



Citizenship and  
Immigration Canada

Citoyenneté et  
Immigration Canada

# IR 5

## Cost Recovery

## IR 5 Immigration Cost Recovery

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### Updates to chapter

#### Listing by date:

##### 2008-03-11

The Table of Contents has been expanded to provide more details.

Section 2.3 has been expanded to provide more clarity.

Section 7.2 has been reorganized for better flow.

Section 7.11 Temporary Resident Visa includes new sections on courtesy visas, facilitation visas, meetings co-hosted by the Government of Canada and Special Events.

Section 7.26 Right of Permanent Residence Fee (RPRF) – Timing of Payment has been changed to reflect current policy direction. A new section on Appeals and the RPRF has been added.

Appendix A, IRP Regulatory Amendments and Cost Recovery Fact Sheet, has been updated to include amendments to 2006.

Section 7.26 Right of Permanent Residence Fee – the RPRF was reduced to \$490.

Section 7.12 Co-hosting – The policy extending fee exemptions where events are co-hosted by the Government of Canada has been introduced.

Section 7.16 Temporary Resident Permits – Cost recovery impacts of new overseas issuance procedures have been clarified.

Other small editing changes have been made throughout.

##### 2004-08-11

Section 7.13 (Fee Exemption) The Work Permit fee exempt status of NSERC and NRC researchers has been made explicit in the text.

Section 7.2. (Fee Exemption) Members of the protected temporary residents class have been included in the processing fee exemption for applications for permanent residence.

Section 7.26. (Fee Exemption) Principal applicants applying under humanitarian and compassionate grounds who are also dependent children (R66) have been added to the RPRF fee exemption.

Section 7.26. (Fee Exemption) Principal applicants in the permit holder class who are dependent children of a member of the permit holder class or of a Canadian citizen or permanent resident, have been added to the RPRF fee exemption.

Section 7.26. (Fee Exemption) Members of the protected temporary residents class have been added to the application for permanent residence fee exemption list.

Appendix A has been added. It highlights the amendment to the *Immigration and Refugee Protection Regulations* that have a bearing on fees.

##### 2004-05-05

This chapter has been updated to reflect the *Immigration and Refugee Protection Regulations*. The fee titles and coding in the chapter have been revised to conform to IRPA terminology.

## IR 5 Immigration Cost Recovery

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### 1. What this chapter is about

This chapter describes Citizenship and Immigration's cost recovery system including the services and rights for which fees are charged, the exemptions to those fees and the principles and policies upon which the cost recovery system is based. It is for the use of program specialists and provides information on legislation, policy, finance, information systems and coding.

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### 2. Program objectives

To sustain a revenue-generating cost recovery system by applying a charge to most aspects of immigration services in Canada and abroad.

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#### 2.1. Clients and charges

Processing fees apply to nationals of all countries except where government policy or international practice specifically exempts certain cases. These charges apply to most services.

Please refer to <http://www.cic.gc.ca/english/information/fees/fees.asp> for the most current fee schedule.

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#### 2.2. Principles in developing the fee schedule

The development and management of the Immigration Cost Recovery Program adheres to the following principles:

- Recovery of the cost of immigration services through user fees is an approved means of shifting the burden of financing these services from the Canadian taxpayer generally to the user specifically.
  - Fee levels will be set to recover as much of the costs of each service as reasonable without imposing undue hardship or affecting access to service.
  - The fee for any service will not exceed the average documented global cost of providing that service.
  - Each fee will be applied universally; exemptions from established fees will only be applied in situations where the requirements for a fee would be incompatible with other government policy or international practice.
  - The fees will be comparable to the fees of other major immigrant receiving countries, where similar services are subject to user fees.
  - Revenue is deposited in the Consolidated Revenue Fund (CRF) and does not directly enter CIC appropriations.
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#### 2.3. Guidelines in administering the principles

Documented costs and established procedures exist for each item where a fee is charged. A receipt shall be issued for every paid transaction. The collection and safekeeping of fees is assigned to designated individuals.

Charges apply to the application process leading to the end product, and fees are not refunded in the event of unsuccessful applications. There may be instances where a refund is processed because the fee was collected in error. A refund may also be processed in family class cases where the sponsor has opted to withdraw the sponsorship application if found ineligible. In such cases, the \$75 sponsorship fee is retained, and the balance of fees paid are refunded.

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For rights fees such as the Right of Permanent Residence Fee (RPRF), the fee is refundable if, for any reason, the right is not conferred.

For ease of administration, the fee structure must be as simple as possible, with similar services being charged similar rates.

Not all processes and services have a fee. A number of services are currently offered without charge to our clients. The Department does not charge for:

- information (aside from a fee for statistical data allowed under R314)
- advice
- referrals
- pamphlets
- forms and documents
- liaison with other offices
- private and group sponsorship of refugees including application
- reception and monitoring of refugees
- itinerant service to remote areas
- community training and information sessions, and
- enforcement actions.

Cost recovery and the applicable fees will have no bearing on the program or operational decisions made by the officer.

Fees should have no unintended dissuasive effect on the flow of desirable immigrants and visitors to Canada.

For humanitarian reasons, refugees and members of the humanitarian-protected persons abroad classes are exempted from most processing fees prior to their arrival in Canada.

Once a decision is made to issue a document or to refuse an application, or if the client withdraws their application, the file is closed. If a client wishes to reopen a closed file or request additional processing, new fees will apply in all cases except where Citizenship and Immigration Canada (CIC) has erred.

The renewal or updating of any client information or the redoing of existing application forms for administrative purposes is not considered to be a new application, and additional fees will not be applied.

For cost recovery purposes, when determining the fees applicable for permanent resident applications or the family rate for temporary resident visa (TRV) documentation, the family group is based on the definitions of "family member" and "dependent child" found in the *Immigration and Refugee Protection Regulations* (IRPR) [R1 and R2 <http://laws.justice.gc.ca/en/I-2.5/SOR-2002-227/text.html>].

The fee for a service is normally paid by the person who requests and benefits from the service. In the case of family class sponsorships, the fee is generally paid by the sponsor, although there is no specific regulatory requirement for the sponsor to be the payer. There are cases, such as sponsored students, where it is more practical for an organization to pay the required fee.

For visa offices abroad, fees are set at the foreign exchange equivalent of the Canadian dollar amount. The local rate remains the same unless the exchange rate fluctuates more than 5% above or below this equivalent.

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For visa offices abroad, refunds are also based on the current exchange rate equivalent to the Canadian amount of the fee.

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### 3. The Act and Regulations

Authority to charge prescribed fees is based on the *Financial Administration Act*, Paragraphs 19(1)(a) and 19.1(a), and A89.

Remission of fees is based on the *Financial Administration Act*, paragraph 23(2.1)

Fee regulations are found in Part 19 of the IRPR, sections 294 to 315 inclusively. Transitional fee regulations are found in R357 to R360 inclusive.

Highlights of the amendments to the IRPR that have a bearing on fees may be found in Appendix A.

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### 4. Instruments and delegations

#### Fees, loans and debt collection

Delegations are specifically created for the following sections of the fee regulations (as per IL 3 Designation of Officers and Delegation of Authority):

<b>Item 67</b>	<b>Line 245.</b>	R303(4)	Delegated authority – Remit fees paid for the acquisition of a permanent resident status where such status is not acquired.
<b>Item 68</b>	<b>Line 246.</b>	R357	Delegated authority – Repay the right of landing fee(s) to the person who made payment where the prescribed conditions are met.
	<b>Line 247.</b>	R359	Delegated authority – Repay the returning resident permit fee(s) to the person who made payment where the prescribed conditions are met.
	<b>Line 248.</b>	R360	Delegated authority – Repay the fee paid with regard to a family business application to the person who made payment where the prescribed conditions are met.

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### 5. Departmental policy

#### 5.1. Fee exemptions

The exemptions and their codes are contained in COD 1 and are noted where appropriate to each service below. [http://www.ci.gc.ca/manuals/Documents/PDF/COD/CodingHandbook\\_e.pdf](http://www.ci.gc.ca/manuals/Documents/PDF/COD/CodingHandbook_e.pdf)

Fee exemptions are established in the IRPR Part 19 – Fees. They can also be established through the use of remission orders or public policy. However, these methods are used only for exceptional circumstances like the tsunami in December 2005 or the war in Lebanon in 2006.

#### Exemption Code “999”

The use of a “999” fee exemption code is restricted to very exceptional circumstances. It is used only for administrative control purposes, and must be authorized by local office management. The reason for its use must be noted in the Remarks box of the form issued or in the computer system. It cannot be used to grant a fee exemption where there is no regulatory basis for doing so. Except for departmental errors, visa offices abroad must obtain the approval of International Region Management Services for each situation before using such an exceptional code.

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Outlined below is an example of the use of “999”.

Departmental error: An office loses a sponsorship form (IMM 1344AE). The cost recovery processing fees were paid by the sponsor, and the form so noted. The visa office abroad requires the IMM 1344AE sponsorship form for overseas processing. A second sponsorship would be completed, but no fee would be collected from the sponsor or proposed immigrant.

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### 5.2. File retention

Supporting financial documentation necessary to substantiate cost recovery fees should be retained on the Immigration or visa office file for a minimum of seven (7) years after the status-confirming document has been issued. This practice will facilitate periodic monitoring and auditing, and is apart from any other file retention procedures which may be issued from time to time for the purpose of the *Privacy Act* or the management of recorded information.

Point of service (POS) and cash register tapes are a financial record that must be retained for seven (7) years after the last transaction is completed on that tape.

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### 5.3. Time and form of payment

#### Time of payment

Payment of the appropriate cost recovery processing fee or proof of payment must be included with the application for the service requested. The application for a service will not be processed without payment of the correct fee, and the application will not be considered “locked in” until either the fees or proof of payment have been received. However, this does not apply to the RPRF, which can be paid at any point during the process prior to the issuance of the immigrant visa or the acquisition of permanent resident status.

#### Form of payment in Canada

- **At inland offices and ports of entry**

Fees may be paid in cash (Canadian currency in Canada; Canadian or U.S. currency at ports of entry); with Visa or MasterCard; or by money order, traveller’s cheque or certified cheque. Personal cheques are not accepted, except in the case of Canadian citizens abroad who may send cheques or money orders.

- **At processing centres**

Payment are received through HPM receipts. For more detail, please refer to the “Guide to Handling of Public Money (HPM)” on CIC Explore at the following address:

[http://www.ci.gc.ca/cicexplore/english/guides/guides/hpm\\_gdp/guide.htm](http://www.ci.gc.ca/cicexplore/english/guides/guides/hpm_gdp/guide.htm).

- CPC-Mississauga also accepts bank drafts, money orders and Visa or MasterCard payment by sponsors who are Canadian citizens and residing exclusively abroad.

CIC does not pay service charges for the processing of payments.

For family class cases, all payments must be made to CPC-Mississauga using the processing centre’s procedure. For these cases, RPRF payments should not be accepted at visa offices abroad.

#### Form of payment at visa offices abroad

Due to the wide variations in banking conditions from visa office to visa office, forms of payment abroad are decided jointly between DFAIT and the CIC manager on a post-by-post basis. Decisions on alternate banking arrangements for payment of fees abroad require the approval of International Region Management Services in cooperation with DFAIT.

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### 5.4. Policy on refunds

Please refer to the Financial Policy Manual at the following Web address:

[http://www.ci.gc.ca/cicexplore/english/guides/guides/fp/4\\_2.htm](http://www.ci.gc.ca/cicexplore/english/guides/guides/fp/4_2.htm).

## 6. Definitions

A “fee” is the amount specified under the Regulations for processing an application for a specified service or for legislated administrative purposes, such as enforcement activities.

A “right” confers a special permission or privilege on an individual for which they must pay a specific sum of money. There are two categories of “rights” fees in the Department: the RPRF and the Right of Citizenship Fees (ROCF).

## 7. Procedures

### 7.1. General Ledger coding for cost recovery revenue

In Canada, Citizenship and Immigration services have been assigned General Ledger (G/L) codes according to Business Lines.

