



Citizenship and
Immigration Canada

Citoyenneté et
Immigration Canada

PP 4

Processing Protected Persons' in-Canada Applications for Permanent Resident Status

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Updates to chapter

Listing by date:

Date: 2007-02-23

Changes were made to PP 4 in order to reflect changes in policy and procedures resulting from the jurisprudence of the Federal Court, to clarify and elaborate on procedures that were not being applied in a manner consistent with the intent and policy underlying the *Immigration and Refugee Protection Act*, and to achieve stylistic consistency in the presentation of the instructions contained in this chapter.

1. What this chapter is about

This chapter describes the processing of in-Canada applications for permanent residence made by protected persons, including Convention refugees and members of the protected temporary residents (PTR) class. It describes the various processing stages including:

- receipt of the application;
- decisions regarding eligibility to apply for permanent residence as a protected person;
- the application process; and
- granting permanent residence to those who meet the requirements.

2. Program objectives

The granting of permanent resident status to protected persons advances Canada's international legal obligations with respect to refugees and affirms Canada's commitment to international efforts to provide assistance to those in need of protection.

3. The Act and Regulations

For information on in-Canada applications for permanent residence made by protected persons, please refer to the following legislation.

Provision	Reference in Act or Regulations
Refugee objectives	A3(2)(d), (g) and (h)
Medical examination and inadmissibility	A16(2)(b) A38(1) and (2) R29, R30(1)(a) and R30(2)
Entering or remaining in Canada – Obligations	A20(1)
Permanent residence	A21(1) and (2)

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Application for permanent residence: Humanitarian and compassionate grounds	A25(1) R66
Authority to impose conditions in the Regulations	A26(b) and A26(d)
Persons who are inadmissible on security grounds	A34(1)
Persons who are inadmissible for violations of human or international rights	A35(1) and (2)
Persons who are inadmissible for serious criminality	A36(1)
Persons who are inadmissible on grounds of organized criminality	A37(1)
Persons who are inadmissible for reasons of health	A38(1)
Report on inadmissibility	A44(1)
Reasons for which people cease to be protected persons	A108(1)(a) to (e), and A108(4)
Exceptions and restrictions with respect to applications for protection	A112(2) and (3)
Stay of a removal order	A114(1)(b)
Definition of "family member"	R1(3)(a) to (c)
Passports, travel documents and alternative identity documents - permanent residents	R50(1)(a) to (h) R178(1) and (2)
Prescribed period within which a protected person may apply to remain in Canada as a permanent resident	R175(1)
Inclusion of family members on application to remain in Canada as a permanent resident	R176
Protected persons who cannot become permanent residents	R177(a) to (e)
Study permits and work permits – protected persons	R206(a) and (b) R207(c) and (e)
Fees for applications to remain in Canada as a permanent resident, and Right of Permanent Residence fee	R301(1), and R303(2)(c) and (c.1)
Members of the post-determination refugee claimants in Canada class (PDRCC)	R347(3)
Members of the undocumented Convention refugee in Canada class (UCRCC)	R347(2)
Protected temporary residents (PTR) class	R72(1)(f), R72(2)(c), and R151.1

3.1. Forms

The forms required are shown in the following table.

Form title	Form number
Application for a Protected Person Status Document	IMM 5521E
Applying for Permanent Residence from Within Canada, Humanitarian and Compassionate Cases	IMM 5291E (includes IMM 5001 and IMM 5283)

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Applying for Permanent Residence from Within Canada, Protected Persons and Convention Refugees	IMM 5205E
Confirmation of Permanent Residence	IMM 5509B
Fees Receipt	IMM 5401B
In-Canada Application for Permanent Resident Status	IMM 5202E
Medical Report – Section A Client identification and summary	IMM 1017E
Medical Surveillance - Undertaking	IMM 0535B
Request for Consideration of Minister's Intervention	IMM 5354B
Request for Screening Action	IMM 0703B

4. Instruments and delegations

Designations and delegations can be found in IL 3 at

http://www.ci.gc.ca/Manuals/index_e.asp.

5. Departmental policy

Citizenship and Immigration Canada (CIC) recognizes the plight of foreign nationals who have reached Canada in their efforts to escape persecution in their country of origin or former habitual residence. Foreign nationals who have been granted protected person status in Canada may wish to make an application for permanent residence for themselves and their family members.

Recent amendments to the *Immigration and Refugee Protection Regulations* created a new class called the PTR class. The amended Regulations set out the rules for members of this class to acquire permanent residence from within Canada. The PTR class includes persons admitted to Canada under the *Immigration and Refugee Protection Act* (IRPA) on a temporary resident permit (TRP) for protection reasons as well as those who entered Canada on a Minister's permit under the former Act for protection reasons, such as having been determined by a visa office to be persons in urgent need of protection. Under the new Regulations, persons in urgent need of protection who were admitted to Canada under a temporary resident permit because medical examination requirements were not finalized may now be able to apply for permanent residence from within Canada, as soon as the visa office finalizes the processing of their application and they are found to be admissible.

The new provisions exempt members of the PTR class from paying a fee when applying for permanent resident status.

CIC's policy is to manage the application process by ensuring legislative and regulatory requirements are met before applicants are granted permanent residence.

R176(2) allows family members outside Canada who were included in the application but who were not examined concurrently with the principal applicant to apply for permanent residence within one year following the day the principal applicant becomes a permanent resident.

R178(1) and (2) reflect the outcome of litigation under the former Act with respect to identity document requirements when an applicant for permanent residence is without a valid passport or travel document.

The policy recognizes that not all refugees have easy access to documentation, and the intent is to accept other forms of identity documentation when country conditions are such that the applicant is unable to obtain identity documents issued by an authority recognized in R50(1)(a) to (h), and to accept, with respect to those who have no other identity documents, statutory declarations either from known leaders of the national community or persons who have known the

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applicant prior to the applicant's arrival in Canada. This will expedite the process of granting permanent residence to protected persons who cannot meet the requirements of R50(1), especially those originating from countries without central governments. The process for assessing the need for an alternative to a passport or travel document is described in section 10.4.

5.1. Applicants who are Quebec residents

Applicants who reside in the Province of Quebec and who are not persons whom the Immigration and Refugee Board (IRB) has determined to be Convention refugees may become permanent residents only if it is established that the competent authority of that province is of the opinion that they meet the selection criteria of the province. Other protected persons, including members of the PTR class, cannot become permanent residents in Quebec if they have not received a *Certificat de sélection* from the Province of Quebec.

6. Definitions

Protected person

A protected person is a person on whom refugee protection is conferred under A95(1) and whose claim has not subsequently been deemed to be rejected under A108(3) or A109(3), or whose refugee protection application is deemed to be rejected under A114(4) [A95(2)].

Convention refugee

A Convention refugee is a person who, by reason of a well-founded fear of persecution for reasons of race, religion, nationality, membership in a particular social group or political opinion:

- is outside each of their countries of nationality and is unable or, by reason of that fear, unwilling to avail themselves of the protection of each of those countries; or
- not having a country of nationality, is outside the country of their former habitual residence and unable or, by reason of that fear, unwilling to return to that country [A96].

Family member

For the purposes of the Act, other than A12 and A38(2)(d), and the Regulations, "family member" in respect of a person means:

- the spouse or common-law partner of the person;
- a dependent child of the person or of the person's spouse or common-law partner; and
- a dependent child of a dependent child referred to in R1(3)(b).

Common-law partner

"Common-law partner" is defined in R1(1).

Dependent child

"Dependent child" is defined in R2.

Marriage

"Marriage" is defined, with respect to a marriage that took place outside Canada, as a marriage that is valid both under the laws of the jurisdiction where it took place and under Canadian law [R2].

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Person in need of protection

A "Person in need of protection" is a person in Canada whose removal to their country or countries of nationality or, if they do not have a country of nationality, their country of former habitual residence, would subject them personally:

- (a) to a danger, believed on substantial grounds to exist, of torture within the meaning of Article 1 of the Convention Against Torture; or
- (b) to a risk to their life or to a risk of cruel and unusual treatment or punishment if
 - (i) the person is unable or, because of that risk, unwilling to avail himself or herself of the protection of that country;
 - (ii) the risk would be faced by the person in every part of that country and is not faced generally by other individuals in or from that country;
 - (iii) the risk is not inherent or incidental to lawful sanctions, unless imposed in disregard of accepted international standards, and
 - (iv) the risk is not caused by the inability of that country to provide adequate health or medical care.

Protected temporary residents class

A foreign national is a protected temporary resident and a member of the PTR class if the foreign national holds a temporary resident permit and

- (a) became a temporary resident under a temporary resident permit for protection reasons after making a claim for refugee protection outside Canada under A99; or
- (b) was issued a Minister's permit under section 37 of the former Act after seeking admission to Canada under section 7 of the former Regulations or section 4 of the *Humanitarian Designated Classes Regulations* [R151.1].

Spouse

"Spouse" is not defined in the Act or the Regulations, and takes the ordinary and usual definition of the term.

