



Citizenship and
Immigration Canada

Citoyenneté et
Immigration Canada

IP 6

Processing Temporary Resident Extensions

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Updates to Chapter

Listing by date:

2010-08-19

[Section 5.1](#) – Inserted note on requirement for IME.

Section 5.8 – Added reference as per OB 130.

Section 5.9 – Created new section entitled Processing.

Section 5.10 – Created new section entitled Individuals named in an immigration warrant.

Date: 2009-06-01

[Section 3.1](#) – Added form [IMM 1249E](#).

[Section 5.2](#) – Dual intent – Replaced section with reference to [OP 11, Section 5.4](#).

[Section 5.4](#) – Minors wishing to extend status – Added a provision that officers issue a visitor record to authorize entry.

[Section 5.5](#) – Implied status – Replaced paragraphs with reference to [OP 11, Section 24](#).

[Section 5.8](#) – Restoration – Deleted the paragraph on the A44 report.

2006-03-29

Section 5.7 of this chapter has been updated to provide further detail on the restoration of status.

2003-02-27

IP 6 has been updated to further clarify issues around the maintenance of temporary status and restoration.

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1. What this chapter is about

This chapter explains CIC's policy regarding the processing of applications from temporary residents who wish to vary or cancel conditions imposed upon their entry or to extend their stay in Canada. Temporary residents (TR) include workers, students, visitors and temporary resident permit holders. However, this chapter only deals with visitors, workers and students who do not require work or study permits.

Specific procedures for assessing and referring applications to local CICs (including local CIC procedures) are not provided in this chapter. Procedures are provided by the Case Processing Centre in Vegreville and the CIC Regions.

2. Program objectives

The goals of the *Immigration and Refugee Protection Act* with respect to foreign nationals as temporary residents are:

- to facilitate the entry of visitors, students and temporary workers for the purpose of fostering trade, commerce, tourism, international understanding and cultural, educational and scientific activities;
- to protect the health and safety of Canadians and to maintain the security of Canadian society; and
- to promote international justice and security by fostering respect for human rights and by denying access to Canadian territory to persons who are criminals or security risks.

3. The Act and Regulations

Immigration objectives	A3(1)(g)
Application before entering Canada	A11(1)
Obligation—answer truthfully	A16(1)
Obligation—relevant evidence (includes requirement to submit to medical examination)	A16(2)
Examination by officer	A18(1)
Obligation on entry (includes requirement for TR to leave by end of authorized period)	A20(1)(b)
Temporary resident	A22(1)
Dual intent	A22(2)
Right of temporary residents	A29(1)
Obligation – temporary resident	A29(2)
Report on inadmissibility	A44
Loss of temporary resident status	A47
Medical examination required	R30
Documents required	R52
Issuance of temporary resident visa	R179
Authorization to enter Canada, TRV holders	R180
Application for extension of authorization to remain in Canada as a temporary resident	R181
Restoration of temporary resident status	R182
General conditions	R183
Specific conditions	R185
Work without a permit	R186

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Business visitors	R187
Study without a permit	R188
Visitor Class	R191
Who is a visitor	R192
Conditions	R193

3.1. Forms

Application to Change Conditions, Extend my Stay or Remain in Canada	IMM 1249E
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4. Instruments and delegations

Refer to the appropriate annexes in the designation and delegation instrument ([IL 3](#)) listing the delegations.

5. Departmental policy

5.1. Eligibility

Upon application, a person may extend their status as a temporary resident in Canada beyond the initial period granted for their stay by the officer at the port of entry (POE). They must apply before their status expires and have complied with all the conditions that were imposed on entry (R181). They must also meet the requirements of R179, regardless of whether they initially required a temporary resident visa (TRV) or not.

Note: When a temporary resident extension document is issued in Canada for a period resulting in a stay in Canada in excess of six months for an individual from a designated country, an Immigration Medical Examination (IME) is normally required. For more information see [FW 1, Section 9.2](#) on the six-month rule R30(1)(c).

Many of the questions to consider in determining whether an applicant meets the eligibility criteria noted in R179 and R181 are outlined in [OP 11, Section 9](#).

Additional questions that may help an officer determine eligibility follow:

- Consider the intentions of the client: What is the client doing in Canada? How long has the applicant been here? How long is the request for?
- Officers must consider the reason given by the client for applying for the extension. Are the plans well thought out or merely frivolous? Taking the applicant's situation in their home country into consideration, is a prolonged stay in Canada reasonable?
- Determine whether the client has the means to support themselves or whether someone else is willing to provide adequate support.
- Assess the client's ability to leave Canada. Officers should consider whether the applicant has the means to either return to their home country or to proceed onward to a third country.
- What was the original purpose of the visit to Canada? Has it been fulfilled? If no, was sufficient time originally granted to fulfil the purpose?
- What family, employment or other responsibilities and obligations has the person left behind and how have they been discharged? Is the proposed extension logical, reasonable and feasible in light of these circumstances?

Also relevant in the determination of whether to extend the authorization to remain in Canada of temporary residents who are working or studying without permits are the following chapters:

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Chapter [OP 12](#) – Students

Chapter [FW 1](#) – Temporary Foreign Workers Guidelines

Note: If a person who is of normal working age wishes to extend their visitor status in Canada, the officer must satisfy themselves that the applicant is not working or studying without authorization before granting an extension.

5.2. Dual intent

Refer to [OP 11, Section 5.4](#) for details on dual intent.

5.3. Passport validity essential

With some exceptions, R52 requires that an applicant hold a passport or travel document that is valid for the entire period authorized for the person's stay. Officers may not, therefore, extend status beyond the validity date of the travel document.