At visa offices abroad, the revenue is coded to Foreign Affairs Canada's General Ledger (G/L) accounts. Foreign Affairs Canada (DFAIT) transfers the revenue information to CIC's G/L codes in the IFMS system on a monthly basis.

Services within a grouped business line all have the same fee. Revenue collected for the services within a Business Line are deposited using the same financial code.

With the introduction of the IRPA, a number of transitional rules were created to ensure the correct reporting of cost recovery items that bridge the old and new Regulations. The coding for these transitional items is given below.

This table shows the current fees and financial codes used in Canada and in visa offices abroad for new applications under the IRPA.

BUSINESS LINE	FEE	GENERAL LEDGER CODE	
		In Canada (CIC)	Overseas (DFAIT)
Right of Citizenship Fee	\$100	45090	21928
Refund of Right of Citizenship Fee (payment received in current year)		45005	N/A
Refund rights of citizenship (previous years)		45006	To be created
Change of Citizenship Grant of Citizenship Retention of Citizenship Resumption of Citizenship Renunciation of Citizenship	\$100	45095	21929
Citizenship Status Document Proof of Citizenship Search for Record of Citizenship	\$75	45100	21930
Right of Permanent Residence Fee (RPRF)	\$490	44075	21937
Refund of RPRF (current year)		45010	21918
Refund of previous year ROLF or RPRF (previous year payment refunded in		45011	21920/21945



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the previous year)			
Remission – RPRF-Dependent child (current year)		45012	21941
RPRF reduction/remission paid in previous years		45016	24007
<b>FAMILY CLASS (in-Canada applications only)</b>			
Sponsorship Application	\$75	44105	N/A
Family Class: Principal applicant	\$475	44110	N/A
Family Class: Principal applicant; dependent child of the sponsor; orphan or child to be adopted.	\$75	44115	N/A
Family Class: Dependent children under 22 years of age (not a spouse or common-law partner); orphan or child to be adopted  Please note that for a principal applicant who is a dependent child, this would be an H and C application and the fees would be \$550.	\$150	44125	N/A
Family Class: Spouse, common law partner, dependent child 22 or over or under 22 and not a spouse or common law partner.	\$550	44120	N/A
<b>SKILLED WORKERS (overseas applications only)</b>			
Skilled Workers: Principal applicant; spouse; common-law partner; dependent children over 22 (includes dependent children under 22 if spouse or common-law partner).	\$550	44155 Used only by NHQ Revenue Accounting to transfer revenue from DFAIT.	21931
Skilled Workers: Dependent children under 22 years of age (not a spouse or common-law partner)	\$150	44160 Used only by NHQ Revenue Accounting to transfer revenue from DFAIT.	21932
<b>ALL OTHER CLASSES</b>			
All Other Classes: Principal applicant; spouse; common law partner; dependent children over 22 (includes dependent children under 22 if spouse or common-law partner).	\$550	44170	21934
All Other Classes: Dependent children under 22 years of age (not a spouse or common-law partner)	\$150	44175	21935
Business Immigrant under IRPA	\$1,050	44165 Used only by NHQ Revenue Accounting to transfer revenue from DFAIT.	21933
Permanent Resident Card (In-Canada)	\$50	44675	N/A

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Travel Document – A31 (Overseas)	\$50	44875 Used only by NHQ Revenue Accounting to transfer revenue from DFAIT.	21939
Visas and Permits			
Temporary resident visa—Single entry and extension of temporary resident status in Canada	\$75	44250	21903/21919
Temporary resident visa—Multiple entry	\$150	44260	21904
Temporary resident visa—Family rate	\$400	44270	21905
Work permit	\$150	44300	21906
Work permit Group of Performing Artists Maximum Fee	\$450	44350	21907
Study Permit	\$125	44400	21908
Restoration of temporary resident status (domestic)	\$200	44475	N/A
Temporary Resident Permit	\$200	44450	21909
Rehabilitation—Serious Criminality R309(a)	\$1,000	44500	21910
Rehabilitation—Criminality R309(b)	\$200	44525	21938
Authorization to Return to Canada under A52(1)	\$400	44550	21911
Application by a member of the permit holder class to remain in Canada as a permanent resident	\$325	44625	N/A
Certification and Replacement of an Immigration Document – Not a PRC	\$30	44650	21913
Immigration Statistical Data**	\$100	44860	To be created
Cashier Shortage		21152	21926
Excess deposit (overage)		21158	21925
Undeliverable refund cheque – other		21187	21923/21924
Rate of Exchange Differentia – Gain/Loss		44230/58040	
NSF Administration Charge		45075	21921
Revenues from Undeliverable Refund of Rights		45086	21944
Refund of Revenues (previous years NHQ use only)		45003	21927
<b>IRPA REFUNDS AND REMISSIONS</b>			
Remission – RPRF – Dependent child (previous year)		45009	21943

\* After-hours examination: Fee is set for the first 4 hours; \$30 per subsequent hour or part thereof.

\*\* Immigration Statistical Data: Fee is set for the first 10 minutes of access to the departmental database; \$30 per subsequent minute or part thereof.

\*\*\* Responsibility for these fees have been transferred to Canada Border Services Agency (CBSA).

### 7.2. Applications for permanent residence

The basic rule of cost recovery is that all proposed immigrants are subject to payment of a processing fee, unless there has been an exemption identified.

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Where family members are concerned, the determining factors for applying the cost recovery fee are:

- age
- dependency
- status as a spouse or common-law partner.

Place of residence is not a factor in determining the processing fee.

Effective with the coming into force of the *Immigration and Refugee Protection Regulations* on June 28, 2002, the determinant for application of the maximum fee is the combination of the client's class, age and marital status.

An applicant's family member who is either a spouse or common-law partner, regardless of age, will be charged \$550.

Family members under the age of 22 who are not spouses or common-law partners will be charged \$150.

It is not essential that such a family member be considered as "accompanying" their parent(s). The applicable fee will be the same whether a family member is included on a parent's application or is sponsored at a later time as long as the application is made before the family member turns 22 years of age.

Please note that for a principal applicant who is a dependent child, this would be an H and C application and the fees would be \$550.

The threshold age for maximum fees has been raised from 19 to 22 years of age for family members, if they are not spouses or common-law partners.

Fees shall be collected only for persons intending to immigrate. It is a requirement to list all family members as defined in IRPR 3 on an application for permanent residence. However, care must be taken not to collect processing fees for those family members *who will not be immigrating*. [R294]

Since the introduction of IRPA, the fee for the permanent resident card (PR card) is included in the fee for all applications for permanent residence. Only those clients who landed before the coming into force of IRPA or who acquired permanent resident status under IRPA but did not meet the regulatory requirement to pick up their PR card within 180 days of production will be required to pay the separate \$50 PR card processing fee. See section 7.8 below.

### **Family class and spouse or common-law partner in Canada class (CPC Missisauga and CPC Vegreville) as per R295(1)(a) and R301(1)(a):**

The fees are as follows:

- sponsor (per application): \$75
- principal applicant, including a conjugal partner with respect to the sponsor: \$475

Please note the exceptions that follow:

- principal applicant less than 22 years of age, not a spouse or common-law partner and described in R117(1)(b) or (f) to (h): \$75
- family member of a principal applicant 22 years of age or older; or less than 22 years of age and is a spouse or common-law partner: \$550;
- family member of a principal applicant less than 22 years of age and is NOT a spouse or common-law partner: \$150.

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Cost recovery fees are payable for processing an application for a permanent residence or a sponsorship undertaking:

- if the application is made by a person as a member of the family class [R295(1)(a)]; and
- if the application is made by a person as a member of the spouse or common-law partner in Canada class [R301(1)(a)].

### Example 1 – Family class

A permanent resident or Canadian citizen sponsors her family: father, mother and two siblings, ages eight (8) and ten (10).

Sponsorship fee (applied to principal applicant)	\$ 75
Father (principal applicant)	\$ 475
Mother	\$ 550
Two children under 22 (\$150 x 2)	\$ 300
<b>Total fee</b>	<b>\$1,400</b>

The RPRF must be paid prior to acquiring permanent resident status.

### Example 2 – Family class

A Canadian citizen submits a family class sponsorship undertaking on behalf of his orphaned niece who is 12 years old. Although he has an intention to permanently adopt the child later in Canada, he is fulfilling his obligation to his brother, who had named him legal guardian in the event of death.

Sponsorship application (applied to principal applicant)	\$ 75
Principal applicant less than 22 years of age *	\$ 75
<b>Total fee</b>	<b>\$150</b>

\*Under IRPA, alone, **sponsored** child who is less than 22 years of age (as per R295(1)(a)(ii): “and is not a spouse or common-law partner”) is the “principal applicant” but is not required to pay the higher cost recovery processing fee. Instead, the \$150 processing fee for a dependent child is levied. The amount of \$75 is collected for the sponsorship application and the balance is levied against the “principal applicant.” If other dependent children are included in the application, they pay \$150 each.

### Business class – R295(1)(b)

Business immigrants (entrepreneurs, investors, self-employed)

The fees are as follows:

- principal applicant: \$1050;
- family member 22 years or older, or less than 22 years and a spouse or common-law partner: \$550;
- family member less than 22 and not a spouse or common-law partner: \$150.

### Example 3 – Business immigrant (includes investor, entrepreneur or self-employed)

A business immigrant with a spouse and three children applies for permanent residence at a visa office. Two of his children by his present wife are nine (9) and 11 years of age, while his daughter by a previous marriage is 23 and is married but estranged from her husband and living with her father. The cost recovery fees would be charged as follows:

Principal applicant	\$1,050
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Spouse	\$ 550
Family members under 22 years of age (2 x \$150)	\$ 300
Family members over 22 and married	\$ 550
<b>Total</b>	<b>\$2,450</b>

### All other classes – R175(1), R295(1)(c), R301(1)(b) and R307:

Protected persons under R175(1): federal skilled workers; Quebec skilled workers; provincial nominees; live-in caregivers; and applications to remain in Canada under A25 (In-Canada only.)

The fees are:

- principal applicant: \$550;
- dependant 22 years or older or less than 22 years and a spouse or common-law partner: \$550;
- dependent less than 22 and not a spouse or common-law partner: \$150.

### Example 4 – Skilled worker (Federal or Quebec)

A foreign national submits an application to enter Canada as a skilled worker and is accompanied by his wife and two children, one of whom is 15 and the other 23. Both children are in school on a full-time basis and neither is a spouse nor common-law partner. The cost recovery fees would be charged as follows:

Principal applicant	\$ 550
Spouse	\$ 550
Family member under 22 and not a spouse or common-law partner	\$ 150
Family member over 22 and not a spouse or common-law partner	\$ 550
<b>Total</b>	<b>\$1,800</b>

### Fee Exemptions

The following persons are not required to pay the Application for Permanent Residence fee:

- a person who makes an application as a member of the Convention refugees abroad class and the family members included in the person's application;
- a person who makes an application as a member of one of the humanitarian-protected persons abroad classes and the family members included in the member's application;
- a person who is a member of the protected temporary residents class and the family members included in their application.

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## 7.3. Sponsored family class applications

### Sponsored family members

As part of the two-stage process for sponsorships, the IRPR introduced a sponsorship application fee of \$75 in addition to the permanent residence fee. The sponsor is assessed against the Low Income Cut-Off (LICO) and other eligibility criteria prior to the processing of the permanent residence application. If during the initial assessment by CPC, it is determined that the

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sponsor does not meet the eligibility criteria and the sponsor has selected the refund option on the sponsorship application, all funds minus the \$75 sponsorship application fee are returned.

In sponsorship cases, the fee for the principal applicant (either \$475 or \$75) will constitute the balance of the total fee for an application for permanent residence. For a principal applicant under 22 years of age, not a spouse or common-law partner and defined in R117(1)(b) or (f) to (h), the fee is \$75, for a total of \$150. For all other principal applicants, the fee is \$475, for a total of \$550.