7. Procedure: Processing applications for permanent residence

7.1. How clients submit an application

The client may obtain an application kit, Applying for Permanent Residence from within Canada — Protected Persons and Convention Refugees [IMM 5205E], by phoning the CIC Call Centre or visiting the CIC Web site. The first 12 pages of the kit contain information and instructions on how to complete the application, and explain what fees and documents are required before sending the application to the Case Processing Centre-Vegreville (CPC-Vegreville) for processing.

7.2. Date of the application

An application is considered to be made on the day that an application that meets the requirements of R10, including evidence that the relevant cost recovery fees have been paid, is received at CPC-Vegreville.

7.3. Screening the application form for completeness

Applications and the supporting documentation must be reviewed to ensure that:

- the application (IMM 5202E) is completed properly:
 - ◆ the application is signed by the applicant;
 - ◆ any family members in Canada over 18 years of age have completed a separate IMM 5202E application;

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- the applicant has enclosed the following documentation:
 - ◆ two passport-size photographs of each family member in Canada (in addition to the applicant's photographs that accompany the application);
 - ◆ photocopies of the applicant's passport, travel document or identity documents, as well as those of included family members who are in Canada;
 - ◆ a photocopy of:
 - ◆ the letter from the IRB indicating the applicant is a protected person, or of the notice from a Pre-Removal Risk Assessment (PRRA) officer indicating the applicant is a protected person, or
 - ◆ the temporary resident permit or Minister's permit indicating the applicant is a member of the PTR class; and
 - ◆ the applicable cost recovery fee has been submitted.

Note: Members of the PTR class are exempted from paying the cost recovery fee.

The Refugee Protection Division (RPD) of the IRB gives written notice of its decision to the refugee protection claimant and to the Minister. In addition, the claimant is given a letter by the RPD indicating the date by which the claimant must submit an application for permanent residence as a protected person. Although the applicant is instructed to provide a copy of the RPD's determination letter, the Field Operations Support System (FOSS) should be checked to verify that the claimant has been determined to be a protected person. If this information is not available in FOSS, the responsible IRB office should be contacted for clarification.

Successful PRRA applicants will receive, through the Canada Border Services Agency (CBSA) removals officer, a letter from a CIC PRRA officer indicating that their application has been accepted. Although the letter constitutes valid proof that the person is a protected person, officers should ensure that the decision was also entered in FOSS. If the information is not available in FOSS, the office holding the file should be contacted for clarification.

7.4. Processing incomplete applications

If the application does not include the required documents or is unsigned, officers should:

- enter in FOSS the date the application was made and the reason for the return;
- return the entire package to the client with a letter explaining the reason for the return (refer to Appendix B).

The application should not be returned if the only reason for the return is the lack of a letter from the IRB or a PRRA officer, unless the protected person status cannot be determined in FOSS. If the client has neglected to complete a portion of the application (e.g., addresses for the past 10 years), the officer at the CPC should determine whether the information is essential to the processing of the application, and if so, should try to obtain the information by written request or telephone, as appropriate.

7.5. Tracking the application

FOSS tracks the processing of applications for permanent residence made by protected persons through the Case Processing Support (CPS) module.

Upon initial evaluation, applications made by protected persons must be entered in the CPS module at the CPC, as follows:

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- the "Approved-in-Principle" field should indicate that the case has or has not been provisionally approved at the time the eligibility decision was made according to section 9.1 below;
- "Y" should be entered in the "Proof of Identity" field if a satisfactory document has been submitted;
- "N" should be entered if a satisfactory document has not been provided.

Should the applicant subsequently provide proof of identity, this field will be updated to reflect receipt of the submission. When the requirements referred to section 10 below have been met, the results and the date received should be entered into the CPS module of FOSS.

Once all the statutory requirements have been met, CPC-Vegreville will enter the Confirmation of Permanent Residence (CPR) document into the CPS module. The date of entry indicated in box 36 of the CPR document should reflect the claimant's first "physical entry" into Canada. The office of issue will be entered as the closest Canada Immigration Centre (CIC) to where the client lives.

The CIC will, according to local procedure, print the CPR documents and send a call-in notice or letter asking the applicant to attend an interview to determine the granting of permanent residence.

7.6. Applicant in default

An officer may assess and refuse an application where the applicant fails to provide the information necessary for approval; the reason for refusal must be linked to a requirement of the Act or Regulations that is not met. CIC may NOT declare an application abandoned when the applicant fails to provide information requested by an officer with respect to the application or fails to appear for an interview.

An officer must send a letter requesting the required information to the applicant's last known address and forward a copy of the letter to the applicant's last known authorized representative. This letter should specify the information required, or the date of the re-scheduled interview, and indicate that the application will be assessed on the basis of the information available and may be refused if the applicant does not appear as directed, or if the required information is not received within 60 days from the date of the letter (refer to Appendix C).

In the absence of a response, or if the response does not include the information required to reach a positive decision, the application will be assessed on the basis of the information available, and may be refused. The case will then be closed. The applicant shall be informed of this decision in writing and advised that should they wish to pursue another application for permanent residence in the future, they will be required to submit an application requesting humanitarian and compassionate consideration, and that new fees will be required. The letter will indicate that this decision will not affect the applicant's protected person status (refer to Appendix D). Where the only outstanding requirement is that the individual must appear for the granting of permanent residence, the application cannot be refused, since A41 is not applicable with respect to these applications.

If the applicant fails to provide the requested information necessary to approve the application before the end of the 180-day period prescribed for applying for permanent residence, and there are reasons to refuse the application under a provision of the Act or Regulations, then the applicant should be advised that an application for humanitarian and compassionate consideration and new fees will be required (refer to Appendix E).

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8. Procedure: Fees and proof of payment

8.1. Processing fees

The following fees apply to protected persons in Canada and their family members, whether in Canada or abroad, for processing an application for permanent residence:

Category of applicant	Fees required
Principal applicant	\$550
Family member, 22 years of age or older	\$550
Family member, less than 22 years of age, who is a spouse or partner	\$550
Family member, less than 22 years of age but not a spouse or partner	\$150

An applicant who is ineligible or who does not meet the requirements for the granting of permanent residence as a protected person may apply to remain in Canada as a permanent resident under humanitarian and compassionate considerations [A25(1)].

Members of the PTR class and their family members are considered to be the equivalent of persons making a claim for refugee protection from outside Canada, and as such are not required to pay cost recovery fees in Canada when applying for permanent residence in Canada [R301(1.1)]. This includes members of this class who entered Canada on Minister's permits prior to the coming into force of IRPA. The fee exemption applies to both the application and the Right of Permanent Residence fee [R303(2)].

8.2. Proof of payment

The only acceptable proof of payment for the processing fees is the "copy 2" portion of the original receipt (IMM 5401B).

Note: If an application is not accompanied by the processing fees or if the fees are paid in a method of payment other than IMM 5401B, officers should return the kit to the applicant with a letter requesting that the fees be paid according to the proper method.

9. Procedure: Assessing eligibility

9.1. Determining eligibility of the principal applicant

In order to be eligible to apply for permanent residence, the applicant must have been determined to be a protected person by the RPD or a PRRA officer, or must be a member of the PTR class whose medical examination has been finalized by the mission.

The following protected persons may **NOT** be granted permanent residence:

- a person who has been the subject of a decision under A108, A109 or A114(3) resulting in the loss of refugee protection;
- a person who is already a permanent resident of Canada;
- a person who has been recognized by a country other than Canada as a Convention refugee and who can be returned to that country;
- a person who is a national or citizen of a country other than the country of persecution; or

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- a person who has permanently resided in a country other than the country of persecution and to which the person can be returned [R177(a) to (e)].

Once a protected person is considered eligible to apply for permanent residence, the CPC should send a general information letter advising that the application has been "approved in principle" (refer to Appendix A). This letter will be used to request any further information required to process the case (e.g., identity documents, supplementary forms for background checks, medical information). If the applicant lives in Quebec, a copy of the IMM 5205E and a covering letter must be sent to the *ministère de l'Immigration et des Communautés culturelles du Québec* (MICC).

Impact of cessation or vacation of refugee protection

The Minister may apply to the Refugee Protection Division, with respect to a protected person, for cessation of refugee protection pursuant to A108(2), or for vacation of refugee protection pursuant to A109(1). The Minister may also vacate, pursuant to A114(3), a decision made pursuant to A114(1)(a) conferring refugee protection. In any of these cases, the person's claim or application for protection is deemed to be rejected.

When an applicant for permanent residence ceases to be a protected person, or refugee protection is vacated, the applicant is no longer eligible to apply for permanent residence. The decision to vacate may also be rendered after the person has become a permanent resident. Should this be the case, A46 provides for the loss of the permanent resident status, except with respect to cessation decisions pursuant to A108. Hence, there is no requirement to suspend or delay the processing of an application for permanent residence simply because "vacation" is being contemplated or pursued. Refer to Appendix F for the proper notification required when the applicant's status as a protected person has ceased, or refugee protection has been vacated.

