international business activity listed in appendix 1603.A.1 of chapter 16 of NAFTA (these activities include technical or scientific research, attendance at a convention or trade fair, sales of products or services for an enterprise located in the United States or Mexico—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 NAFTA (for example, accountants, computer systems analysts, engineers, management consultants and technical writers);
- needs a work permit; and

- must have pre-arranged employment with a Canadian employer.

An intra-company transferee:

- must have worked at least one year in the preceding three-year period for the United States 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 an investor:

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

For further information on all categories, consult appendix G of the Temporary Foreign Worker Guidelines on the CIC Web site at www.cic.gc.ca/manuals-guides/english/fw/fwe.pdf.

Canada–Chile Free Trade Agreement

The CCFTA is modelled on 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 NAFTA and cover the four categories of business people: 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*, or consult appendix B of the Temporary Foreign Worker Guidelines on the CIC Web site at www.cic.gc.ca/manuals-guides/english/fw/fwe.pdf.

General Agreement on Trade in Services

Under GATS, Canada has committed to facilitating market access for certain business people 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 business people are covered: business visitors, professionals and intra-company transferees. Qualified business people find it easier to enter Canada because they do not need to obtain HRSDC 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)*, or consult appendix D of the Temporary Foreign Worker Guidelines on the CIC Web site at www.cic.gc.ca/manuals-guides/english/pub/fw/fwe.pdf.

Admissibility and 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.

Although enforcement is the responsibility of the Canada Border Services Agency (CBSA), setting policy on inadmissibility is shared by CIC and the CBSA. The CBSA is responsible for defining who is inadmissible for security reasons or for involvement in war crimes or organized crime. CIC is responsible for defining who is inadmissible for all other reasons.

Immigration officers of both CIC and the CBSA share responsibility for screening applicants and identifying inadmissibility.

Please see the CBSA Web site (www.cbsa-asfc.gc.ca) for information about such enforcement activities as intelligence, interdiction abroad, security, border control, arrest, detention, removals and hearings.

Who is admissible to Canada?

Canadian citizens, permanent residents and people registered under the *Indian Act* have the right to enter and remain in Canada. Other people wanting to come to Canada as permanent or temporary residents are

permitted to enter Canada if they possess a valid visa (if required) and if they are admissible to Canada.

Who is inadmissible to Canada?

Individuals may be denied a visa, or refused entry to 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 its 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 crime, 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 IRPA; or
- having an inadmissible family member.

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

Examples of failure to comply with 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 IRPA and its regulations and do not present any risk to Canada. Visitors from some countries are exempt from the visa requirement.

CIC and the CBSA also work with other countries, international organizations and airlines, sharing information on illegal migration, people smuggling and expertise in the verification of documents and interdiction.

What are background checks?

A background check is a normal part of the processing of permanent resident visas. 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 or who has failed to pass a background check may be allowed into Canada if:

- the criminal activity was committed outside Canada and they are able to satisfy the minister of Citizenship and Immigration that they have 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.

Requests for relief based on rehabilitation may be made at a visa office outside Canada, at a port of entry or at a local immigration office in Canada. Such a request usually requires proof that at least five years, and in some cases 10 years, have elapsed since the end of the sentence, and that further criminal activity is unlikely.

How do Canadian officials control people arriving at the border?

Canada has been working closely with the United States on measures under the Smart Border Declaration to improve border management, share information and develop processes to facilitate legitimate travel across our shared border, while targeting high-risk traffic. The CBSA is responsible for border control.

The *Immigration and Refugee Protection Act* gives officers the authority to:

- search travellers who lack adequate identity documentation;
- seize travel documents;
- seize vehicles that may be involved in immigration violations;
- detain persons who present a flight risk, pose a danger to the public or lack adequate identity documents;
- receive advance passenger information on travellers arriving in Canada for the purpose of identifying potential high-risk individuals; and
- prepare reports under IRPA on inadmissible persons and, in some cases, issue removal orders.

For information on admissibility hearings, detentions and removals, please see the CBSA Web site (www.cbsa-asfc.gc.ca/general/enforcement/menu-e.html).

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 their entry is justified by compelling circumstances and they are not a danger to public health or safety in Canada. 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 inadmissibility, a permit holder who has lived continuously in Canada for three to five years under the authority of a valid temporary resident permit may be eligible to apply for permanent resident status.

Appeals

Who has a right of appeal under immigration law?

The following people 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
- permanent residents who may appeal a decision made outside of Canada on the residency obligation.

Who does not have a right of appeal?

There is no right of appeal in the following cases:

- the foreign national or the sponsor or the permanent resident if the person in question has been refused a permanent resident visa or found to be inadmissible on grounds of security, human or international rights violations, serious criminality or organized crime;
- when the application to sponsor a member of the family class has been denied because of misrepresentations unless the foreign national is the sponsor's spouse, common-law partner or dependent child; or
- the sponsor has discontinued or withdrawn their applications.

IRPA does not provide for appeals of other decisions to the IRB, such as the refusal of temporary resident visas or removal of people without status in Canada. Nevertheless, any decision by a government official may be subject to an application for judicial review by the Federal Court.