The fees collected for the sponsorship of children are determined by age and status at the time of a completed application.

### **CPC-Mississauga and CPC-Vegreville (spouse or common-law partner in Canada class)**

Under IRPA, sponsorship undertakings will be accepted in Canada only. Visa offices abroad will continue to play a role but not in the acceptance of sponsorship applications.

The cost recovery processing fee must accompany the undertaking form if a fee exemption is not identified. The undertaking will be appropriately coded "fee paid." The visa office abroad will code this information in CAIPS.

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#### **7.4. Applications in Canada (CPC-Vegreville)**

##### **Processing an application for permanent residence in Canada from protected persons under R175(1) or live-in care givers**

The cost recovery processing fee (HPM receipt) must accompany the application form (IMM 0008EGen – Application for Permanent Residence in Canada).

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#### **7.5. Applications overseas (all visa offices)**

##### **Processing an application for permanent residence at a visa office abroad**

The fee will be paid by the applicant upon submission of the Application for Permanent Residence in Canada (IMM 0008EGen).

##### **Applicants destined to the Province of Quebec**

In the case of a skilled worker applicant destined for Quebec, the lock-in date plays a role in determining the fee payable for dependants on an application. For Quebec skilled worker and business cases, the legal lock-in date is the date of application for a Certificate of Selection for Quebec (CSQ), not the date of application at a Canadian visa office. This principle does not apply to provincial nominees. For example, in a Quebec skilled worker case, if the dependent child was 21 years old when the application for a CSQ was submitted, but is 23 years old when the application is received by the embassy, the fee would be \$150 (i.e., the fee for a family member of the principal applicant who is less than 22 years of age and not a spouse or common-law partner). If the child was older than 22 at the lock-in date (i.e., when the application for a CSQ was received by Quebec), the fee would be \$550.

##### **Special procedures for Convention refugees and humanitarian-protected persons abroad classes (CR/HPPC) cases**

Visa offices processing large numbers of CR/HPPC cases often have arrangements whereby Applications for Permanent Residence in Canada (IMM 0008EGen) are distributed on their behalf by NGOs. In most cases, any application received through an NGO channel is screened as CR/HPPC, and the applicant is fee-exempt.

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### Fee Exemptions

Please refer to the Coding Handbook at the following address:

[http://www.ci.gc.ca/manuals/Documents/PDF/COD/CodingHandbook\\_e.pdf](http://www.ci.gc.ca/manuals/Documents/PDF/COD/CodingHandbook_e.pdf).

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### 7.6. Application by a person as a member of the permit holders class to remain in Canada as a permanent resident

Order-in-Council landings were not carried into the IRPA. However, fees paid under the *Immigration Act* for OIC landings can be used to finalize cases under the IRPA. No additional fees are payable for finalizing these applications. [R358]

#### Processing and collection of the fee: \$325 per applicant.

Persons who are granted permanent residence by virtue of R64 are required to have resided continuously in Canada for at least three years if they are inadmissible on health grounds under A38 for at least five years if they are inadmissible on grounds other than those described in:

- Section A34 (Security);
- Section A35 (Violations of human or international rights);
- Section A36(1) (Serious Criminality); or
- Section A36(2) (Criminality).

Processing commences after the person has met the statutory requirements above (i.e., 3 or 5 years on a temporary resident permit) with no breach in continuity of the time requirements. The officer shall issue a receipt and note in the appropriate box of the Immigration Cost Recovery Control Form [IMM 5194] that the fee has been paid and the receipt number.

No exemptions from the fee for a request for an application by a member of the permit holder class to remain in Canada have been identified. [R302]

#### Temporary inability or refusal to pay

If an applicant advises that they are unable or unwilling to pay the fee immediately, they should be counselled that there is no option to receive the service without payment. They should be advised to return when they have the ability and willingness to do so. This should be noted on the applicant's file. There is no authority to process a request for an application by a member of the permit holders class to remain in Canada unless the fee has been paid.

#### Fee exemptions

No fee exemptions have been identified for this service.

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### 7.7. Application for authorization to become a permanent resident under A25, R307 and R66

A25(1) provides:

"The Minister shall, upon request of a foreign national who is inadmissible or who does not meet the requirements of [the IRPA], and may, on the Minister's own initiative, examine the circumstances concerning the foreign national and may grant the foreign national permanent resident status or an exemption from any applicable criteria or obligation of [the IRPA] if the Minister is of the opinion that it is justified by humanitarian and compassionate considerations relating to them, taking into account:

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- the best interests of a child directly affected, or by
- public policy considerations.”

### In Canada

A completed application for authorization to become a permanent resident under A25 (IMM 5291E) together with the fee of either \$150 or \$550 will initiate processing. The fee must be submitted with the application to CPC-Vegreville.

Please note that for a principal applicant who is a dependent child, this would be an H and C application and the fees would be \$550.

### Overseas

There is no separate application form overseas. A completed application for acquisition of permanent residence status in any of the three main categories, accompanied by a written request for humanitarian and compassionate consideration will initiate processing. The fees paid are consistent with the fee schedule for the types of permanent resident application.

### Fee exemptions

Inland there are no fee exemptions. However, overseas the fee exemptions are the same as those for the class under which the client has applied for humanitarian and compassionate consideration. Where the client has been refused under a previous file, but now wishes H and C consideration, the client must reapply for permanent residence and pay the associated fees of the type of application.

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## 7.8. Permanent resident card (PR card) – R53, R308, A31

For the purposes of A31(1), the document indicating the status of a permanent resident is a PR card. These cards are provided or issued in Canada only.

The PR cards are optional for pre-IRPA permanent residents who do not intend to travel.

However, effective December 31, 2003, the card has been required for the re-entry of permanent residents into Canada after international travel when using any commercial transportation.

Although IRPA does not require permanent residents to use their PR card for identification purposes within Canada, clients may choose to show their PR card when seeking a service from an agency that requires proof of their status.

A fee of \$50 is payable for processing an application made under R53(1)(b) for a PR card.

Clients who acquire permanent resident status under IRPA have the fee for the PR card included in their overall application fee and need pay no further fees for the service. However, once the client has acquired permanent resident status, they must provide a mailing address in Canada within 180 days of the date on which permanent resident status was acquired. Should they fail to do so, the client will have to apply again and pay the \$50 fee to obtain a PR card. [R58(3)]

Persons who were landed under previous legislation may also apply for a PR card as a status document to facilitate their return to Canada from overseas travel. In their case, a fee of \$50 will be recovered to cover the cost of processing the PR card application.

Similar to the practice with Canadian passports, the PR card has an expiry date and, in most cases, must be renewed every five years if the holder wishes to travel abroad by commercial carrier. In some cases, a PR card might be issued for one year only. A fee of \$50 is payable for processing an application for the renewal of a PR card or for the replacement of a lost, stolen or destroyed card.

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**Note:** A PRC that has been damaged beyond use is considered destroyed.

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Completion of the PR Card Application Kit [IMM 5445E] and payment of the cost recovery processing fee of \$50 will initiate processing in Canada.

No fee is payable for the replacement of a permanent residence card due to an error on the part of CIC.

### Fee exemptions

No fee exemptions have been identified for this service.

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### 7.9. Application abroad for a travel document to return to Canada under A31(3) and R315

A31(2)(b) provides that a person outside Canada who does not possess a status document (IMM1000, IMM 5292B, PRC) indicating permanent resident status is presumed not to have permanent resident status.

The travel document facilitates the movement of clients who are outside Canada without a status document, but confers no status upon them. Possession of the travel document allows clients to travel to Canada and present themselves for examination at a port of entry without creating a presumption that they are entitled to enter.

A completed application for a travel document to return to Canada under A31(3) together with a fee of \$50 (as per R315) will initiate processing overseas.

A permanent resident outside Canada who is not in possession of a status document indicating permanent resident status shall, following an examination, be issued a travel document if the officer is satisfied that they have met the residency and other requirements contained in A28 and that the interests of any child involved have been addressed as per A28(2)(c).

Although the travel document indicates the status of the holder, it confers no status in and of itself. Commercial transporters carrying passengers who hold a Travel Document issued by CIC are not subject to penalties if those passengers prove to be inadmissible upon arrival in Canada.

### Fee exemptions

No fee exemptions have been identified for this service.

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### 7.10. Applications for extension of authorization to remain in Canada as a temporary resident – R181 and R305(1)

#### Processing and collection of fee: \$75 per individual

A completed Application for an Extension of Authorization to Remain in Canada as a Temporary Resident together with the appropriate fee will initiate processing. Unless the client is fee-exempt, the fee must be submitted with the application. If the client is fee-exempt, the appropriate fee exemption code must be entered into FOSS or CPC System.

Where a student's request for extension is refused, but they are granted temporary resident status instead and documented as such, the fee for the initial request will be applied to the temporary resident status application and the difference will be refunded. It must be remembered that "student" status is a form of temporary resident status.

In cases involving temporary resident permits, officers should refer to section 7.16 below. It is to be noted that under IRPA, there is no provision for the "extension" of temporary resident permits. As the expiry date for a permit approaches, the client is expected to apply for a new permit to maintain their status and pay the associated fee if they wish to extend their stay in Canada. The term "extension" has been changed to "subsequent" to avoid confusion.

In a case where a decision is made to issue a temporary resident permit to a visitor who is out of status, the officer will indicate whether the fee was received or whether an exemption was applied by coding the appropriate box on the temporary resident permit form.

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### Fee exemptions

Please refer to the Coding Handbook at the following address:

[http://cicintranet/Manuals/immgration/cod/codTOC\\_e.asp](http://cicintranet/Manuals/immgration/cod/codTOC_e.asp)

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### 7.11. Temporary resident visas: single, multiple and family applications – R179, R296(1), R297(1) and R297(2)

#### Processing and collection of fee: Visa offices abroad

- \$75 individual - single entry [R296(1)];
- \$150 individual - multiple entry [R297(1)];
- \$400 family rate - single or multiple entry R296(3) and [R297(2)].

Temporary resident visa applicants will be asked to complete an Application for a Temporary Resident Visa (IMM 5257B). Information kits must ensure that the traveller is informed of the single and multiple entry visa fees, and the family rate. The requestor must identify which visa is required. If an applicant is unable to pay the fee immediately, they should be advised that an application will not be accepted without the appropriate fee.

In a situation where an applicant has applied for and submitted the appropriate fee for a multiple entry temporary resident visa, and the officer decides to issue a single entry visa, the applicant is not refunded the difference between the two processing fees. Since the client applies for a process and not an outcome, there is no basis to refund the differential. The client has received the service for which they applied, that is, consideration of the application for a multiple entry visa. Although the client may not qualify to receive a multiple entry visa for a number of reasons that do not impact on the client's *bona fides*, the client should not be reimbursed the difference between the two temporary resident visa fees. The refusal of the multiple entry visa and the granting of the single entry visa is considered to be a continuous process.

A fee for a temporary resident visa will not be collected in cases where an applicant (other than members of a performing artists group) is also applying for either a study permit or a work permit at the same time and place. The fee collected will be for the processing of the study or work permit only.

If the applicant is in a group of performing artists, the temporary resident visa fee must be paid in addition to the work permit group fee. (Refer to procedures in Section 7.13 below.)

If the applicant is fee-exempt, the person processing the application will write or stamp on the application IMM 5257B "FEE EXEMPT" with the reason for the exemption and will enter this coding in CAIPS.

#### Maximum Fee

For the purposes of determining the maximum fee, R1(3) and R2 define "family member" and "dependent child," respectively.

### Fee exemptions

Please refer to the Coding Handbook at the following address:

[http://cicintranet/Manuals/immgration/cod/codTOC\\_e.asp](http://cicintranet/Manuals/immgration/cod/codTOC_e.asp)

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#### Note: Diplomatic exemptions

Please refer to OP 11 Temporary Residents, Appendix B for guidance on the issuance of diplomatic or official temporary resident visas.