9.2. Screening the application for eligibility

The application (IMM 5202E) should be screened for the following:

- eligibility of the principal applicant:
 - ◆ questions 1 to 4 in area "L" of the IMM 5202E application pertain to the applicant's eligibility to apply. Review the answers to these questions to determine if the applicant meets the eligibility criteria outlined in section 9.1 above;
 - ◆ if the applicant has not been determined to be a protected person, is not a member of the PTR class, or answers "YES" to any of questions 1 to 4 in area "L," the applicant is not eligible to apply for permanent residence;
- eligibility of family members (see section 9.5 below for more information):
 - ◆ the applicant must provide details of all family members, in Canada or outside Canada, on their application for permanent residence;
 - ◆ areas "B" and "C" on the IMM 5202E provide information on family members. The persons included in the application should meet the definition of "family member" in R1(3). That is, they should be the "spouse," or "dependent child" of the principal applicant. (Officers should take note of the relationship to the applicant and the age of the dependent child.)

9.3. Calculation of the 180-day period

In order to be eligible, all applicants are required to apply for permanent residence within 180 days from the date indicated on the written decision of the RPD or of the Minister indicating that they are a protected person [R175].

CIC will accept an application for permanent residence on or at any time before the 180th day from the date indicated on the written decision confirming protected person status. The period commences on the day following the date indicated on this written decision and ends at midnight

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on the 180th day. Should that latter day be a Saturday or Sunday, or a federal statutory holiday, the period will expire at midnight on the next day thereafter that is not a Saturday or Sunday, or a federal statutory holiday.

In cases where an original application was received within 180 days but was returned to the applicant, the applicant must be informed that, if the kit is not returned within the original 180 days, they will be required to submit an application for permanent residence on humanitarian and compassionate grounds (see 9.4 below).

Note: The calculation of the 180-day period does NOT apply to members of the PTR class. Members of this class can apply for permanent residence as soon as the processing of their application is finalized by the mission and they are found to be admissible. CPC-Vegreville will send a letter to advise the applicant to submit an application for permanent residence from within Canada [IMM 5205E] as a member of PTR class.

9.4. What to do if a protected person is ineligible to apply

The procedure to follow when the applicant has been determined ineligible to apply for permanent residence depends on the reason for ineligibility. In all cases of refusal, the applicant must be advised in writing of the decision.

- If an applicant is described in R177(a), the CPC will send the kit/file to the applicable CIC for refusal. The CIC will determine whether an application should be made to have the person's protected person status vacated.
- Under R175(1), protected persons, other than members of the PTR class, who fail to apply within the 180-day period cannot be granted permanent residence. Clients should be advised in writing that:
 - ◆ an application may be submitted for waiver of that requirement on humanitarian and compassionate grounds;
 - ◆ an application for permanent residence from within Canada (IMM 5205E) must be accompanied by an H&C application (IMM 5291E). The fees normally payable to file such an application will not be collected, since fees were received from the same applicant for processing an application to remain in Canada as a permanent resident [R307];
 - ◆ the fact that a protected person failed to apply within the prescribed period of time does not affect their protected person status (refer to Appendix E).

9.5. Eligibility of family members

Once it is determined that a protected person is eligible to apply for permanent residence, their spouse and dependent children in Canada and abroad who are included in the application are also eligible, provided that they meet the definition of "family member" in R1(3). The officer at the CPC will notify the post serving the country or region where the family member abroad is residing, so that the post can contact the family member to solicit an application for permanent residence.

Pursuant to R10(2)(a), protected persons, like all applicants for permanent residence, are required to list all family members, whether accompanying or not. R176(1) permits the protected person to include any family member, whether the family member is in Canada or abroad. Only those family members who are included in the application will be examined. Family members abroad who are included in the application will have to submit their own application forms, so that they may be examined. They may do this at any time up to one year after the protected person in Canada becomes a permanent resident.

Family members abroad **who were included in the protected person's initial application for permanent residence** may apply to an officer outside Canada within one year after the day on

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which the principal applicant becomes a permanent resident. For further information, please consult OP 5, section 25.

The general information letter referred to in section 9.1 will also inform the protected person that their family members for whom permanent residence is sought must meet statutory requirements in order to be granted permanent residence.

The protected person may choose which of their family members will be included for permanent residence as part of their application (IMM 5202E) by answering "YES" in box 6, section "B," for family members in Canada and/or in box 5, section "C," for family members outside Canada. In order to be considered an application as specified in R10, specific form and content requirements must be followed; R10(1)(d) specifies that an application must be accompanied by evidence of payment of the applicable fee. Therefore, the protected person must submit evidence of payment of all applicable fees, including those for family members in Canada or abroad who are included in the application.

Family members within the meaning of R1(3) may be added to the application at a later date, provided it is done within the prescribed period of time (180 days) as outlined in section 9.3 above.

If applicants marry after the submission of the application and wish to include the spouse in the application for permanent residence, they may do so, even after the expiry of the prescribed time period (180 days) referred to in section 9.3 above. If the marriage is not genuine or was entered into primarily for the purpose of acquiring any status or privilege under the Act, the application, with respect to the spouse, will be refused [R4]. Children of the new spouse may also be included. Children born outside Canada to the spouse or to the child of a protected person after the expiry of the prescribed 180-day period may be included in the application for permanent residence, provided the spouse or the protected person was included, or provided that the child of the spouse is also the child of the protected person. When the principal applicant informs the CPC of the intent to include an additional family member, the CPC or the CIC will mail an IMM 5202E with instructions to return the completed application and evidence of payment of the applicable fees within 90 days. If the principal applicant does not return the application form and evidence that the applicable fees have been paid in a timely manner, the spouse or child will be considered as "non-accompanying."

Protected persons can submit an application to sponsor family members under the family class once they become permanent residents, provided the family members were declared in accordance with R10(2)(a) and still meet the criteria for inclusion in the family class at the time that the sponsorship application is submitted.

Note: If family members abroad are included but cannot be located in order to be examined by the visa office, granting permanent residence to the principal applicant will NOT be delayed. A protected person can be granted permanent residence even if family members abroad for whom permanent residence is sought do not meet all the requirements of A21(2).

9.6. Removal of a family member from the application

If protected persons wish to remove a family member from their application, they may do so at any time up to the point of being granted permanent residence. The individual who is "removed" from the application will not be granted permanent residence or issued a visa as a result of the application. The processing fee for that person will not be refunded once processing of the application has commenced. However, A42 and R23 pertaining to inadmissible family members are not applicable to protected persons. Thus the principal applicant and remaining family members may be granted permanent residence even if one of the persons included in the application is found to be inadmissible, or a family member cannot be located and therefore cannot be examined. Since the removal of a family member from the application will not change the fact that the family member has been listed in compliance with R10(2)(a), that family member may be sponsored in the future, provided that the individual remains otherwise eligible for inclusion in the family class at the time that the sponsorship application is submitted.

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Because permanent separation may result, applicants must be asked to sign a declaration acknowledging this possibility before removing the family member from the application.

Dependent children, spouses or common-law partners who are determined to be protected persons and have applied for permanent residence may have their applications severed from the principal applicant's application and be granted permanent residence apart from the principal applicant, provided they meet statutory requirements.

In cases where an included family member was never determined to be a protected person and wishes to be severed from the principal applicant's application (for example, the principal applicant has left Canada), they should be instructed to apply for permanent residence under humanitarian and compassionate considerations. Included family members who are not protected persons are subordinate applicants, and the validity of their application is entirely dependent on the granting of permanent resident status to an eligible protected person (applicant).

10. Procedure: Assessing admissibility of the protected person and family members

10.1. Adhering to policy intent

Prior to granting permanent residence to a protected person, it is necessary to ensure certain objectives are furthered. These are:

- to offer safe haven to persons with a well-founded fear of persecution based on Refugee Convention grounds, as well as those at risk of torture or cruel or unusual treatment or punishment [A3(2)(d)];
- to protect the health and safety of Canadians and to maintain the security of Canadian society [A3(2)(g)]; and
- to promote international order, justice and security by denying access to Canadian territory to persons, including refugee claimants, who are security risks or serious criminals.

To ensure that the first objective can be met, protected persons are exempted from some of the grounds of inadmissibility applicable to others seeking permanent residence. The latter objectives are met by requiring all persons to undergo medical and security clearances prior to being granted permanent residence.

Foreign nationals who have been determined to be protected persons, and the family members included in their application for permanent residence, may be granted permanent residence if they are not inadmissible under A34, A35, A36(1), A37 or A38(1)(a) or (b). However, the inadmissibility of a family member has no bearing on the admissibility of a protected person or other included family members. Further clarification is provided in A42.

Extrinsic information

Extrinsic information is:

- information that is from a source other than the applicant; and
- information that the applicant does not have access to or is not aware of, and that is being used in the decision.