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.

When a person contacts a CIC office—whether it is the minister's office or the 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.

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 the 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 to 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, page 14.

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 or unless it is in accordance with other disclosure provisions of the Act. 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.

In order to make a privacy request, you must be a Canadian citizen or a permanent resident, or present in Canada at the time your request is made, and present in Canada at the time access is given to you. If you do not meet these conditions, you may not apply yourself or authorize another individual to act on your behalf through the *Privacy Act*. However, you may give your written consent to another individual to act on your behalf under the *Access to Information Act*, if the individual meets the above requirements or if you’ve given your consent to a corporation present in Canada. Personal information may be given to a federal member of Parliament (MP) or a senator, for the purpose of assisting the individual to whom the information relates in resolving a problem.

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

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

Where can I get more information on immigration?

Information on CIC programs and publications, and links to related sites, are available on the CIC Web site at **www.cic.gc.ca**.

The CIC Call Centre can provide up-to-date information (see annex 3).

You can download IRPA and its regulations from the Department of Justice Canada's Web site at **canada.justice.gc.ca**.

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

Canadian Government Publishing
Ottawa, ON K1A 0S9
Tel.: (613) 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 people every year. About 85 percent of immigrants become Canadian citizens.

What are my rights as a Canadian?

Canadians have the right to:

- stand as candidates 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 18 years of age or older (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 less. 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 older must take the oath of citizenship.

Where can I find more information about my citizenship application and processing time?

For more information about the status of your application or to find out how long it takes to become a Canadian citizen, visit the CIC Web site at www.cic.gc.ca or contact the CIC Call Centre. The fee schedule in annex 1 gives the cost of a citizenship application.

How do I get an application form?

Application guides and forms are available on the CIC Web site. If you are in Canada, contact the CIC Call Centre to have an application mailed to you. If you are 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 to include and what photographs are required. If you have any questions about the form, contact the Call Centre.

Mail all applications for one family in the same envelope, with a proof of payment receipt for all 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 residency 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 toward your residency calculation. For example, if you mail your application on January 1, 2005, your residency calculation starts on January 1, 2001, even if you lived in Canada before 2001.

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 because of 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 the 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 aged 14 or more must sign the application form and their photographs.

Children under the age of 18 are not required to write the citizenship 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 more will need:

- proof of permanent residence, either
 - a 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 citizenship photographs that are signed (see next question); 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 Record of Landing (IMM 1000) or permanent resident card (see above);
- two pieces of identification, such as school records, a provincial health card, or an immunization record;

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

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

What kinds of photographs are acceptable?

Citizenship 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 photographs.

The photograph must have been taken within the past 12 months and must show a full front view of the applicant's head. The applicant's head should not be covered, unless it must be for religious reasons. Follow the guidelines for citizenship photographs in the application guide.

You do not need a guarantor for your photographs.

The citizenship test

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

A Call Centre agent can tell you how long you will wait. CIC's on-line services (www.cic.gc.ca) allow clients to view the status of their application securely. 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 the Call Centre or the CPC. You may submit a change of address through CIC's on-line services.

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 will be sent by regular mail advising of the date and time of the interview; and
- the second and final notice will be sent 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, you may request that the study material be made available in large-print format or an audio version. You may also have an oral interview instead of 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 on the application form 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, people aged 55 or older do not have to meet the language and knowledge requirements and do not have to write the citizenship test.

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 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 citizenship photographs;

- 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, contact the Call Centre.

You cannot become a citizen if you:

- have been convicted of an indictable offence or an offence under the *Citizenship Act* within the past three years;
- are in prison, on parole or on probation;
- have been charged with an indictable offence or an offence under the *Citizenship Act* and have not yet been found guilty or not guilty;
- are under a removal order;
- are under investigation for or charged with war crimes or crimes against humanity; or
- have had your Canadian citizenship taken away in the past five years.

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 toward residence. If you have spent time on probation, on parole or in prison in the last four years, you may not meet the residency requirement for citizenship. Please check with the Call Centre before applying.

For a complete list of prohibitions, see the application guide or contact the Call Centre.

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 outside Canada to a Canadian citizen, am I automatically a Canadian citizen?

- It depends on your situation. Contact the Call Centre or a Canadian embassy to discuss the matter.
- If you were born outside Canada **after** February 14, 1977, and one of your parents was a Canadian citizen at the time of your birth, you are a Canadian citizen.
- If you were born outside Canada **after** February 14, 1977, to a Canadian parent who was also born outside Canada to a Canadian parent, you may need to take steps to retain your citizenship before turning 28 years of age. If you think this applies to you and you need more information, contact the Call Centre.
- If you were born outside Canada **before** February 15, 1977, and one of your parents was a Canadian citizen at the time of your birth, contact the Call Centre or Canadian Embassy for more information.

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

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 the 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 (a Record of Landing [IMM 1000] or a 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, or social insurance card;
- two citizenship-sized photographs; and
- a \$100 fee.

An interview with a citizenship judge may be necessary.