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R296(2)(a) provides a TRV fee exemption for diplomats and similar official representatives. Although the Regulations do not define what a “diplomat, consular officer, representative or official...” of a country is, there are several factors that can act as a guide in assessing such cases.

Diplomats and similar officials who are accredited to Canada by DFAIT do not require visas or other travel documents and fees are not an issue for them. However, diplomats from visa-required countries who are accredited to countries other than Canada will still require a visa to enter Canada although they will be fee-exempt. This is true regardless of the country to which they are accredited or the reason for their travel.

Neither the passport held nor the purpose of travel is a reliable guide to the status of the individual seeking an exemption.

Many countries allow diplomats who are not accredited to retain their diplomatic documents and in some cases, diplomatic passports are issued to non-governmental individuals to facilitate their movement.

Officers abroad should be guided by normal Canadian practice in accordance with exemptions to Cost Recovery Regulations. As the receiving country accords diplomatic status/privilege, so the receiving country also determines the courtesies to be extended irrespective of the passport held. The normal practice would be to consult the list of individuals/officials who, in the Canadian context, would be entitled to a diplomatic or special passport and to accord the appropriate status to analogous individuals or officials irrespective of the passport held.

Conversely, where a person would, in the Canadian context, be eligible for a diplomatic or official passport, consideration should be given to exempting the person from the cost recovery charges in accordance with R296(2)(a).

### “Courtesy” Visas

As far as fees are concerned, no distinction is made between “courtesy” visas and others. If the client applying for the visa does not enjoy a fee exemption, then the fees are charged at the appropriate rate except for persons listed in [R296\(2\)](#).

### Facilitation Visas

Canadian citizens abroad are the responsibility of DFAIT, not CIC. A Canadian citizen who wishes to travel to Canada should be referred to the Consular section if they do not have a Canadian passport. There are, however, exceptional circumstances where CIC can facilitate the travel of a dual national by placing a facilitation visa counterfoil into the person’s passport issued by the other country where they hold citizenship. Facilitation visas should only be single entry, and fees are charged at the appropriate rate except for persons listed in R296(2).

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### 7.12. Meetings Co-Hosted by the Government of Canada.

The terms “meeting” and “hosted” are not defined in the Regulations and, thus, CIC adopts a flexible approach as to what precisely constitutes a meeting. In the past, the term has been extended to include conferences, seminars, summits, congresses, assemblies, training sessions etc. The decision to extend the fee exemption to a particular meeting is determined by the nature of the event itself as described by the hosting organization. This determination is made by the Cost Recovery section at Headquarters based on the criteria outlined below. This decision is conveyed back to the requester through Special Events who receive the request directly from the hosting organization.

There are certain events that are never considered meetings in the context of R296(2)(e)(i), such as sports events and religious gatherings. Other mechanisms are available for establishing fee exemptions for these events on a case-by-case basis, where necessary.

The phrase “hosted by the Government of Canada” is not interpreted with an equal degree of flexibility. **As a rule**, a Government of Canada body is considered one where its enabling

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legislation reflects its status as a federal government department and its employees are considered federal public servants. In addition, CIC includes organizations such as agencies (i.e., the RCMP) which report to Parliament by way of a minister.

Currently, meetings hosted by an organization entirely outside of the Government of Canada can not benefit from the R296(2)(e)(i) fee exemption. However, there are other circumstances where a meeting is hosted by a third party and the federal government is highly involved, to the extent that the Government of Canada may be perceived as co-hosting the meeting. In these circumstances, the event may warrant an application of a fee exemption under R296(2)(e)(i). A primary example of this was the 2006 AIDS Conference, organized by the International AIDS Society. The meeting was organized by a third party but had widespread participation by several federal government departments, including Health Canada and DFAIT.

Co-hosting is differentiated from simple support or participation in an event. Furthermore, funding for an event, whether it is for individual participants, the organization or the event itself, is not a sole measure of determining whether the federal government is co-hosting the event. Registration of federal officials as participants in the event is also not sufficient.

The following criteria should be considered in determining whether a TRV fee exemption could be extended in a co-hosting situation. Federal government participation must be integral to the organization, function and/or reporting of the meeting. The federal government department should be involved in activities such as co-chairing, contributing substantially to the organization of the meeting, providing administrative support or training, or producing the final report or protocol. The federal government's role as co-host should be evident in the relevant documentation for the event, as well as any public or promotional materials.

### Special Events

The Special Events Division is responsible for facilitating international events occurring in Canada by providing information to the event organizers on the temporary resident process and providing event information to mission and POE officers via CIC Explore. The division, which is housed in the Operations Management Branch, receives external requests for information on fee exemptions and coordinates the information with Finance (Cost Recovery) and International Region.

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### 7.13. Work permit – R299(1) and R196

#### Processing and collection of fee:

\$150 individual;  
\$450 group of performing artists (3 or more persons).

A completed Application for a Work Permit (IMM 1102) or an Application for a Temporary Resident Visa (IMM 5257) together with the appropriate fee will initiate processing. Unless the client is fee-exempt, the fee must be submitted with the application. If the client is fee-exempt, the appropriate fee exemption code will be entered on the application.

#### Maximum Fee

A group of three or more performing artists and their staff who apply at the same time and place for a work permit pay a maximum fee of \$450.

#### Work permits for applicants for permanent residence

Applicants for permanent residence in Canada (or those granted early admission by a visa office abroad) who also wish to obtain a work permit shall be charged the required fee for each transaction.

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### **Payment by employers**

Under the IRPR, the legal obligation for payment of immigration processing fees lies with the employee who is considered the recipient of CIC's services. However, employers often agree to pay the immigration processing fees for their foreign employees by private arrangement. In such cases, employers submit payment on behalf of their employee either through HPM (In Canada) or at visa offices abroad (for applicants abroad).

### **In Canada**

Persons who lose status as workers must apply for restoration of temporary resident status through an Application to Change Conditions, Extend my Stay or Remain in Canada (IMM 1249E) to CPC Vegreville.

### **At Ports of entry**

#### **Workers with work permits from visa offices abroad**

Visa offices abroad collect the data for work permits that they authorize. This is downloaded to FOSS to facilitate the printing of the work permit at the POE. When the applicant arrives for examination, Officers will check that the permit has been properly completed, and if there are any questions they will contact the issuing office abroad.

#### **Workers with no work permit**

- When it is determined at an examination that a person seeking entry requires a work permit, the officer shall ensure that the fee is collected from the client before issuing an IMM 1102 or IMM 1442B, unless the client is fee-exempt.
- Since no formal written application is submitted at ports of entry, fees will be collected when the decision is made to proceed with the issuance of the IMM 1102 or IMM 1442B.
- If a temporary resident permit is required as well as the IMM 1102B or IMM 1442B, the manager must authorize its issuance before the fee is paid. Refer to Section 7.16 below for further information

For information on temporary resident permits with work permits, see section 7.16.

#### **Temporary inability or refusal to pay**

Where a client is unable to pay the fee immediately, an officer will, where practicable and applicable:

- counsel the individual to withdraw their application and leave Canada or declare the applicant inadmissible and produce a report pursuant to A44(1).
- where the client refuses to pay the required fee, they will be referred to a Senior Immigration Examining Officer (SIEO) and normal enforcement action will apply.
- defer the application, pursuant to A23, by releasing the applicant subject to "Conditions" that must be imposed pursuant to R43, i.e., that they report at a later date for continuation of examination. If the examination is to be continued at another Immigration office, the port of entry will advise that office as soon as possible of the details. The examination can be concluded once the fee is paid.

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### Performing artists (Entertainers)

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**Note:** Under the IRPA and its Regulations, most performers and their staff no longer need to apply for a work permit. However, there are some who still must do so. The procedures given below are intended for these clients. For instance, a group that will be performing in “a bar, restaurant or similar establishment” requires a work permit. There are other clients in this category who are still required to obtain a work permit and R186 should be read in detail when making a determination.

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It is to be noted that R296(2)(d) still specifies that groups of performing artists who must obtain a work permit do not enjoy any fee exemption related to their application for a temporary resident visa.

The Regulations provide that the total amount of fees payable by a group of three or more persons consisting of performing artists and their staff, who apply at the same time and in the same place for a work permit will not exceed \$450 [R299(3)]. However, performing artists who also need a TRV are still required to pay the appropriate individual fee for it. The maximum TRV fee provision of R296(3) applies only to families.

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**Note:** The wording of the Regulations allows a mixed group of performing artists and their staff who require a work permit to benefit from the maximum fee provision as long as the total number of persons is three or more. Some documentation presents this as a “group of three or more performing artists and their staff” which may give the false impression that a minimum of three performing artists must apply to trigger the Regulation.

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Each IMM 1102B or IMM 1442B issued must be coded to show “fee paid” or “fee exempt,” as applicable.

#### **Spontaneous applications for permanent residence and work permits at a port of entry**

Spontaneous applicants for permanent residence arriving at the port of entry are not to be accepted. All documentation required for temporary entry must be collected at the port of entry. The IMM 1102B or IMM 1442B must be coded to indicate that the fee has been paid or that an exemption has been applied.

#### **Refusals**

In cases where an application for a work permit results in a refusal by an inland immigration office, and where a fee has been collected, the application must be retained for statistical purposes. Financial statistics pertaining to these payments are to be kept manually, as they will not be coded on any computerized document. Fees paid for refused applications will not be refunded.

#### **Work that is integral to a course of study**

The exemption from HRSDC confirmation and/or from the fee relating to work permits issued under R205(c)(i) or R299(2)(e) pertains to work that forms an essential part of a course of study. For purposes of applying this exemption, the officer must ensure that the work is listed as a requirement in the syllabus and that Canadian students taking the same course are also required to work in order to obtain course credits. In other words, in order for the work to be considered an integral part of the course of study, the course could not be passed without taking the work in question into consideration.

#### **NSERC and NRC Researchers – Exempt from the work permit fee**

Persons sponsored or invited by the National Research Council of Canada (NRC) and the Natural Sciences and Engineering Research Council of Canada (NSERC) as distinguished scientists or scholars to participate in research for the NRC and the NSERC are exempt from the work permit fee.

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### Fee exemptions

Please refer to the Coding Handbook at the following address:

[http://www.ci.gc.ca/manuals/Documents/PDF/COD/CodingHandbook\\_e.pdf](http://www.ci.gc.ca/manuals/Documents/PDF/COD/CodingHandbook_e.pdf).

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### 7.14. Study permit – R300(1) and R213

#### Processing and collection of fee: \$125 individual

A completed Application for a Study Permit [IMM 1294] together with the appropriate fee will initiate processing. Unless the client is fee-exempt, fees shall be collected each time a request for a study permit is processed abroad, at a port of entry or inland. If the client is fee-exempt, the appropriate fee-exemption code will be entered on the application and into the appropriate processing system.

At inland offices, out-of-status clients will not be charged a fee until the Immigration Manager authorizes a temporary resident permit or the processing of the client toward restoration of temporary resident status. In those cases, the student is required to pay the applicable fee for the processing of a temporary resident permit or for the restoration of temporary resident status in addition to that for the study permit. A receipt will be provided to the applicant. The officer must ensure that payment has been made prior to initiating the processing of the application. Indication that payment has been made or that a fee exemption has been applied will be made by coding the appropriate box on the IMM 1208B or IMM 1442B.

#### Ports of entry

##### Student with study permit from visa office abroad

In the case of students appearing at a port of entry with a letter from the visa office indicating that a study permit has been authorized at that visa office, officers will check in FOSS that the information is complete, and if there are any questions, they will contact the issuing office abroad.

##### Student with no study permit

Since no formal written application is submitted at ports of entry, fees will be collected once the decision is made to proceed with the issuance of the IMM 1208 or IMM 1442.

When it is determined at examination that the person seeking admission requires a study permit, the officer shall ensure that the fee is collected from the client before issuing IMM 1208 or IMM 1442, unless the client is fee-exempt.