The officer is required to inform the applicant of the extrinsic information and allow submissions with respect to this information, as it concerns the application for permanent residence. The letter should describe the extrinsic information and, if applicable, detail how this information differs from that provided by the applicant, to the extent that this information could be considered a misrepresentation of a material fact and/or render the applicant ineligible for permanent residence.

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Applicants must be given the opportunity to respond to this matter by providing any information they would like to be considered. Applicants should be instructed to write the office **within thirty (30) days of the date of the letter**. The letter should also advise applicants that failing to provide additional information will result in a decision based on the information on file, including the extrinsic information. Applicants must also be informed that an extension of the 30-day time period is possible if they contact the office immediately with a satisfactory explanation and specify the length of extension they require.

10.2. Security and criminal screening

Background and security checks must be conducted for all applicants and their accompanying family members 18 years of age and over.

The claimant information is then sent electronically to the Canadian Security Intelligence Service (CSIS) using the CPS/CSIS interface in order to begin the security screening. The results of the security screening are valid for 18 months. In some cases, additional supplementary forms may have to be completed when requesting CSIS clearance.

Screening for criminal activity in Canada is done by the Royal Canadian Mounted Police. Officers will forward a photocopy of the application (IMM 5202E) to the RCMP using the FOSS/RCMP interface. CICs that do not have this capability will submit the request according to local procedures.

Protected persons must submit police clearance certificates (PCCs) from the countries in which they have resided for more than six months. Note that PCCs are not required from the countries from which the applicant sought protection.

The results of the CSIS and RCMP checks are forwarded to the originating office. These results are used to help an officer make an admissibility determination. If it is determined that an applicant is inadmissible on criminal or security grounds, the CPC must transfer the file to the applicable CIC for refusal. If the application is refused, the client must be advised of the decision in writing.

Protected temporary resident class

In the case of the PTR class, applicants and their accompanying family members will NOT be required to undergo another security check if the original security check is still valid. Should the security clearance be expired (it remains valid for 18 months), another security clearance is required. CPC-Vegreville will initiate the second clearance as necessary.

Applicants and their accompanying family members will be required to undergo an in-Canada criminality clearance to ensure that they have not become inadmissible since their arrival in Canada. CPC-Vegreville will initiate this clearance procedure.

10.3. Medical examination

Protected persons (including members of the PTR class) and their accompanying family members are required to undergo a medical examination [R30(1)(a)]. Protected persons, including members of the PTR class, and their accompanying family members will NOT be required to undergo a subsequent medical examination if they have a valid medical certificate indicating they are not inadmissible on health grounds.

The medical examination is not for the purpose of declaring a protected person or family members to be medically inadmissible; rather, the examination takes place for the purpose of identifying medical conditions so that treatment can occur. Inadmissibility on health grounds based on excessive demand on health and social services does not apply to protected persons (including members of the protected temporary residents class) and their family members in Canada and abroad; they may be granted permanent residence. However, they would be inadmissible on health grounds if they are likely to be a danger to public health and safety [A38(1)(a) and (b)], and an application for permanent residence by an inadmissible person will be refused. Refusal of the

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application does not affect the determination regarding the need for protection, and any applicant who is a protected person may remain in Canada. Officers should verify in FOSS whether applicants and family members in Canada have completed a medical examination. If it is indicated that a medical examination has not been completed, officers should send the applicant medical forms IMM 1017E and a list of designated physicians. If the validity of the examination has expired, officers may seek an extension of the validity from the Immigration Medical Services Branch by sending an e-mail to Medical.Extension@cic.gc.ca (see IR 3). If an extension is not approved, a new medical examination will be required.

Under A26(d), an officer may, when granting permanent residence, impose conditions of a prescribed nature. R30(1), combined with R32, allows an officer to impose the following conditions on applicants who do not meet medical requirements:

- report for an additional medical examination;
- report for medical surveillance (IMM 0535B to be completed);
- report for treatment at times and places specified by the officer.

A NCB (non-computer-based entry) will be entered in FOSS for clients requiring medical surveillance who have had medical examinations performed in Canada. No IMM 0535B is issued if a NCB in FOSS indicates that a notification letter regarding the need for medical surveillance has been sent to the relevant provincial/territorial public authority.

An IMM 0535B with an appropriate medical surveillance handout must be issued for Convention refugees and persons in need of protection identified as requiring medical surveillance and for whom the above circumstances do not apply.

When issuing a visa to a family member who does not meet normal medical requirements, the officer should indicate which of the above conditions should be imposed at the port of entry. An IMM 0535B should be completed when required.

If, in the opinion of a medical officer, a family member requires special medical attention, the officer will indicate in the medical narrative an identified health condition which might require significant in-Canada treatment. This information will be entered into the Immigration Medical System for overseas assessments and uploaded into CAIPS.

Partner notification with respect to family members of protected persons

Since applicants who test positive for HIV may no longer be refused based on medical inadmissibility due to excessive demand [A38(2)], there are no assurances that their partners in Canada will be made aware of this medical condition. The partner notification policy will allow spouses and common-law partners abroad who test positive for HIV, 60 days in which to withdraw their application or to voluntarily disclose their HIV-positive status to their spouse/partner residing in Canada. After this period, the Department will formally notify the spouse/partner in Canada that the spouse/partner tested positive for HIV.

Note: Automatic partner notification of HIV does not apply to members of the PTR class.

10.4. Requirement for passport, travel document or satisfactory identity document

Protected persons and their family members may be granted permanent residence if the protected person is in possession of a valid and subsisting passport or other document described in R50(1)(a) to (h), an identity document described in R178(1)(a), or statutory declarations described in R178(1)(b).

R50(1) lists the following acceptable passports or other documents in the case of all applicants for permanent residence:

- a passport issued by the country of which the applicant is a citizen or national;

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- a travel document issued by the country of which the applicant is a citizen or national;
- an ID or travel document issued by a country to non-national residents who are unable to obtain a passport or other travel document from their country of citizenship or nationality, or who have no country of citizenship or nationality;
- a travel document issued by the International Red Cross to enable emigration;
- a passport or travel document issued by the Palestinian Authority;
- an exit visa issued by the Government of the Union of Soviet Socialist Republics in order to emigrate from that country;
- a British National passport issued by the Government of the United Kingdom to persons born, naturalized or registered in Hong Kong; or
- a passport issued by the Government of Hong Kong Special Administrative Region of the People's Republic of China.

Note: While protected-person applicants for permanent residence may submit a national passport, officers are not to advise, counsel or instruct applicants to approach their embassy or other representative office to obtain a passport or other document.

Protected-person applicants who do not hold a passport or a travel document described in R50(1)(a) to (h), regardless of reason, may submit with their application the following documents described in R178(1):

- identity documents issued outside Canada before the entry of the person to Canada; or
- where there is a reasonable and objectively verifiable explanation related to country conditions for the applicant's inability to obtain the identity documents referred to in R178(1), a statutory declaration made by the applicant attesting to their identity, accompanied by:
 - ◆ the statutory declaration of a person who knew the applicant, a family member of the applicant, or the applicant's father, mother, brother, sister, grandfather or grandmother prior to the applicant's arrival in Canada, attesting to the applicant's identity, or
 - ◆ the statutory declaration of an official of an organization representing nationals of the applicant's country of nationality or former habitual residence attesting to the applicant's identity.

R178(2) requires:

- that an identity document accepted pursuant to R178(1)(a) be genuine, identify the applicant, and be credible evidence of that identity; and
- that the information in statutory declarations accepted pursuant to R178(1)(b) be consistent with information previously provided to the Department or the IRB and be credible evidence of identity.

The officer will determine whether the evidence of identity provided by the applicant meets the requirements of the applicable Regulations, and inform the applicant of the reason why the document is not acceptable.

Note: A Single Journey Travel Document (applicable in most, but not all cases) and a provincial or federal identification issued in Canada since entry (e.g., driver's licence, medical card) are acceptable identity documents for members of the PTR class.

Statutory declarations

In the case of statutory declarations, R178(2)(b)(i) requires that the information contained in the declarations be consistent with the information previously provided by the applicant to the Department and the IRB. Applicants should be offered the opportunity to explain any

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inconsistencies, and if these inconsistencies, in light of the explanations given, do not raise material questions regarding the applicant's identity, the statutory declarations will meet this requirement as well as the requirement of R178(2)(b)(ii), that they constitute credible evidence of the applicant's identity.

10.5. Judicial reviews

All rights of appeal and judicial review must have been exhausted before permanent residence is granted.

A protected person may not be granted permanent residence until there has been a final disposition of any application made by the Minister for judicial review under the *Federal Courts Act*.

Litigation Management will input the information in FOSS whenever an application for judicial review is made.

10.6. What to do if an applicant or a family member is inadmissible

If it is determined that an applicant is inadmissible on serious criminal grounds, security grounds or medical grounds, the CPC must transfer the file to the applicable CIC for refusal. If the application is refused, the client must be advised of the decision in writing.