5.4. Minors wishing to extend status

Minor children who are applying for an extension of temporary residence in Canada, even when studying without a permit [[A30\(2\)](#)] must satisfy the officer that they intend to reside only temporarily in Canada.

Children of parents who are visitors in Canada require a study permit to engage in studies in Canada.

Children of workers or students (or persons without status) may study without a permit, but must maintain their temporary resident status. Officers should grant this status for the same validity period as their parents' status by issuing a visitor record authorizing entry [[A29](#)].

Extend stay in Canada as student with or without a study permit?

A child who held a study permit on entry should be encouraged to apply to renew the study permit in Canada, when the time comes. Once the child is in Canada, they do not legally require a study permit, but they may find it easier to obtain a new TRV and/or study permit in the event that they leave and then seek re-entry into Canada. This is because, while temporary resident status expires automatically upon leaving Canada, a valid study permit indicates that permission to study in Canada still exists (upon the reauthorization of TR status). It is evidence that an officer was satisfied that the child met the requirements of a temporary resident.

5.5. Implied status

Refer to [OP 11, Section 24](#).

5.6. Inland applications for permanent residence

In situations where an applicant who has visitor status submits an application for permanent residence to Vegreville and at the same time submits an application for a work permit (pursuant to [R207\(b\)](#)), the visitor may be considered to have requested an extension of their TR status (in accordance with [R183\(5\)](#)). They are considered to have implied status as a visitor, until a decision is made on their WP application.

When no application for a work or study permit is received with the application for permanent residence, the applicant is obliged to apply to extend their visitor status.

5.7. Work or study permit refusals

If a visitor in Canada applies for and is refused a work or study permit, their visitor status is not affected. Upon receiving notice of the WP or SP refusal, the visitor must submit a separate application to extend their TR status as a visitor before the expiry date of their temporary resident status, if they wish to remain in Canada.

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If their status at the time of the WP or SP refusal was valid due to the application of R183(6), i.e., it was “implied status,” then they will have to apply for a restoration of visitor status if they do not wish to leave Canada.

5.8. Restoration (Includes instructions found in OB 130)

If a visitor, worker or student has lost their status, they may apply to reinstate or restore their status in accordance with R182. This regulation only applies if the temporary resident has not been out of status for more than 90 days, and they have not failed to comply with the specified conditions.

If an applicant applies to renew their visitor status, or their work or study permit, after their temporary resident status has expired, but within the 90-day restoration period, CPC-Vegreville will inform them that they must also apply for restoration of their status, if they have not already done so. The applicant will then have 90 days from the date of notification to submit their restoration application and the corresponding fee, which is presently \$200 [R306].

Restoration of status cannot be granted at the POE. Individuals who have failed to comply with the conditions imposed under R185 need to apply **in** Canada for restoration of their status. If they leave Canada, they will be deemed to be seeking a new entry on their return.

The phrase “initial requirements for their stay” should not be read too literally when it is being applied in the context of a restoration application, and the requirements of [R179](#) should not be applied rigidly in that regard. The preferred interpretation in this context would be that the person seeking restoration must meet the requirements of the class under which they are currently applying to be restored as a temporary resident. The desired approach to the restoration provision of [R182](#) is to be facilitative and consistent with the current approach to extension applications of the provision in [R181](#), since the two provisions are similar in nature and [R181](#) actually refers specifically to the requirements of [R179](#).

Three possible scenarios which fall under the purview of restoration of status can be described as follows:

1. A foreign student who is still in status can apply in Canada for a work permit under certain conditions. By inference, the foreign student can apply for a work permit when restoring status.
2. A temporary foreign worker who is still in status can apply in Canada for a study permit if they meet certain conditions. By inference, they can also apply for a study permit when restoring status.
3. A temporary resident who is eligible to apply in Canada for a work or study permit would be allowed to do so when restoring their status.

Note: A person must still satisfy the officer that they are a genuine temporary resident and meet all the requirements of the Act, in order to qualify for restoration.

5.9. Processing

For all reasons, **the importance of thorough, articulate and objective case file notes cannot be over-emphasized.** If the applicant is contacted by telephone, WIP remarks should be entered with each attempt to reach the applicant.

When refusing, an application officers should create an NCB on the line of business, clearly stating the reasons for refusing the application and quoting the sections of the Act or Regulations that the decision is based upon. Officers should include one or two sentences as reasons for the refusal to assist in defending refusals.

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Example: June 10, 2005: \$200.00 HPM#B123564895 submitted. Kit postmarked May 3, 2005. Applicant entered Canada at Douglas POE on February 27, 2005. He was authorized to remain until April 30, 2005. He appears to now be out of status. Referred to SDS for restoration consideration. ZZ-C

5.10. Individuals named in an immigration warrant

When an inadmissible individual fails to comply with a CBSA officer's request to appear at an enforcement office for reasons such as receipt of a PRRA determination or to enforce their removal from Canada at a POE, the officer may issue a warrant for the arrest and detention of the individual. After a full investigation, if the individual cannot be located, a Canada-wide warrant for their arrest is entered on the Canadian Police Information Centre (CPIC) system, which is accessible to all law enforcement agencies and ultimately gives them the authority to arrest on the CBSA's behalf. This process is in place to ensure that individuals with active warrants for removal are apprehended as soon as possible and removed from Canada to maintain the integrity of the immigration program.

When an individual named in a warrant submits an application, CIC must inform the CBSA. Please refer to ENF 7 – Investigations and Arrests, section 7.3 for guidelines on referral to CBSA.

5.11. Cost recovery

The fee to be applied for an application for a temporary resident extension is presently \$75 [R305]. There are a number of exceptions to this fee which are noted in R305(2).