##### Temporary inability or refusal to pay

When a client is unable to pay the fee immediately, an examining officer will, where practicable and applicable:

- counsel the individual to withdraw their application and leave Canada or declare the applicant inadmissible and produce a report pursuant to A44(1)
- defer the application, pursuant to A23, by releasing the applicant subject to “Conditions” that must be imposed pursuant to R43, i.e., that they report at a later date for continuation of the examination. If the examination is to be continued at another Immigration office, the port of entry will advise that office as soon as possible of the details. The examination can be concluded once the fee is paid. A note to this effect should be placed on the applicant’s file.

Where the client refuses to pay the required fee, they will be referred to a Senior Immigration Examining Officer (SIEO) and normal enforcement action will apply.

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### Temporary resident permit cases - R298 – see 7.16

#### Applicants for permanent residence (in Canada or early admission) with study permit

Applicants for permanent residence and their family members are charged for their initial application for permanent residence as well as the Study Permit processing fee. The IMM 1208 or IMM 1442 must be coded to indicate fee payment.

In the case of certain sponsored students, where it is more practical for an organization to pay the required fee, the payment of the fee will be made in accordance with the established agreement between CIC/DFAIT, and the third party involved.

#### Fee exemptions

Please refer to the Coding Handbook at the following address:

[http://www.ci.gc.ca/manuals/Documents/PDF/COD/CodingHandbook\\_e.pdf](http://www.ci.gc.ca/manuals/Documents/PDF/COD/CodingHandbook_e.pdf)

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### 7.15. Restoration of temporary resident status – R306 and R182

#### General

IRPA includes a provision authorizing the Deputy Minister or his/her designates to restore temporary resident status under certain circumstances to persons who have ceased to be a temporary resident.

#### Processing and collection of the fee: \$200 per individual

When an application for restoration of temporary resident status (IMM 1249) is received by the Immigration office (Case Processing Centre) from a visitor, worker or student, an Officer assesses the application to determine whether the person concerned is out of status but is a likely candidate for restoration of temporary resident status.

The application and any processing fee already submitted are not returned to the applicant.

The applicant will be informed that they are out of status, but that consideration for restoration of temporary resident status is a possibility. (Care should be taken to approach clients only where refusal is unlikely if an application for restoration is received promptly, and not to imply a firm commitment.) The applicant is advised of the processing fee that applies for restoration of temporary resident status, namely:

- \$200 for visitors;
- \$325 for applicants who also require a study permit; and
- \$350 for applicants who also require a work permit (\$200 restoration processing fee and \$150 for the work permit).

The office must retain basic information on the application in order to continue processing when the application for restoration of temporary resident status is received from the client.

If restoration of temporary resident status is granted, and a client requires permission to attend school or work, applicable processing fees must be collected for the service in addition to those pertaining to the restoration of status.

#### Temporary inability or refusal to pay

If an individual advises that they are unable or unwilling to pay the fee immediately, they should be advised to withdraw their application and re-apply when they have the ability and willingness to do so. As the applicant is out of status, the case should be referred for enforcement activity.



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### Fee exemptions

Please refer to the Coding Handbook at the following address:

[http://www.ci.gc.ca/manuals/Documents/PDF/COD/CodingHandbook\\_e.pdf](http://www.ci.gc.ca/manuals/Documents/PDF/COD/CodingHandbook_e.pdf)

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### 7.16. Temporary resident permit – R298 and A24(1)

#### General

A fee shall be collected each time a request for the processing of a temporary resident permit is received, unless an exemption has been identified. The officer shall issue a receipt and note in the appropriate box of the temporary resident permit (IMM 1263) that the fee has been paid and the receipt number, or that an exemption has been allowed.

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**Note:** Under IRPA, there is no provision for the “extension” of temporary resident permits. As the expiry date for a permit approaches, the client is expected to apply for a new permit to maintain their status and pay the associated fee if they wish to extend their stay in Canada. The terminology of “extension” has been changed to “subsequent” to avoid confusion.

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#### Processing and collection of fee: \$200 per individual

##### Visa offices abroad

When an applicant for any type of visa also has to overcome an inadmissibility, the cost-recovery clerk will collect the necessary fee and refer the application to the officer for processing. If a file already exists, the receipt will be attached to the paper file and the fee details will be recorded in CAIPS. If the applicant has no existing file at the visa office, a new file will be created and forwarded to the officer.

##### In Canada

Applications for a temporary resident permit in Canada result from an individual being the subject of an A44(1) report because of a reported violation of IRPA. General counselling is required to explain to the applicant the ramifications of the inadmissibility and the options available to them. It will be necessary to review each case on its own merit. Upon determination that the client would meet the criteria for a successful request for temporary resident permit, the officer will collect the fee.

##### Port of entry (Canada)

When an individual seeking entry into Canada has been identified as inadmissible, the officer prepares an A44(1) report. This report is reviewed by an Immigration Examining Officer (IEO). The client must be given ample counselling respecting the inadmissibility and the options available to them. Upon determination by the IEO that the client meets the criteria for issuance of a temporary resident permit, the IEO directs the client to pay the applicable fee.

##### Temporary resident permit cases with work permit

A person in violation of the Act will be referred to an officer for interview before being charged a processing fee. The officer will recommend to the Manager (or headquarters, depending on the type of violation) whether or not a temporary resident permit and a work permit should be issued.

If the decision of the Manager (or Headquarters) is positive, unless the case is fee-exempt, the required fees shall be collected, and a receipt given to the client prior to the issuance of the temporary resident permit and work permit. Two processing fees are collected and each document is coded to reflect fee payment. In cases where the client is fee-exempt, the appropriate exemption code shall be reflected on both documents.

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### Temporary resident permit cases with study permits

Persons in violation of the IRPA will be referred to an officer for interview before being charged a processing fee. The officer will recommend to the Manager (or headquarters depending on the type of violation) whether or not a temporary resident permit should be authorized in addition to the study permit.

If the decision of the Manager (or Headquarters) is positive, unless the case is fee-exempt, the fee for processing the temporary resident permit and the study permit shall be collected and a receipt given to the client prior to issuance. The IMM 1263 application will be coded to indicate a fee payment or exemption.

### Temporary inability or refusal to pay

If an applicant advises that they are unable or unwilling to pay the fee immediately, they should be advised to withdraw their request for consideration of a temporary resident permit and return when they have the ability and willingness to pay the fee. There is no authority to accept a request for consideration of a temporary resident permit unless the fee has been paid. In Canada, the client will be advised that enforcement action shall be continued if they are unable or unwilling to pay the processing fee. At the port of entry, the client will be advised to withdraw their request and return when they are able to pay the required fee.

### Fee exemptions

At the time of the implementation of the 2005 TRP issuance process overseas, and the introduction of the temporary resident permit counterfoil, three situations were identified that have cost recovery implications. The situations are as follows:

1. Where a visa-exempt person or a person holding a valid passport or travel document with a visa counterfoil coded PA-1 applies for entry into Canada and produces a letter of introduction at the immigration secondary examination, a temporary resident permit is issued following a favorable examination. The fee requirement is waived as it has already been paid abroad.
2. Upon application for a travel document to permit return to Canada from abroad, the officer shall, after verification of the permit holder's identity, issue without charge a travel document coded PC-1 (cost-recovery code FPN) to the temporary resident permit holder who has authorization to leave and re-enter Canada but does not have a Canadian facilitation travel document to allow return to Canada.
3. In the case of a TRP holder overseas with a lost or stolen permit, no fee is to be taken for the issuance of a TRP counterfoil overseas. The TRP counterfoil is coded PA-1 (cost recovery code FPN) whether the permit was initially issued abroad, in Canada or at the port of entry. Replacement of the temporary resident document at the port of entry or CIC office will incur the usual document replacement fee according to R311(2).

Please refer to the Coding Handbook at the following address:

[http://www.ci.gc.ca/manuals/Documents/PDF/COD/CodingHandbook\\_e.pdf](http://www.ci.gc.ca/manuals/Documents/PDF/COD/CodingHandbook_e.pdf).

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### 7.17. Determination of rehabilitation – R309(a) and A36(3)(c)

#### Deemed rehabilitation

Persons who are described under A36(1)(a), (b) or (c), and A36(2)(a), (b) or (c) are inadmissible to Canada on grounds of criminality.

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The IRPA introduces the deemed rehabilitation class of persons who are described under A36(2)(b) and (c).

The IRPA provides authority for the Minister to approve the rehabilitation of persons described in A36(1)(b) or (c) and A36(2)(b) or (c). The granting of rehabilitation removes the grounds of inadmissibility, and is granted for meritorious cases when the Minister or the delegated authority is satisfied that:

- the person concerned meets certain criteria;
- has been rehabilitated;
- and is highly unlikely to become involved in any further criminal activities.

The National Parole Board has the authority to grant and issue pardons to persons described in A36(1)(a) and A36(2)(a) who have been convicted in Canada of an offence under an Act of Parliament punishable by way of indictment. Neither deemed rehabilitation nor rehabilitation can be granted for these offences.

For further guidance, refer to ENF2/OP18 – Evaluating Inadmissibility and ENF14/OP19 Criminal Rehabilitation.

### **Fees**

There are no cost recovery processing fees for deemed rehabilitation services.

### **When is deemed rehabilitation not applicable?**

The deemed rehabilitation provisions cannot be used to overcome inadmissibility for offences in the following situations:

- if the prescribed period of time of 5 years has not elapsed - for a person who has committed 2 or more summary offences; or
- if the prescribed period of time of 10 years has not elapsed - for a person who has committed one indictable offence; or
- person has committed one indictable offence, and then committed a subsequent summary or indictable offence; or
- person was deemed rehabilitated, and then committed a subsequent offence: any subsequent offence has the effect of removing the application of the deeming provisions for any earlier offence(s);
- an indictable offence pursuant to A36(1)(b) or A36(1)(c).

### **Individual rehabilitation – essential elements**

If a person who was convicted of an offence or who has committed an act or omission does not meet the eligibility criteria for deemed rehabilitation, that person may be eligible to apply for rehabilitation by presenting an Application for Criminal Rehabilitation (IMM 1444E). The client should be adequately counselled on the criminal inadmissibility criteria, and whether or not they meet the criteria to apply either for rehabilitation under IRPA or a pardon under the *Criminal Records Act*.

The application of the criminal rehabilitation provisions in the Act is at the discretion of the Minister or the Minister's delegate, but these provisions do not constitute a right for persons who are criminally inadmissible to be considered under them. The officer is not required to counsel

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applicants on the existence or application of these provisions, but in the interest of procedural fairness, applicants should be provided with an application kit if they appear to meet the eligibility criteria and request information or an application for determination of rehabilitation.

Although officers do not have the authority to approve rehabilitation, they may nonetheless provide the client with an opinion on eligibility, and indicate whether a positive or a negative recommendation would be submitted to the delegated authority.

When a negative recommendation is likely, the officer should advise the client **that the cost recovery processing fee would not be refunded** if the application is refused. If a client wants to submit an application for determination of rehabilitation after being provided with a negative recommendation, an officer cannot refuse to accept an application for rehabilitation by the client.

The application for determination of rehabilitation should be processed simultaneously, if a client has submitted an application for a temporary or permanent resident visa. If a client requests rehabilitation after a refusal of a visa application, the client would have to submit another visa application.

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### 7.18. Rehabilitation of serious criminal offences – R309, A36(1)(b) or (c)

#### Processing and collection of fee: \$1000

Fees shall be collected each time an application for determination of rehabilitation is initiated.

#### Temporary inability or refusal to pay

If an applicant advises that they are unable or unwilling to pay the fee immediately, they should be advised to return when they have the ability and willingness to do so. An application for determination of rehabilitation cannot be accepted and processing commenced unless the fee has been paid. This should be noted on the applicant's file. **Officials should confirm their delegated authority before rendering a decision.**

#### In Canada

The officer shall issue a receipt and note in the appropriate box of the Immigration Cost Recovery Control form (IMM 5194) that the fee has been paid and the receipt number.

#### Visa offices abroad

At visa offices abroad, a receipt will be issued and the existing application form will be validated (IMM 0008EGEN, IMM 5257B, IMM 1294B or IMM 1295B).