If a family member for whom permanent residence is sought is inadmissible, the protected person and other family members may be granted permanent residence, as the general rule regarding inadmissible family members does not apply to protected persons seeking to become permanent residents [A42].

The decision of an officer to refuse to issue a visa to an inadmissible or ineligible family member is not subject to reconsideration by the officer processing the application of the protected person in Canada.

If the applicant or a family member in Canada is inadmissible on serious criminal grounds or security grounds, a report under A44(1) must be written with respect to the individual concerned; the file will be transferred to the CBSA for that purpose.

For greater certainty, protected persons and their family members are not inadmissible under A38(1)(c) for excessive demand. However, if their health condition is likely to be a danger to public health and/or public safety under A38(1)(a) or (b), they are inadmissible.

10.7. Positive decisions on admissibility

Protected persons and their family members in Canada and abroad who meet the requirements as listed in sections 10.2, 10.3, 10.5 and 10.6 above can be granted permanent residence.

The CPC will input the permanent residence information into FOSS (CPR document) so that the CIC may proceed to grant permanent residence to the applicant and any family members in Canada. The permanent residence information should include:

- the number of overseas family members;
- the name of the visa office abroad;
- the overseas file number, when available;
- the names of all overseas family members (in the "Remarks" area in the case processing module in FOSS); and
- the *Certificat de sélection du Québec* (CSQ) number for Quebec cases

Note: A protected person who has been determined to be a Convention refugee by the IRB does not require a CSQ, although one is usually issued. Other protected persons residing in Quebec do require a CSQ in order to be granted permanent residence.

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According to local procedure, the CIC will:

- print the documents for permanent residence within the CPS module of FOSS; and
- send a call-in notice or letter to the client advising of the appropriate time to appear for the granting of permanent residence.

Once the applicant and family members in Canada are granted permanent residence, and if there are family members abroad who are included in the application, the CIC will advise the visa office abroad that permanent residence has been granted.

Once the principal applicant has become a permanent resident, visas are to be issued to family members if the visa officer is satisfied with respect to their relationship to the principal applicant and they meet the requirements of A21(1).

The family member of a protected person in Canada is not automatically a protected person and is not accorded the same protection as a protected person once in Canada.

A family member who is subsequently reported under A44(1), found as described and issued a removal order, may be removed from Canada.

10.8. Coding

Detailed coding information for rendered decisions can be found in the COD Manual at

http://www.ci.gc.ca/manuals/immigration/cod/codTOC_e.asp

11. Procedure: Processing family members overseas

Protected persons applying for permanent residence from within Canada are required to list all family members, including those outside of Canada, in Part C of the application form. The applicant may choose whether to include these family members in the application for permanent residence, but must indicate this choice on the form and pay the applicable processing fee. The CPCs will finalize permanent residence applications from in-Canada applicants that include family members abroad without waiting for the statutory processing of these family members. Family members, whether in Canada or abroad, do not have to be examined unless they are included in the application.

If a family member who is included in the application (not simply listed in Parts B or C of the application) is determined to be inadmissible on any ground listed in A34, A35, A36(1), A37 or A38(1)(a) or (b), this person may be refused permanent residence or a visa, and processing of the remaining family members can continue. A42 exempts protected persons from being found inadmissible on grounds that a family member is determined to be inadmissible. The intent of this policy is to accelerate the permanent resident process for in-Canada protected persons who have included in their application family members who either cannot be examined or are inadmissible to Canada.

Although CPCs/CICs do not have to wait for the statutory requirements of included family members in order to grant permanent residence to the protected person applicant, visa offices will not issue entry documents to overseas family members until the protected person has been granted permanent residence in Canada.

The CIC will notify the visa office in a timely manner when permanent residence has been granted to the in-Canada applicant.

If visa offices have subsequent questions regarding the in-land applicant, those should be directed to CPC-Vegreville, which retains overall carriage of the application file.

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11.1. Processing the application and issuing visas

If overseas family members are included in the application, the CPC will send a fax of the application (IMM 5202E) to the appropriate visa office. Officers should ensure that:

- the CPC file number is indicated on the correspondence; and
- a complete address is available so that family members can be contacted. If there is no specific address, enough information must be provided to enable the family members to be contacted (e.g., name of refugee camp, address of friend or relative).

On receiving the information, the visa office will:

- have family members complete an application for permanent residence in Canada; and
- have family members carry out the necessary medical examinations and security clearances.

These cases are to be given the same high priority as is given to processing the protected person's application for permanent residence in Canada.

Visas should not be issued to family members abroad until the CIC in Canada confirms that the principal applicant has been granted permanent residence.

Note: Officers at CPC-Vegreville are not required to contact the visa office for the concurrent processing of the family members of a member of the PTR class. Under R140, non-accompanying family members of a PTR class applicant are automatically processed in the same refugee class as the principal applicant under the One-Year Window Program R141(1). If they fail to meet the criteria of this program, they can be assessed in their own right as either a member of the Convention refugee from abroad class or the humanitarian-protected person abroad classes. Visas may therefore be issued to family members outside Canada before the CIC in Canada confirms that the principal applicant has been granted permanent residence. For further information refer to OP 5, section 25.

11.2. Family members whose whereabouts are unknown

Cases may arise where a family member included on a protected person's application for permanent residence cannot be found and therefore cannot be examined.

When this occurs:

- the visa officer will advise the CPC by e-mail or fax that the family member cannot be located;
- the CPC will contact the protected person to request current contact information.

Should the family member(s) remain untraceable, the CPC will inform the protected person that the included family member cannot be located and advise the protected person that the family member(s) may be processed if located within one year of the protected person becoming a permanent resident.

Application of the One-Year Window

The visa officer may issue a permanent resident visa under R176(2) to a family member who was included in the application of the protected person in Canada for permanent residence, if the family member makes an application to a visa office within one year after the day the principal applicant becomes a permanent resident. The officer at the CPC will have informed the visa office of the inclusion of family members abroad, in accordance with section 9.5 above. Should the permanent resident locate a family member within the one-year time limit, they may advise CPC-Vegreville in writing. The CPC will notify the appropriate visa office, confirming that the family member was included in the initial application and ask the visa office to:

- have family members complete an application for permanent residence in Canada; and
- have family members carry out the necessary medical examinations and security clearances.

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While the visa office will act on such requests as quickly as possible, it is incumbent on the family member to make an application within one year after the day on which the protected person in Canada became a permanent resident.

11.3. When minor children of protected persons are at risk

When both parents are protected persons in Canada, or if only one parent is in Canada and the other parent is deceased or their whereabouts unknown, officers must be aware of the risks to which their children may be exposed if there are delays in finalizing the application in Canada for permanent residence. The situation may be particularly acute if the children are residing without the care and protection of an adult guardian, such as an older sibling, aunt, uncle or grandparent, in an area where a civil or international armed conflict is occurring.

Officers should arrange for the expedited medical examination of children (under the age of 18 years) when the particular circumstances increase the risk to their physical safety. Once the medical examination is completed, or where rapid medical clearance is not feasible and the child is at risk, visa officers should consider the option of early admission to Canada through the use of a temporary resident permit.

The presence of siblings who are 18 years of age or older, and who are included in the parent's application for permanent residence, will not determine the need for expedited processing and early admission. The officer can, if warranted, authorize the early admission of all included family members, especially if background checks have been completed for these older children.

11.4. Coding

Detailed coding information for rendered decisions can be found in the COD Manual at http://www.ci.gc.ca/manuals/immigration/cod/codTOC_e.asp.

12. Transitional procedures

12.1. Permanent residence not granted before IRPA

Under transitional regulations R347(1) and (2), an application for permanent residence submitted before the coming into force of IRPA, in which the granting of permanent residence had not occurred by June 28, 2002, became an application to remain in Canada as a permanent resident under A21(2). This includes an application for permanent residence as a member of the undocumented Convention refugee in Canada class.

12.2. Undocumented Convention refugees who applied under previous Act

Convention refugees who applied for permanent residence under the previous Act and who could not provide CIC with a passport, travel document or satisfactory identity document can submit a statutory declaration as prescribed in R178(1)(b).

12.3. Convention refugees without identity documents

Convention refugees who are without a passport or other document listed in R50(1) can submit either alternate identity documents as prescribed in R178(1)(a) or, where verifiable country conditions apply, statutory declarations as prescribed in R178(1)(b), in lieu of a passport or a travel document.

12.4. Member of post-determination refugee claimant in Canada class

An application for permanent residence as a member of the post-determination refugee claimant in Canada class (PDRCC), in which no risk determination was made before the coming into force of the IRPA, is, pursuant to R346(1), an application for protection under A112 to A114. An

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application for permanent residence as a member of the PDRCC, in which the applicant was determined to be a member of that class, is, pursuant to R347(3), an application for permanent residence under A21(2).

12.5. Coding

Detailed coding information for rendered decisions can be found in the COD Manual at

http://www.ci.gc.ca/manuals/immigration/cod/codTOC_e.asp.