You will reacquire 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 or contact the CIC Call Centre.

Several publications, including *How to Become a Canadian Citizen*, *A Look at Canada*, *Dual Citizenship*, *Retention of Canadian Citizenship* and *How to Host a Citizenship Ceremony* are available on the Web site or through the Call Centre.

Consult the *Canadian Charter of Rights and Freedoms*, which is available on the Department of Justice Canada's Web site at www.canada.justice.gc.ca.

Annex 1: Visas

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

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

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

Annex 2: Fee schedule

Citizenship fees

Right of Citizenship\$100

Citizenship Services

Note: People 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 a 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 a common-law partner\$550

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

Investor, Entrepreneur or Self-Employed Person 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 a common-law partner\$550

A family member of the principal applicant who is less than 22 years of age and not a spouse or a 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 a common-law partner\$550

A family member of the principal applicant who is less than 22 years of age and not a spouse or a 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 a common-law partner\$550

A family member of the principal applicant who is less than 22 years of age and not a spouse or a 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 a common-law partner	\$550
A family member of the principal applicant who is less than 22 years of age and not a spouse or a common-law partner	\$150
Permit Holder 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 a common-law partner	\$550
A family member of the principal applicant who is less than 22 years of age and not a spouse or a 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
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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 entries\$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 applies to each person, but the total amount will not exceed \$450 in the case of a group of three or more people, 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

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 can apply for a travel document so that they may return to Canada.

Temporary Resident Permit	\$200
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
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Annex 3: CIC Call Centre

Our automated telephone service is available 24 hours a day, seven days a week. If you have a touch-tone telephone, you can

- listen to prerecorded information on citizenship and immigration programs;
- order an application kit; and
- check the status of your application.

For information on citizenship and immigration
1 888 242-2100 (in Canada only)

For information on the permanent resident card
1 800 255-4541 (in Canada only)

If you are **hearing impaired** and use a text telephone, you can access the TTY service from 8 a.m. to 4 p.m. your local time by calling 1 888 576-8502 (in Canada only).

Call Centre Agents

Call Centre agents are available to answer your questions **Monday to Friday, 8 a.m. to 4 p.m.**, your local time.

Please note that agents **cannot** make decisions on applications that are being processed by case processing centres or CIC offices, nor can they assist you in processing your application more quickly.

Tips for Clients

Since call volumes are higher on Mondays and Tuesdays, you are encouraged to contact the Call Centre later in the week.

As an alternative to the Call Centre, you are also encouraged to obtain information on CIC's Web site at **www.cic.gc.ca**.

Annex 4: Points of service abroad

Regional Program Centres	
Accra	Moscow
Beijing	New Dehli
Buffalo	Paris
Damascus	Singapore
London	Vienna
Manila	

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

Specialized Offices	
Brussels	Guangzhou
Canberra	Madrid
Dubai	Miami
Geneva	The Hague

Satellite Offices*	Immigrant Applications Go To
Abu Dhabi	London
Amman	Damascus
Bangkok	Singapore
Beirut	Damascus
Belgrade	Vienna
Budapest	Vienna
Chandigarh	New Dehli
Detroit	Buffalo
Dhaka	Singapore
Ho Chi Minh City	Singapore
Jakarta	Singapore
Lagos	Accra
Los Angeles	Buffalo
New York	Buffalo
Prague	Vienna
Riyadh	London
Seattle	Buffalo
Shanghai	Beijing
St. Petersburg	Moscow
Tehran	Damascus
Tokyo	Manila
Tunis	Paris
Washington	Buffalo

Other Offices**	
Addis-Ababa	Quito
Algiers	San José
Dakar	San Salvador
Dar es Salaam	Santo Domingo
Georgetown	Sarajevo
Hanoi	Stockholm
Harare	Tripoli
Kuwait	Yaoundé
Lusaka	Zagreb
Mumbai	

* Satellite offices offer temporary resident services.

** Other offices are those where there is no Canadian visa officer, and where very limited temporary resident processing services are offered.

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 August 2005). As this list is subject to change, please see www.hcch.net for up-to-date information.

Albania	Finland	New Zealand
Andorra	France	Norway
Australia	Georgia	Panama
Austria	Germany	Paraguay
Azerbaijan	Guatemala	Peru
Belarus	Guinea	Philippines
Belgium	Hungary	Poland
Bolivia	Iceland	Portugal
Brazil	India	Romania
Bulgaria	Israel	San Marino
Burkina Faso	Italy	Slovakia
Burundi	Latvia	Slovenia
Canada*	Lithuania	South Africa
Chile	Luxembourg	Spain
Colombia	Madagascar	Sri Lanka
Costa Rica	Malta	Sweden
Cyprus	Mauritius	Switzerland
Czech Republic	Mexico	Thailand
Denmark	Moldova	Turkey
Ecuador	Monaco	United Kingdom
El Salvador	Mongolia	Uruguay
Estonia	Netherlands	Venezuela

* As of August 2005, all Canadian provinces (except Quebec) and territories have legislation in place to implement the Hague Convention.