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**Note:** In such cases, the application form will be validated twice, once for the original application fee and once again for the Application for Determination of Rehabilitation fee.

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#### Fee exemptions

No fee exemptions have been identified for this service.

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### 7.19. Rehabilitation of criminal offences – R309(b) and A36(2)(b) or (c)

#### Processing and collection of fee: \$200

An application for determination of rehabilitation may be considered and decided by the manager at a port of entry, a Canada Immigration Centre, or by a program manager at a visa office abroad if the person concerned has been convicted of an offence outside of Canada and five years have passed since the completion of the sentence imposed.

Fees shall be collected, and a receipt issued to the applicant, each time a written request for determination of rehabilitation is initiated. At visa offices abroad, the visa officer will issue a

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receipt and validate the existing application form (IMM 0008, IMM 1294, IMM 1295, or IMM 5257B).

In such cases, the application form will be validated twice, once for the original application fee and once again for the Application for Determination of Rehabilitation fee.

The fee paid and receipt number will also be recorded in the "Recommendation" and "Reasons for Recommendation" sections of the Application for Criminal Rehabilitation form (IMM 1444E).

### Temporary inability or refusal to pay

If an applicant advises that they are unable or unwilling to pay the fee immediately, they should be advised to return when they have the ability and willingness to do so. There is no authority to accept an Application for Determination of Rehabilitation unless the fee has been paid. An appropriate note should be placed on the applicant's file.

### Fee exemptions

No fee exemptions have been identified for this service.

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## 7.20. Authorization to return to Canada – A52(1) and R310 (IMM 1203B or IMM 1202B)

### Processing and collection of fee: \$400

A52(1) provides that if a removal order has been enforced, a foreign national shall not return to Canada unless authorized by an officer or in other prescribed circumstances. A removal order is considered to have been enforced whether the client either leaves voluntarily or is removed by the Minister.

R226(1) provides that for the purposes of A52(1) and subject to R226(2), a deportation order obliges a foreign national to obtain the written authorization of an officer in order to return to Canada any time after the deportation order has been enforced.

If it has been determined that the client may be able to meet the basic requirements of requesting the authorization to return (i.e., grounds for original deportation/exclusion order have been overcome or no longer exist), processing of the request will commence upon completion and submission of a request in writing to an officer. This request is normally done by letter.

In cases that result in the issuance of a Denial of Authorization to Return to Canada pursuant to Subsection 52(1) of IRPA (Form IMM 1202B) after consideration of the application, no refund of the fee will be granted.

Indication that payment has been received will be made by appropriately coding the IMM 1202B or the IMM 1203B. (Authorization to Return to Canada Pursuant to Section 52(1) of the *Immigration and Refugee Protection Act*). Fee payment coding and the receipt number should be noted at the bottom of the form.

### Temporary inability or refusal to pay

Where a client cannot pay the fee due to a temporary lack of funds, or will not pay the fee, the request will be returned to the applicant with an explanation that it cannot be accepted until such time as they submit the processing fee. Where appropriate, a note should be placed in the applicant's file.

### In Canada

The officer should complete the Immigration Cost Recovery Control Form (IMM 5194B) in order to document the fee paid. A receipt will be issued and notation of the payment and receipt number should be entered.

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### Visa offices abroad

At visa offices abroad, in most cases, a file will have already been opened and, if a file review warrants, the officer will continue processing. If a file has not been opened, the client should be requested to complete an Application for a Temporary Resident Visa (IMM 5257B) to begin processing. A receipt will be issued and the officers will validate the existing forms (IMM 0008EGEN IMM 1294B, IMM 1295B, IMM 5257B). In such cases, the application form will be validated twice, once for the original application fee and once again for the Authorization to Return fee.

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**Note:** In addition to the processing fee for this service, clients may be required to pay an administrative fee under R243, Payment of Removal Costs. Please refer to Section 7.25 below.

**Note:** If an enforced removal order is subsequently set aside in a judicial review, the foreign national is entitled to return to Canada at the expense of the Minister.

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### Fee exemptions

No fee exemptions have been identified for this service.

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### 7.21. Certification and replacement of an immigration document (other than a PR card) – R311(1) and R311(2)

Processing fees would be applicable when the replacement of an immigration document is requested. The regulation applies to all immigration documents except the PR card.

#### Confirmation of permanent residence / certification of landing

Although the IMM 1000 Record of Landing has been replaced by the Confirmation of Permanent Residence form (IMM 5292B), IMM 1000s may continue to be the document used to establish the date of landing for those clients who became permanent residents prior to the coming into force of the IRPA. Therefore, if an individual simply is requesting a photocopy of their landing record (IMM 1000) or Confirmation of Permanent Residence form (IMM 5292B), there would be no processing fee.

Officers must also be guided by the *Privacy Act* and the *Access to Information Act* which give Canadian citizens or permanent residents the right to access any personal information about themselves contained in a personal information bank. Given the personal nature of the data contained in immigration documents, it is important that any client requesting a photocopy or certified true copy of the documents be able to provide satisfactory proof of their identity before the document is released.

The PR card is optional for pre-IPRA permanent residents who do not intend to travel. However, effective December 31, 2003, it is mandatory for all permanent residents for re-entry into Canada after international travel when using commercial transportation.

Because the PRC can be replaced if it is lost, stolen or destroyed, there is no provision under IRPA for photocopies or certified true copies of the PR card. The fee for all services related to the card is \$50. Please refer to section 7.8 above.

#### Processing and collection of fee: \$30 per individual

#### Cases in Canada

Offices are requested to limit the direct distribution to clients of Verification of Entry form (IMM 5009B) to ensure that they are not mailed directly to the Query Response Centre (QRC) by the client. The applicant must go to the local office, where the application will be completed and the fee collected, if applicable. The client must present adequate personal identification and

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complete an IMM 5009B. When appointments are made for these clients, the fee requirement should be explained.

If the case is fee-exempt, the "Exempt" box will be checked and an explanation for the exemption written (e.g., "Resettlement Assistance" or "Government Agency Request") in the "Reason" line of the IMM 5009B. The client is then referred to an officer for processing of the request.

If a fee is required, the client is referred to the cashier who will issue a receipt for presentation to the officer processing the request. The "Fee paid" box on the IMM 5009B should be checked, and the "Receipt No." line should include both the amount paid and the receipt number.

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**Note:** Immigration offices must be prepared to advise QRC of the amount of fee paid or the reason for exemption.

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### **In cases initiated at a visa office abroad**

The procedures outlined above for offices in Canada apply also to visa offices abroad. Visa offices must collect the prescribed fee when originating a request for confirmation of permanent residence or certification of landing regardless of the format of the document issued.

<p><b>Example:</b> A letter on embassy stationery confirming the client's name and certifying the place and date of landing requires a fee even if the visa office never obtains a formal extract of the permanent residence records from QRC, i.e., in situations where the time frame involved does not allow the visa office to obtain a formal extract of the permanent residence records from QRC.</p>
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Visa offices receiving formal extracts directly from the QRC are required to collect the fee and verify the applicant's identity before releasing the certified document.

### **In cases initiated by direct requests to QRC at National Headquarters**

While clients are to be discouraged from making application directly to QRC, occasional requests will continue to be received. In such cases, the certified form IMM 1000 or IMM 5292B will be mailed to the Immigration office for release after the client has been identified and their fee paid, unless the case is fee-exempt.

When appointments are made for these clients, the fee requirement should be explained to them.

### **Exemption for requests by government agencies**

The exemption described in R311(3) applies to cases where a government department (CIC, DFAIT, HRDC, etc.) wishes to authenticate a record of permanent resident status for internal administrative or control purposes. For example, there may be doubt concerning the authenticity of a copy of a permanent residence record presented by an applicant for citizenship or pension benefits and the responsible department may wish to check with CIC services before proceeding with the application. In such cases, where the request for certification is not the result of a client having lost or destroyed their landing or permanent resident record but rather, of the administrative needs of a government department, R311(3)(a) provides a fee exemption for the service.

Other government departments have been asked to communicate all requests initiated for their own purposes directly to the appropriate Immigration office or the QRC in writing. In these cases only, clients should not be asked to communicate in person with Immigration offices. (In cases of loss or destruction of record, however, departments have been asked not to make requests on behalf of a client. The client should come directly to CIC and be charged the applicable fee.)

### **Internal requests**

When a request for certification of other records (i.e. deportation orders) is received within CIC, no cost recovery fee is required.

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### **Fee exemptions**

Please refer to the Coding Handbook at the following address:

[http://www.ci.gc.ca/manuals/Documents/PDF/COD/CodingHandbook\\_e.pdf](http://www.ci.gc.ca/manuals/Documents/PDF/COD/CodingHandbook_e.pdf).

### **Replacement of an immigration document (except for a permanent resident card)**

#### **Processing and collection of fee: \$30 per person**

If it has been determined that a request for a certified copy of a client's temporary resident document is credible, the client will be asked to complete the Verification of Entry form (IMM 5009B). Offices are requested to limit the direct distribution to clients of the form IMM 5009B to ensure that clients do not mail the request directly to QRC.

The client is to be asked to come to the office where the application will be completed and the fee collected. The client must present adequate personal identification. The completed IMM 5009B form together with payment of the appropriate fee will initiate a request for a "certified true copy" of the requested form.

Fees shall be collected each time a request for a replacement of a document is processed. The officer shall issue a receipt and note in the appropriate box of form IMM 5009B that the fee has been paid and the receipt number. The applicable documents are listed on form IMM 5009B.

#### **Fee exemptions**

No exemptions from the fee for a request for a replacement document have been identified. If contact is required, officers must advise the QRC of the amount of fee paid. After completion of the request, the QRC will mail a "certified true copy" of the requested document directly to the client.

#### **Cases initiated by direct requests to QRC at NHQ**

While clients are to be discouraged from making application directly to the QRC, it is probable that occasional requests will be received by that office. In such cases, the "certified copy" of the document requested will be mailed to the Immigration office serving the area of the client's residence. The Immigration office will be responsible for contacting the client and advising them of the requested document replacement. The document will be released to the client after identification has been verified and the fee paid. When appointments are made for these clients, the fee requirement should be explained.

#### **Cases where Full Document Entry (FDE-IMM 1442) is used**

Officers who utilize FDE facility in FOSS for replacement of documents should be guided by the following:

- There is no need to forward the request to the QRC. Document replacement may be completed by issuing another IMM 1442 document with the same client information, validity date, etc. as the original document.
- The receipt number and amount paid is to be recorded in the Cost Recovery box of the form IMM 5009B. Under "Reason," the officer should indicate the type and serial number of the IMM 1442 being replaced. The form IMM 5009B must be retained for audit purposes.



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### Service when provided outside Canada to persons who are not Canadian citizens or permanent residents

#### Visa offices abroad only

In Canada, Canadian citizens and permanent residents gain specific rights by provisions included in privacy legislation. Canadian citizens and permanent residents have a right to make corrections to information held in federal government information banks (either in Canada or outside Canada) that is not accurate. Incorrect information could have been provided intentionally or through error. CIC cannot collect a fee for amending personal information or for providing evidence that the action has taken place.

However, the rights associated with privacy legislation do not extend to persons who are not Canadian citizens or who have not been granted permanent residence in Canada.

Hence, visa offices abroad may collect a processing fee for the replacement of an immigration record, only in situations where an applicant is requesting a change to the information contained in a document that has already been issued, or a replacement document identical to the original document in every respect.

Although requests most often would be for changes to an immigrant visa counterfoil or to the Confirmation of Permanent Residence, very few changes would be possible. Where the applicant has obtained a new passport and the new status has no effect on their admissibility, the previous forms would be cancelled and a new visa and the Confirmation of Permanent Residence can be printed.

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**Note:** In instances where a change of content is necessary because of an error on the part of CIC staff, there is no charge for replacing the document.