13. Other procedures

13.1. Responding to representations

The *Privacy Act* requires that information concerning clients be released only to the client or the client's authorized representative. Before responding to a representation, officers should ensure that clients or their representative provide reasonable proof of their identity. This applies if the representation is made in person or by mail.

The decisions on an application for permanent residence made by protected persons are objective and straightforward. IRPA does not allow discretion to be used in determining eligibility to apply for permanent resident status as a protected person.

Thus, reconsideration of a decision should not be frequent. When representations do occur, officers should respond to them by reiterating the grounds of ineligibility stated in A33 to A38.

13.2. Protected person status document (PPSD)

A31(1) requires that a protected person be issued a protected person status document (PPSD). The PSD is an official document issued by CIC to confirm a person's status in Canada as a protected person. Only those who have been determined to be a Convention refugee or a person in need of protection are eligible to receive a PSD. Family members of those who have protected person status are not entitled to a PSD.

The PSD is an essential document for protected persons who wish to travel outside Canada and who require a refugee travel document (RTD) to do so. The PSD is also required by the Department of Human Resources and Social Development Canada for protected persons seeking to apply for a student loan under the Canada Student Loan Program.

Protected persons may request a PSD by completing the Application for a Protected Person Status Document (IMM 5521E) and mailing it with supporting documents to CPC-Vegreville. The application kit is available at:

<http://www.cic.gc.ca/english/information/applications/ppstatus.asp>

IRPA does not provide for a specific validation period for the PSD; as a matter of policy, the document will normally be valid for two years. For those applicants who are under security/criminality review, CPC-Vegreville will issue a PSD but may provide a shorter initial validity period (e.g., one year as opposed to two). A subsequent PSD will nonetheless be issued to protected persons for a further period of one or two years, provided that they continue to have protected person status at the time of the request for renewal.

13.3. Refugee travel document

Protected persons can use a RTD, which is issued by the Passport Office at Foreign Affairs Canada (FAC), in order to exit and re-enter Canada. A protected person who is not a permanent resident and who intends to travel outside Canada must obtain a RTD from the Passport Office before leaving Canada by submitting an Adult Travel Document Application (PPTC 190) or a Child Travel Document Application (PPTC 192). The application must be accompanied by a protected person status document issued by CPC-Vegreville, on application, under A31(1). The

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RTD is valid for travel to all countries except the country of persecution. Travellers must return to Canada prior to the expiry date indicated on the RTD and, at that time, they should have in their possession both the RTD and the protected person status document.

According to R39(c), an officer shall allow persons to enter Canada following an examination if they are in possession of refugee travel papers issued to them by the Minister of Foreign Affairs that are valid for return to Canada. R259(b) states that, for the purpose of A148(1), a person entering Canada requires refugee travel papers issued by the Minister of Foreign Affairs.

RTDs are issued by FAC according to specific guidelines established by the Passport Office. For reasons of security and practicality, stocks of Canada's two travel documents, the certificate of identity and the refugee travel document, are stored centrally in Canada and are not granted or re-issued at visa offices abroad.

If a traveller is unable to produce a RTD due to the loss or theft of the document while outside Canada, the officer may issue a temporary resident permit in order to allow re-entry into Canada. Prior to issuing a permit, officers should question the applicant regarding the loss or theft of the RTD and be satisfied that the circumstances are genuine.

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Appendix A Approved in principle

CLIENT ID:

(insert date)

insert client's name

address

city, province, postal code

Dear client's name:

This letter acknowledges receipt of your application for permanent resident status in Canada.

It has been determined that you meet the eligibility requirements to apply for permanent resident status as a protected person. It has also been determined that your family members included in your application meet the eligibility requirements, namely, (type names and date of birth of family members).

(Following paragraphs to be selected as appropriate)

- A final decision will be made when all the statutory requirements have been met. Do not contact this office regarding the status of your application unless ten (10) months have elapsed since the date of your application. If your application is completed prior to this time, you will be notified in writing.
- A final decision will be made regarding your family members abroad when all the requirements have been met with respect to those family members. Do not contact this office regarding the status of your family members' application unless eighteen (18) months have elapsed since the date of your application. **Please Note: Failure to notify this office of any change in address of your family members overseas will result in a delay of your permanent resident application. If they move during the processing of your application, please provide the new address where they can be contacted.**
- Effective February 28, 2000, payment of the Right of Permanent Residence Fee was eliminated for specific categories of persons. Our records indicate you have paid the Right of Permanent Residence Fee(s) or another person paid it on your behalf. Because you are a person affected by this change, we have initiated a refund of the Right of Permanent Residence Fee(s) in the amount of \$ (type amount refunded) and it will be issued in the near future.
- You have made an application for the Right of Permanent Residence Fee loan, which is no longer a requirement since you have been exempted from this fee.
- Our office in (type visa office here) will be contacting your family members. In the meantime, if you are in contact with your family members, please encourage them to comply with all requests from the visa office, as their compliance will help to ensure the timely processing of their application.

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- Your work permit/study permit/visitor record has/have been sent to you separately. The validity of the permit(s) and the conditions by which it/they was/were issued are indicated on it/them. Please read the document(s) carefully.
- You submitted payment of fees in the amount of \$(amount paid) with your application, but the applicable fees are \$(amount required). We have initiated a refund of \$(amount refunded) and it will be issued in the near future.

If you do not possess a valid work permit and wish to work, or if you do not possess a valid study permit and wish to attend school, you may apply for either or both. If you wish to apply for a study permit, ensure that a letter from the educational institution you plan to attend is included. The letter should outline the type of course of study or program you are registered in, start date and expected completion date. Please contact the Citizenship and Immigration Call Centre at the number indicated below and request an application kit.

The client number shown in the upper right-hand corner of this letter is your personal identification number. This number provides access to information on your file and, for your own protection, you should not allow any other person to use this number. If sending correspondence to Citizenship and Immigration Canada, please include your personal identification number. Failure to include this number could result in the return of your correspondence unanswered.

If you require further assistance, please telephone the Call Centre at the number indicated below and be prepared to quote your client number and your date of birth. General information and application kits may also be obtained through our Web site at <http://www.cic.gc.ca>.

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

Officer
Citizenship and Immigration

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Appendix B Incomplete application

CLIENT ID:

(insert date)

insert client's name here
address
city, province, postal code

Dear client's name:

Your application for permanent residence in Canada is incomplete and is being returned to you. The implementation of the new *Immigration and Refugee Protection Act* on June 28, 2002, brought changes to the guidelines, including application forms, fees, kits and instructions. In order to have your application processed, you must complete/submit the following to the Case Processing Centre immediately:

(Following paragraphs to be selected as appropriate)

- You did not sign (enter form number here).
- You did not complete all sections of the application form (insert form number here).
- You submitted an incorrect or outdated application form. You must submit the most recent version of the forms, which are dated June 2002. This date is indicated in the lower left-hand corner of the application form. To obtain the correct forms included in the Protected Persons and Convention Refugee kit, please contact the Call Centre or consult the following Web site <http://www.cic.gc.ca>.
- You have not submitted a separate application for (insert name and DOB here). All family members in Canada over 18 years of age must provide their own application. To obtain the correct forms, please contact the Call Centre or consult the following Web site <http://www.cic.gc.ca>.
- You did not provide a copy of a passport, travel document, identity document or statutory declarations as required by sections 50 or 178 of the *Immigration and Refugee Protection Regulations*.
- You have submitted cost recovery fees in the amount of \$(amount paid) with your application, and if applicable, for your family members included in your application. The total amount required is \$(amount required). Take the attached receipt to a designated financial institution and pay the required additional amount of \$(amount due). Ensure that the second copy of the receipt is stamped by the financial institution and returned to this office with your application and the original receipt.

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If you are a person in Canada with a temporary resident status, it is your responsibility to maintain your temporary resident status while your application for permanent residence is being processed.

A protected person must submit a completed application for permanent residence within the prescribed period of 180 days from the date indicated on the written determination from the Immigration and Refugee Board or the Minister with respect to that matter. Protected persons who fail to apply within this prescribed time period may not have their applications considered pursuant to A21(2).

You are not considered to have submitted a completed application for permanent residence until the information requested above has been received. If the prescribed period has passed, this application cannot be considered. You have the option, instead, of submitting an application, on humanitarian and compassionate grounds, for a waiver of the prescribed period.

The client number shown in the upper right-hand corner of this letter is your personal identification number. This number provides access to information on your file and, for your own protection, you should not allow any other person to use this number. If sending correspondence to Citizenship and Immigration Canada, please include your personal identification number. Failure to include this number could result in the return of your correspondence unanswered.

If you require further assistance, please telephone the Call Centre at the number indicated below and be prepared to quote your client number and your date of birth. General information and application kits may also be obtained through our Web site at <http://www.cic.gc.ca>.

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

Officer
Citizenship and Immigration

●●NOTE: In order to assist us in processing your application, please use the attached address label(s) and include a copy of this letter when returning the requested information.