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#### Examples:

Some common examples of situations that warrant a processing fee at visa offices abroad are:

- where a date of birth was incorrectly given and, subsequently, evidence is shown to substantiate a different date;
- where a name or the citizenship of the applicant requires amendment because of a change in circumstances;
- where a passport number requires amendment (in which case, the validity of the document may also be changed to reflect the maximum validity period).

An additional circumstance that enables CIC to collect a processing fee for the replacement of an immigration document applies only when the service is provided outside Canada to persons who are not Canadian citizens or permanent residents of Canada.

#### Fee exemptions

No fee exemptions have been identified for this service.

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### 7.22. After-hours examination (in Canada) – R312

Responsibility for this fee has been transferred to the CBSA.

The processing fee for “after-hours examination” services at ports of entry should not alter the way after-hour immigration secondary examinations are conducted at any port of entry. Ports of entry should continue to operate in their normal manner, and after-hours examination fees should be collected as outlined in these guidelines.

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### Criteria for the collection of fee

Collection of a processing fee shall be applied at ports of entry where an Immigration presence is not available on a 24-hour basis. The fee will be applied:

- (i) to persons seeking entry when travelling by private vehicle; and
- (ii) to transportation companies when public transportation is used by persons seeking entry into Canada.

Persons seeking entry will be subject to the after-hours examination processing fee when the service is requested by the client, and not by the inspection services (i.e., Customs).

Persons seeking entry either by private carrier or by transportation companies carrying persons identified as requiring immigration secondary examinations will be subject to the processing fee for after hours examination if the following two conditions are present:

- the arrival at the port of entry by the individual or transportation vehicle must be an unscheduled arrival; and
- overtime must be incurred by the Immigration examining officer.

Several ports of entry offer immigration services with a presence 16 hours per day, 7 days per week. After-hour service is provided on an after-hours examination basis by immigration officers listed on a standby roster.

Customs officers are responsible for the primary inspection services. During their examination of persons seeking entry into Canada, they are responsible for the identification of individuals who require secondary examination by an Immigration officer.

Once a Customs officer has referred an individual to immigration secondary examination, the options available to the individual seeking entry to Canada will be carefully explained.

The options include:

- withdrawal of the individual's request to enter Canada and return to the country of departure (this would only be applicable at land border sites where the traveller is coming from the U.S.A.);
- wait in the Customs/Immigration reception area until the next scheduled immigration officer reports for duty (this would usually be around 8:00 a.m. as most ports with 16-hour service offer immigration presence during the hours 8:00 a.m.12:00 midnight);
- request that an immigration officer listed on a standby roster be called back to perform the immigration secondary examination.

Should the traveller choose to request an officer to conduct the immigration secondary examination, the Customs officer on duty shall give the individual a copy of an information sheet outlining the hours of immigration service at that port of entry and the cost recovery fee associated with calling back an immigration officer. Each port of entry will be responsible for developing their own sheet with applicable information. The Customs officer will also witness the applicant's signature on this information sheet and ensure that the individual has sufficient funds or credit card available to pay the fee. At this point, the Customs officer will telephone the designated officer.

### Processing and collection of fee:

- \$100 for 4 hours; and
- \$30 for each additional or part hour after 4 hours

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The fee shall be collected by the immigration officer who has been called back to perform the immigration secondary examination, prior to beginning the examination interview. A receipt will be given to the applicant and indication made that payment has been made by notating the fee and receipt number in the appropriate box on the Immigration Cost Recovery Control form (IMM 5194B).

No refund of this fee will be given once the immigration officer has reported to the port of entry to conduct the secondary examination.

Upon arrival at the port of entry, should the client seeking entry to Canada refuse to pay the required fee for after-hours examination, the secondary examination will be deferred until such time as the client pays the fee. Should the client continue to refuse to pay the fee, they will be advised to withdraw their request and return to their country of origin, or wait for continuation of their examination when the officer on the next scheduled shift reports for duty.

In cases where individuals have travelled by a mode of public transit (train, airplane, bus, etc.) and the arrival of the public transportation vehicle was unscheduled, and where the port of entry had not been advised of the unscheduled arrival in order to make alternate staffing arrangements, the transportation company, and not the individuals, will be required to pay the processing fee. The fee to be collected is assessed as if only one after-hours examination service were being provided. Individual passengers may be subject to charges applicable on a case-by-case basis.

During the interview by a Customs officer, if an applicant advises that they are unable or unwilling to pay the fee immediately, they should be counselled to return when there is an immigration officer on duty, or when they have the ability and willingness to pay the processing fee. There is no authority to provide the after-hours examination service if the individual has not demonstrated the ability to pay the required fee.

If the client demonstrated that they had the ability to pay the fee, and they completed the Immigration Cost Recovery Information form (described earlier) requesting that an immigration officer be called back to perform the immigration secondary examination, but upon arrival at the port of entry of the officer, they decided not to comply with the fee requirement, no examination would be conducted. The individual would be advised to return to the country of origin.

### Fee exemptions

No fee exemptions have been identified for this service.

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## 7.23. Immigration statistical data – R314

### Processing and collection of fee

- \$100 for the first 10 minutes or less; and
- \$30 for each additional minute or less

for access to the Department's database

The Data Warehouse Unit at NHQ is responsible for providing statistical information on national immigration and refugee protection activity. The Unit responds to requests for specific information that is not available in monthly, quarterly or annual publications. These special requests require the creation of specific programs to extract the information from the Department's computer database.

The provision of immigration information has been identified as a service to which the 7% GST is applicable.

### Fee exemptions

Please refer to the Coding Handbook at the following address:

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[http://www.ci.gc.ca/manuals/Documents/PDF/COD/CodingHandbook\\_e.pdf](http://www.ci.gc.ca/manuals/Documents/PDF/COD/CodingHandbook_e.pdf).

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### 7.24. Alternative means of examination – R313

Responsibility for this fee has been transferred to the CBSA.

#### Processing and collection of fee

\$30 per person. As per R294, fees are payable per person and not per application

#### Remote Area Border Crossing (RABC) permit

##### General

In 1992, a service was introduced whereby persons seeking to enter Canada may request and be considered for permits that allow varying methods of reporting their entry.

Possession of a valid RABC permit allows the bearer to cross the border without reporting to a port of entry as long as all imported goods are declared.

This service is available only along the international border between Ontario and Manitoba from Pigeon River to and including Lake of the Woods and to the Canadian shore of Lake Superior from Pigeon River to Terrace Bay.

The RABC permit is available to Canadian and U.S. citizens and persons temporarily resident in cottages within 100 km (62 miles) of the Canada/U.S. border, and to Canadian and U.S. tourists to the area who use the border waterways for recreational purposes.

#### Processing and collection of fee: \$30 per applicant

A fee shall be collected each time a request for a RABC permit is processed. Payments are recorded by coding the appropriate box of the document issued.

If an individual advises that they are unable or unwilling to pay the fee immediately, they should be advised to withdraw their application and re-apply when they have the ability and willingness to do so.

#### Fee exemptions

No fee exemptions have been identified for this service

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### 7.25. Payment of removal costs – R243

**Note:** This is an administrative penalty not a cost recovery fee; as such, it is not governed by the Cost Recovery and Charging Policy of the Treasury Board Secretariat. It is included here because of its relationship to the Authorization to Return to Canada [see section 7.20 above].

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These fees apply only in situations where the relevant costs have not been recovered from a transportation company.

#### Intent of fee

Formerly, this fee applied **only** to persons who were initially issued a departure order, ignored the order and were then deported at departmental expense. This regulation was originally intended to add a further consequence for clients who ignored a departure order.

Under the IRPA, the applicability of this fee has been widened to include all clients who were removed at Her Majesty's expense, not just those who were deported. In R223, removal orders are defined to include, departure orders, exclusion orders and deportation orders.

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### Deportees

Under the IRPA, persons who are deported at departmental expense must satisfy two requirements before being allowed to return to Canada. First, they must obtain authorization to do so through an officer or by other prescribed circumstances as per R226(1) and A52(1); and second, they must pay the cost (if any) of their removal as per R243, if they have not been recovered from the transportation company.

### Other removals

Clients who are the subject of exclusion or departure orders may seek to return to Canada after the period specified in the Regulations, without the need to obtain the authorization of an officer. However, as with deportees, these clients are now required to pay the cost of their removal as per R243, if they were removed at Her Majesty's expense.

Once the officer who is processing the request for authorization to return to Canada (IMM 1203B) has determined that authorization will be granted, the office in Canada where the removal order originated will inform the officer whether payment is applicable. Collection of this fee will occur prior to the authorization to return to Canada being granted.

The applicable fees are per R243.

### Processing and collection of fee

Payment of removal costs:

- USA/Saint-Pierre-et-Miquelon           \$750
- Other destinations                       \$1,500

A receipt shall be issued each time a payment of removal expenses is received.

If an individual advises that they are unable or unwilling to pay the fee immediately, they should be counselled to withdraw their request for authorization to return to Canada and return when they have the ability and willingness to do so. If the individual refuses to withdraw their request, the request will be refused for failure to pay removal costs as per A52(1).

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**Note:** If a removal order for which there is no right of appeal has been enforced and is subsequently set aside by a judicial review, the foreign national is entitled to return to Canada at the Minister's expense. [A52(2)]

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### Fee exemptions

No fee exemptions have been identified for this service

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## 7.26. Right of permanent residence fee (RPRF) – R303

### Background

Effective February 28, 1995, a Right of Landing Fee (ROLF) of \$975 was introduced. Under the IRPA this was retitled as the RPRF and this name will be used in the remainder of this document.

It is generally recognized that permanent residence has attached to it a value, both tangible and intangible. There is an economic or market value which arises out of an enhanced opportunity to improve one's economic condition and there is also the value to having access to a wide range of programs and services provided by the state at no or minimal cost. There is, as well, an intangible value to having permanent resident status in Canada. The fee is partial compensation for benefits which accrue to the person who acquires permanent resident status and helps to defray various costs incurred in delivering the immigration program.

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The announcement of the fee was included in the 1995 Federal Budget and the Immigrant Loans Program was expanded to include provisions for a federal loan to assist immigrants in the payment of this new fee. While the Regulations indicate broad eligibility for a loan, the criteria established focus on the need and ability to repay the loan. Initially, refugees were the primary recipients of ROLF loans.

Since March 2000, applicants for permanent residence who have been determined to be refugees or members of the humanitarian-protected persons abroad classes do not have to pay the RPRF. The demand for loans has dramatically decreased since this change.

In order to help alleviate the economic burden of immigrating, Budget 2006 included a reduction of the RPRF to \$490.

### Change in terminology

With the coming into force of the IPRA, the term “landing” is no longer used. Instead, clients are said to “acquire permanent resident status.” The only exception to this are clients who become permanent residents under A25 and are “granted” permanent resident status by the Minister.

### Legislative authority

The Right of Permanent Residence Fee comes under the authority of section 19.1 of the *Financial Administration Act* (FAA). This section allows for the charging of fees for the rights or privileges that may be granted to a person.

The *Immigration and Refugee Protection Regulations* describe the fee and remission provisions. The RPRF remission comes under the authority of section 23(2.1) of the *Financial Administration Act*.

### Fee exemptions

The following persons are not required to pay the Right of Permanent Residence Fee:

- A person who is a family member and is a “dependent child” of a principal applicant as defined in R1(3).

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**Note:** This can include applicants who are 22 years of age or more and who may be spouses or common law partners while still maintaining status as a dependent child. Refer to “dependent child” [R2(b)(ii)].

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- A principal applicant in Canada who has made an application in accordance with R66 (H&C) and who is a “dependent child” of a Canadian citizen or permanent resident.
- A member of the permit holder class who is a “dependent child” of a member of the permit holder class who has made an application to remain in Canada as a permanent resident or who is the “dependent child” of a Canadian citizen or permanent resident.
- A person who is a member of the protected temporary residents class and is described in R151.1(2)(b) and the family members included in their application.
- A principal applicant who is a foreign national and who is referred to in R117(1), namely:
  - (a) a dependent child of the sponsor;
  - (b) an orphaned brother, sister, niece, nephew or grandchild;
  - (c) a child to be adopted.
- A protected person within the meaning of A95(2) who has applied to remain in Canada as a permanent resident and their family members.