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Appendix C Applicant in Default and Failure to Appear

CLIENT ID:

(insert date)

insert client's name

address

city, province, postal code

Dear client's name:

This letter refers to your application for permanent residence in Canada.

Because you have not been diligent in pursuing your application for permanent residence as a protected person, your application may be refused. If refused, no further consideration may be given to your request for permanent residence as a protected person.

Should you wish to pursue another application for permanent residence, you will be required to submit a new application requesting humanitarian and compassionate consideration, accompanied by new processing fees.

Applicant in default:

Your application will be assessed on the basis of the information currently on file, if you do not respond within 60 days of the date of this letter by providing the following information:

(insert missing information here)

You have the opportunity to make any submissions related to this matter. Should you wish to make submissions, you must do so in writing to this office within 60 days from the date of this letter.

Failure to appear:

Since you were unable to attend the previously scheduled interview, the interview has been re-scheduled for insert date. Please attend this interview to continue your application for permanent residence.

The client number shown in the upper right-hand corner of this letter is your personal identification number. This number provides access to information on your file and, for your own protection, you should not allow any other person to use this number. If sending correspondence to Citizenship and Immigration Canada, please include your personal identification number. Failure to include this number could result in the return of your correspondence unanswered.

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If you require further assistance, please telephone the Call Centre at the number indicated below and be prepared to quote your client number and your date of birth. General information and application kits may also be obtained through our Web site at <http://www.cic.gc.ca>.

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

Officer
Citizenship and Immigration Canada

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Appendix D Failure to provide information - Absence of response

CLIENT ID:

(insert date)

insert client's name

address

city, province, postal code

Dear client's name:

This letter refers to your application for permanent residence in Canada.

Since you have not provided the information requested by this office on (insert date here), and you have not been diligent in pursuing your application for permanent residence as a protected person, your application has been assessed on the basis of the information currently available. Your application is refused because

insert applicable statutory grounds and factual basis for the refusal here.

No further consideration may be given to your request for permanent residence as a protected person. Should you wish to pursue another application for permanent residence, you will be required to submit a new application requesting humanitarian and compassionate consideration, accompanied by new processing fees.

This decision does not affect your status as a protected person in Canada.

The client number shown in the upper right-hand corner of this letter is your personal identification number. This number provides access to information on your file and, for your own protection, you should not allow any other person to use this number. If sending correspondence to Citizenship and Immigration Canada, please include your personal identification number. Failure to include this number could result in the return of your correspondence unanswered.

If you require further assistance, please telephone the Call Centre at the number indicated below and be prepared to quote your client number and your date of birth. General information and application kits may also be obtained through our Web site at <http://www.cic.gc.ca>.

For information on citizenship and immigration

**1 888 242-2100
(in Canada only)**

Yours truly,

PP 4 Processing Protected Persons' in-Canada Applications for Permanent Resident Status

Officer

Citizenship and Immigration

PP 4 Processing Protected Persons' in-Canada Applications for Permanent Resident Status

Appendix E Application not received within 180 days

CLIENT ID:

(insert date)

insert client's name

address

city, province, postal code

Dear client's name:

This letter refers to your application for permanent resident status as a protected person.

In order to become a permanent resident as a protected person, you must comply with the requirements specified in the *Immigration and Refugee Protection Regulations*.

Regulation 175(1) states:

“For the purposes of subsection 21(2) of the Act, an application to remain in Canada as a permanent resident must be received by the Department within 180 days after the determination by the Board, or the decision of the Minister, referred to in that subsection.”

You are a person who was determined to be a protected person by the Immigration and Refugee Board on (insert date here). **Your application for permanent resident status as a protected person was not received within 180 days of the determination by the Board and is therefore refused.**

Your failure to submit your application for permanent residence within the 180-day period does not affect your protected person status, and as a protected person, you and your family members who have been granted protected person status are permitted to remain in Canada.

Should you wish to pursue permanent resident status, you may make an application, on humanitarian and compassionate grounds, for a waiver of the requirement of Regulation 175(1). To do so, you must submit a **“Request for Exemption from Permanent Resident Visa Requirement” (IMM 5001E)** accompanied by a **“Supplementary Information - Humanitarian and Compassionate Cases” (IMM 5283E)**. A new processing fee is not required.

If you wish to work or study in Canada, you must request and receive a work permit or study permit. You will need the application kit titled **“Application to Change Conditions, Extend My Stay or Remain in Canada (Visitor, Student, Worker or Temporary Resident Permit Holder)”** (IMM 1249), which can be obtained by telephoning the Call Centre or visiting our Web site at <http://www.cic.gc.ca/english/applications/menu%2Dinside.html>.

PP 4 Processing Protected Persons' in-Canada Applications for Permanent Resident Status

The client number shown in the upper right-hand corner of this letter is your personal identification number. This number provides access to information on your file and, for your own protection, you should not allow any other person to use this number. If sending correspondence to Citizenship and Immigration Canada, please include your personal identification number. Failure to include this number could result in the return of your correspondence unanswered.

If you require further assistance, please telephone the Call Centre at the number indicated below and be prepared to quote your client number and your date of birth. General information and application kits may also be obtained through our Web site at <http://www.cic.gc.ca>.

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

Officer
Citizenship and Immigration

PP 4 Processing Protected Persons' in-Canada Applications for Permanent Resident Status

Appendix F Loss of refugee protection

CLIENT ID: insert
DATE: insert

insert clt's name
address
city, province, postal code

Dear insert:

This refers to your application for permanent residence in Canada. The Immigration and Refugee Board determined, on (insert date here) that you were a Convention refugee or a person in need of protection. As a protected person, you were permitted to and did submit an application for permanent residence.

On (insert date here), the Immigration and Refugee Board (either, determined, pursuant to subsection 108(2) of the *Immigration and Refugee Protection Act* (IRPA), that you have ceased to be a protected person, or vacated, pursuant to subsection 109(1) of IRPA, their determination that you are a Convention refugee or a person in need of protection.

This decision has resulted, for you, in the loss of refugee protection. For the purposes of subsection 21(2) of the IRPA, you are now a member of a prescribed class of persons who cannot become permanent residents through reliance upon your former protected person status. Accordingly, your application for permanent residence is refused.

Should you wish to make another application for permanent residence, you will be required to submit a new application requesting humanitarian and compassionate consideration, accompanied by new processing fees.

The client number shown in the upper right corner of this letter is your personal identification number and it provides access to information on your file. For your own protection, do not allow any other person to use this number. Failure to include this number in future correspondence could result in the return of your correspondence unanswered.

If you require further assistance, please telephone the Call Centre at the number indicated below and be prepared to quote your client number and your date of birth. General information and application kits may also be obtained through our Web site at <http://www.cic.gc.ca>.

For information on citizenship and immigration	1 888 242-2100 (in Canada only)
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PP 4 Processing Protected Persons' in-Canada Applications for Permanent Resident Status

Appendix G Additional paragraphs for insertion

THE FOLLOWING CAN BE INCLUDED WITH APPENDIX A OR B

(Fingerprints)

Part of the procedure for processing your application is for you to provide this office with a set of your fingerprints. It is recommended that you telephone your local police service to ascertain their policy regarding the production of fingerprints. Please note that a fee may apply for this service. Please submit your original set of prints to this office as soon as possible.

(Identity)

Changes in our policies and procedures now require that all applicants for permanent residence in Canada inform us of their height in centimetres and the colour of their eyes. In order to continue the processing of your application, please provide this information for yourself and for all of your family members in Canada who are included in your application.

All protected persons seeking permanent residence in Canada must provide adequate proof of identity, otherwise permanent residence may not be granted. Adequate proof could be a passport, travel document or identity card issued by the country of citizenship. You must also provide an official translation, in either English or French, along with the documents. Subsection 50(1) of the *Regulations* prescribes the following acceptable passports or travel documents:

- a passport issued by the country of which the protected person is a citizen or national;
- a travel document issued by the country of which the protected person is a citizen or a national;
- an ID or travel document issued by a country to non-national residents who are unable to obtain a passport or other travel document from their country of citizenship or nationality, or who have no country of citizenship or nationality;
- a travel document issued by the International Red Cross to enable emigration;
- a passport or travel document issued by the Palestinian Authority;
- an exit visa issued by the Government of the Union of Soviet Socialist Republics in order to emigrate from that country;
- a British National passport issued by the Government of the United Kingdom to persons born, naturalized or registered in Hong Kong; or
- a passport issued by the Government of Hong Kong Special Administrative Region of the People's Republic of China.

If you do not hold a document which meets one of these criteria, subsection 178(1) of the *Regulations* prescribe that you may provide one of the following, as evidence of your identity:

- identity documents issued outside Canada before the entry of the person to Canada; or

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- where there is a reasonable and objectively verifiable explanation related to country conditions for the applicant's inability to obtain identity documents, a statutory declaration made by the applicant attesting to their identity, accompanied by:
 - ◆ the statutory declaration of a person who knew the applicant, a family member of the applicant, or the applicant's father, mother, brother, sister, grandfather or grandmother prior to the applicant's arrival in Canada, attesting to the applicant's identity, or
 - ◆ the statutory declaration of an official of an organization representing nationals of the applicant's country of nationality or former habitual residence attesting to the applicant's identity.

A satisfactory identity document is a document which predates your arrival in Canada; the immigration officer must be satisfied that the document you provide is genuine, belongs to you, and provides credible evidence of your identity. If you provide statutory declarations, the information they contain must be consistent with information you have previously provided, or you must explain any inconsistency; as well, the officer must be satisfied that the declarations provide credible evidence of your identity.

You have not submitted a valid passport, travel document or satisfactory identity document, or statutory declarations as required by Immigration legislation; therefore, your application for permanent residence cannot be approved. In the event that you are now in possession of a valid passport, travel document or satisfactory identity document, or statutory declarations, please send a copy of the document(s) to this office within 30 days from the receipt of this letter. **You must also provide an official translation, in either French or English, along with the document(s). When you are convoked for the granting of permanent residence, you must bring the original documents with you.**

The **(insert type of ID submitted)** that was submitted with your application has been examined and it does not meet the requirement of providing a valid passport, travel document or satisfactory identity document, or statutory declarations, as required by Immigration legislation. Your application for permanent residence cannot be approved and is, therefore, refused. This decision does not affect your protected person status, and as a protected person, you and your family members who have been granted protected person status are permitted to remain in Canada.

Note: In order to assist us in processing your application, please use the attached address label(s) and include a copy of this letter when returning the requested information.

(Medicals)

In order to be granted permanent residence in Canada, all applicants and their family members, if applicable, must have passed an Immigration medical examination within the last 12 months. A new medical examination is now required. Attached are the medical forms and instructions.

All applicants for permanent residence and their family members are required to undergo an Immigration medical examination. We have been advised by Immigration Health Services that your medical examination is incomplete or further information is required. If you have already completed the further requirements of your medical examination, no other action is necessary. If you have not yet been contacted by Immigration Health Services, please contact the doctor who conducted the original examination for further information/action.

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(Quebec)

Since you reside in the province of Quebec, the *ministère de l'Immigration et des Communautés culturelles* may contact you in the near future by mail or request that you attend an interview and/or information session. If you have any change in your current address, please notify their office.

(Miscellaneous information)

You have not provided the information necessary to determine whether you meet the requirements for permanent residence set out in the *Immigration and Refugee Protection Act and Regulations*.

Please provide this office with two passport-size photographs of yourself and each family member.

Please provide a copy of your Personal Information Form (PIF), which you submitted to the Immigration and Refugee Board.

(Police certificate)

Applicants in Canada who are 18 years of age or older and resided in (insert countries here) for six months or more in the last 10 years are required to obtain a police certificate from that country's law enforcement authorities. Please contact that country's government representative at an embassy or consulate in Canada to assist you in determining what agencies you should contact. Please send the original police certificate to this office as soon as you receive it. All documents that have been written in a language other than English or French must be accompanied by an official translation.

(U.S.A.)

To continue the processing of your application, you are to provide proof that you do not have a criminal record in the United States of America. You are required to obtain police certificates from the states of (insert all states here) and the Federal Bureau of Investigation. To do so, it is recommended that you contact your local police station to make arrangements for the most convenient time for them to take your fingerprints. You must take this letter with you along with photo identification. You will require a set of fingerprints for each state identified plus one set to be sent to the FBI.

Once you have your fingerprints, you must send a set to each state identified. Contact the police authorities in the state(s) concerned for specific information on forms, fees and other requirements. The U.S. embassy/consulate in Canada may be able to assist you with addresses. The final set must be sent along with a signed, written request for a criminal record check to:

FEDERAL BUREAU OF INVESTIGATION
C.J.I.S. DIVISION
ATTN: S.C.U.
1000 CUSTER HOLLOW ROAD
CLARKSBURG, WEST VIRGINIA
USA 26306

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The request must be accompanied by a certified cheque or money order in the amount of US\$18.00 made payable to the U.S. Treasury Department. A reply should be sent to you within six weeks. When you receive it, you must forward the original document to this office.

(Fiji)

To continue the processing of your application, you are to provide proof that you do not have a criminal record in Fiji. To do so, it is recommended that you contact your local police station to make arrangements for the most convenient time for them to take your fingerprints. You must take this letter with you along with photo identification.

Once you have your fingerprints, you must forward them to this office along with a money order or certified cheque in the amount of \$33.00 in Fijian funds made payable to the Royal Fiji Police Force.

When we have received the fingerprint form and the money order or certified cheque from you, we will forward a request for a police certificate to the Fijian authorities.

(Hong Kong)

To continue the processing of your application, you are to provide proof that you do not have a criminal record in Hong Kong. To do so, it is recommended that you contact your local police station to make arrangements for the most convenient time for them to take your fingerprints. You must take this letter with you along with photo identification.

Once you have your fingerprints, you must send them along with a signed, written request for a Certificate of No Criminal Conviction to:

Hong Kong Police Force
Identification Bureau
Certificate of No Criminal Conviction Section
B1/F Trade and Industry Department Tower
700 Nathan Road Mongkok
Kowloon, HONG KONG

The request must be accompanied by:

1. a bank draft in the amount of \$235.00 in Hong Kong funds made payable to the Hong Kong Government;
2. a copy of this letter;
3. a photocopy of your Hong Kong Identity Card or travel document showing the Chinese Commercial Code for Chinese characters used in your name; and
4. the fingerprints from the local police.

(Korea)

Applicants in Canada who are 18 years of age or older and resided in Korea for six months or more in the last 10 years are required to obtain a police certificate from that country's law

PP 4 Processing Protected Persons' in-Canada Applications for Permanent Resident Status

enforcement authorities. To assist our office in obtaining a police certificate, please submit the following documents to CPC-Vegreville:

- two copies of Supplementary Information Form IMM 1052B (known as the Han Mun form) with two colour photographs attached for each adult included in the application;
- one copy of the Family Census Register (known as Hojok Deungbon). NOTE: You must submit the original; photocopies are not acceptable. *If you were a foreigner residing in Korea, then you must submit a good quality copy of your passport data page in place of the Family Census Register.*

(Malaysia)

Applicants in Canada who are 18 years of age or older and resided in Malaysia for six months or more in the last 10 years are required to obtain a police certificate from that country's law enforcement authorities. Please contact that country's government representative to assist you in determining what agencies you should contact. The address is

High Commission of Malaysia
60 Boteler Street
Ottawa, ON K1N 8Y7

Provide this office with the following information: your full name and date of birth, your gender and your passport number including date of issue, expiry date and country of issue. Please send the original certificate to our office as soon as you receive it.

(Statutory declarations)

The statutory declaration you have submitted is not acceptable as it has not been made by a person who knew you (or your family member, your father, mother, brother, sister, grandfather or grandmother) prior to your entry into Canada.

The statutory declaration you have submitted is not acceptable as it has not been made by an official of an organization representing nationals of the country of your nationality or former habitual residence attesting to your identity.

(Forms)

Please complete the attached Supplementary Form (**insert form number here and description**) and return it to this office within 30 days of receipt of this letter.

You are required to account for your work history and list all employment in the last 10 years. List the name of the company where you worked, the city and country of your employment, and your occupation there. If you were not working, please state "unemployed". If you were attending school, please state "student". The specific dates that you must account for are: (**insert periods here**).

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You are required to account for your address history and list all addresses where you have resided in the last 10 years. You must list the street and number, city or town, and country for each address. The specific dates you must account for are: **(insert periods here)**.

You are required to provide a list of any organizations or associations of which you have been a member since your 18th birthday. Include the full name of any political, social, youth, student or vocational organizations and any trade unions or professional associations. List any voluntary or compulsory military service, including rank, unit and location of service. If you did not belong to any organizations or perform military service, you must state "I DID NOT BELONG TO ANY ORGANIZATION OR PERFORM ANY MILITARY SERVICE".

The following additional paragraphs may be inserted as applicable:

Among the family members you listed who currently reside inside or outside of Canada, the following members are not included in your application: **(List family members here)**. While these family members had been listed at the time the application was initially made, as required by Regulation 10(2)(a), you did not indicate, pursuant to Regulation 176(1), that they were included in your application for permanent residence.

It has been determined that you may require medical surveillance. Attached is your copy of the Medical Surveillance Undertaking form (IMM 0535B) for your information. It is required that you report any change of address while in Canada to Citizenship and Immigration Canada and the appropriate provincial/territorial health authorities.

In order to be granted permanent residence in Canada, all applicants and their family members, if applicable, must have passed an Immigration medical examination within the last 12 months. As your medical examination will expire prior to the granting of your permanent residence, a new medical examination will be required. Attached are the medical forms and a list of instructions. Please have this Immigration medical examination completed as soon as possible.

Please note: Failure to notify this office of any change in address of your family members overseas will result in a delay of their application. If they move during the processing of your application, please provide the new address where they can be contacted.