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- A person who is a member of the Convention refugees abroad class and the family members included in their application.
- A person who is a member of the humanitarian protected persons abroad classes and the family members included in their application.

Every person, with the exceptions noted above, who submits an application for permanent residence must pay this fee.

### Timing of payment

Payment of the RPRF will be required before issuance of the permanent resident visa for applications processed at visa offices or the permanent resident record for applicants in Canada. Each contact with the applicant should include a reminder that the RPRF is required, and that the visa will not be issued or the client will not become a permanent resident, as the case may be, until payment is received. It should also be emphasized that early payment of the RPRF will avoid delays in finalizing the processing of the application for those classes where it is appropriate, such as priority family class cases. Other cases, such as family class sponsorships of parents and grandparents, where the processing time is known to be long, RPRF instructions specify that the client should wait to pay RPRF until contacted by CIC.

Although concerted efforts will be made to solicit payment at the early stages of processing, CIC must accept payment of the RPRF whenever it is submitted. This is a requirement of the *Financial Administration Act*. CIC also has no authority to refuse to refund the RPRF upon request of a client who has paid up front or at any time before the RPRF is due for visa issuance/permanent residence status. This is a change to the past policy that RPRF payments already submitted for applications in process will not be refunded, unless the application is refused or withdrawn, or does not result in permanent residence status being granted.

Should a client complete all other documentary and regulatory requirements for acquiring permanent resident status but fail to pay the RPRF and complete the acquisition of permanent residence process, there is no legal basis for closing the file or regarding it as abandoned.

### Inability or refusal to pay the RPRF

Where the application process is finished and payment of the RPRF remains outstanding, applicants will be advised that the application cannot be finalized until the RPRF has been paid.

### Procedures for back-end collection of RPRF

#### **Skilled worker, provincial nominee and business immigrant applications processed by a visa office abroad**

**The visa office will advise the client that processing of the application has been completed and that visa(s) will be issued if the applicant submits the correct RPRF. The visa officer shall not proceed to issue the permanent resident visa(s) until the RPRF fees have been paid. Timing of payment will be left up to the particular office and will vary according to local circumstances.**

#### **Family class applications, Undertakings of Assistance submitted to Case Processing Centre Mississauga with immigrant applications processed by a visa office abroad**

CPC Mississauga will receive the Undertaking of Assistance (IMM 1344AE), collect the processing fees, process the sponsorship, and forward the documents to the appropriate visa office along with the IMM 0008s.

Processing the application at the visa office remains unchanged to the point where the visa is ready to be issued. The visa office will advise the client that processing has been completed and

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that visa(s) will be issued as soon as the sponsor has submitted the RPRF payment to **CPC Mississauga**. The visa office will also advise CPC Mississauga, by e-mail message, that the applicant is ready for visa issuance. A dedicated Signet E-mail account has been established in Mississauga for the receipt of these messages.

The address for visa offices to use is: [CPC-MISSISSAUGA-RPRF@CIC.GC.CA](mailto:CPC-MISSISSAUGA-RPRF@CIC.GC.CA)

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**Note:** This e-mail address is to be used strictly for RPRF request messages. There will be no response to messages not pertaining to RPRF.

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A separate account at CPC Mississauga exists for general inquiries as follows:

[CPC-MISSISSAUGA@CIC.GC.CA](mailto:CPC-MISSISSAUGA@CIC.GC.CA)

The e-mail message is to include the following information:

- visa office file number;
- CPC Mississauga/ CIC file number;
- name of sponsor and client ID;
- amount of RPRF payment required.

Upon receipt of notification that the applicant is ready for the issuance of a visa, CPC Mississauga will advise the sponsor that the RPRF payment must be received by the office within 30 days. CPC Mississauga will "BF" the file for 30 days (plus additional mailing time) to ensure follow-up action.

If the RPRF payment is received, CPC Mississauga will advise the appropriate visa office which should ensure that the medicals and security are still valid prior to issuing the visa(s).

If the sponsor does not respond with the RPRF within 30 days of the request, CPC Mississauga will send a second request for the RPRF giving an additional 30-day period to comply. Again, the file will be "BF'd to ensure follow-up action.

If the sponsor does not submit the RPRF within 30 days following the second request, the visa office will be advised. The visa office should not proceed to issue the permanent resident visa until the RPRF fees are paid.

### **Applications processed by CPC-Vegreville to completion and transferred to a Canada ImmigrationCentre (CIC) to grant permanent residence status AND applications referred by CPC-Vegreville to a CIC for processing**

Once an applicant is ready to become a permanent resident, CPC Vegreville will send a letter to the applicant indicating that the file is being sent to the inland CIC closest to their residence. CPC Vegreville will inform the applicant that they will be scheduled to attend a permanent residence interview and should be prepared to pay the RPRF at the time they are granted permanent resident status.

Upon receipt of the file from CPC Vegreville, the CIC will schedule the permanent residence interview. A letter advising of the time and date of the grant of permanent resident status will be forwarded to the applicant. This letter will remind the applicant that the RPRF payment is required before permanent residence status is granted. Prior to completion of permanent residence processing, it should be verified that the RPRF has been paid and that security clearance is still valid.

If the RPRF payment is received at the final permanent residence interview, the grant of permanent resident status may proceed as usual. If the RPRF payment is not received and the applicant appears at the permanent residence interview, they will be advised that RPRF is to be paid before permanent resident status is granted.



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A period of 30 days will be given for the applicant to submit the RPRF following the request.

In cases referred to the CIC and processed to completion, a similar procedure regarding the collection of RPRF will be taken. If the RPRF is not provided within the first 30 day period, the applicant should be sent a second request giving an additional 30-day period. Again, the file should be BF'd to ensure follow-up action. Permanent resident status processing should not be completed until the RPRF is paid.

For Family class cases, the payment must be made in Canada to the appropriate CPC. In all cases involving an applicant in Canada and family members overseas, the applicant or sponsor in Canada is responsible for payment.

### FOSS/CAIPS/CPC SYSTEM CODING—Current, valid RPRF codes

Listed below are all current RPRF operational codes with corresponding descriptions of when the code should be used in the CAIPS/CPC SYSTEM. All systems require that three mandatory fields be filled with a 3-letter alpha code to indicate the type of transaction, the amount of fee collected and the receipt number.

LFA	RPRF fee paid abroad
LFC	RPRF fee paid in Canada
LFD	RPRF fee payment deferred (Use amended to include applications received after April 17, 1997 which do not have the Right of Permanent Residence Fee included with the application)
LFN	RPRF fee not applicable
LFQ	RPRF fee deferred pending Province of Quebec immigration decision
LFR	RPRF fee refund
LFS	RPRF fee supplementary
LLA	RPRF loan approved
LXR	Exempt refugees (For Convention Refugees and Protected Persons)
<b>Effective May 3, 2006</b>	
<b>RFA</b>	<b>Residence fee paid abroad</b>
<b>RFC</b>	<b>Residence fee paid in Canada</b>
<b>RFR</b>	<b>Residence fee refunded</b>
<b>ADDITIONAL RPRF CODE USED BY IN – CANADA OFFICES ONLY</b>	
LFX	RPRF fee excluded (For use in sponsorship cases where “LFD” had been used for a member of a sponsored family and that member has now been determined not eligible)
<b>ADDITIONAL RPRF CODES USED BY CAIPS OFFICES ONLY</b>	
LFE	Fee paid elsewhere, file transferred
LFT	File transferred to another visa office
LRC	RPRF refunded in Canada on family class refused case

The alpha codes are intended to record the latest transaction relating to the RPRF. Consequently, it is possible that three or four codes could be entered during the course of processing.

### RPRF refunds

Refunds will be granted in all cases where the RPRF has been paid and the applicant has not acquired permanent resident status. Should the application for permanent residence be refused or withdrawn, the Department is obligated to refund the RPRF.

Refunds are provided to the payer (usually the sponsor) in family class cases, and to the principal applicant for other cases. In non-family-class cases, the refund is also issued to the principal applicant.

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The refund is not to be issued to any representative or third party.

Refunds in family-class sponsorship cases, where there are appeal rights, will be to the sponsor "on demand", after a negative appeal decision. A check to ensure that a visa has not been issued must be made with the applicable visa office abroad. The sponsor must be advised by letter that the RPRF will be refunded after appeals are exhausted and only upon written request.

Withdrawal of sponsorships at any time during the process will result in the refund of the RPRF; however, the Case Processing Centre must advise the visa office abroad of the withdrawal of the sponsorship and wait for confirmation that a visa was not issued prior to processing the refund.

In sponsorship cases at CPC Mississauga that result in a negative sponsorship recommendation, the sponsor has the option of continuing with processing the case or having a refund of fees (less the \$75 application fee) paid immediately by withdrawing their application.

In cases outside the family class, the refund of the RPRF should be initiated as soon as the letter is sent to the applicant indicating refusal, withdrawal or receipt of an unused permanent resident visa at the visa office. In cases where the principal applicant is deceased, the refund should be made to the estate of the applicant after confirmation from the legal representative of the deceased.

In all cases, prior to granting a refund, the "Right of Permanent Residence Fee" field of FOSS/CPS/CAIPS and CAIPS notes should be checked to ensure that the fee was, in fact, paid and not already refunded. In cases where a permanent resident visa has been issued but not utilized, return of the visa to the issuing office is required before a refund can be processed.

### **Appeals and the RPRF**

When an applicant for permanent resident status has a right of appeal against a negative decision and fails to file the appeal within the required time frame, the RPRF must be refunded.

If the applicant fails to win their appeal, the RPRF must be refunded after the appeal decision has been rendered. If an applicant is granted another appeal mechanism, or if another level of appeal is available to the applicant, they will be required to repay the RPRF upon being notified that the appeal has been granted, and prior to acquisition of permanent residence.

### **Refused cases with a temporary resident permit**

An applicant who is determined to be inadmissible, but allowed to proceed to Canada with a temporary resident permit, would be considered as refused, and therefore, an RPRF refund would be approved.

As an exception to the normal procedure, namely, that refunds be actioned by the office refusing an application, this particular refund would be processed in Canadian dollars by the CIC in Canada that receives the file. Generally, visa offices abroad will transfer their case file to the CIC nearest the destination of the person concerned.

The RPRF will be collected if and when the permit holder seeks permanent residence under A38(1) (medically inadmissible cases) or applies for permanent residence after having been deemed rehabilitated or received a pardon (criminally inadmissible cases).

Offices should ensure that form letters are amended accordingly to cover the need for a refund.

The one exception to granting a refund upon identification of an inadmissibility would be situations where the person concerned would acquire permanent residence within a short period (6 months to a year). In these cases, the RPRF should be retained and applied to the subsequent application.

### **Early admission cases**

An applicant, issued a temporary resident permit to allow early admission, would be expected to acquire permanent resident status within a reasonable time frame after completion of processing in Canada, and would not be eligible for a refund.

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### **Fee exemptions**

Please refer to the Coding Handbook at the following address:

[http://www.ci.gc.ca/manuals/Documents/PDF/COD/CodingHandbook\\_e.pdf](http://www.ci.gc.ca/manuals/Documents/PDF/COD/CodingHandbook_e.pdf).

## IR 5 Immigration Cost Recovery

### Appendix A – IRP Regulatory Amendments – Cost Recovery Fact Sheet

#### 1. Fee regulations amendments 2004

Effective July 22, 2004, amendments to the fee regulations are introduced as part of the *Immigration and Refugee Protection Regulations* (the Regulations).

##### Effect of the changes

These regulations introduce cost recovery and rights and privileges fee exemptions for a new class of protected temporary residents and for existing services that were not previously fee-exempt.

In addition, these regulations reinstate fee exemptions that existed prior to the coming into force of the Regulations but were omitted in error from those Regulations when they came into force on June 28, 2002.

##### Reinstatement of previous provisions

###### 1. Multiple entry temporary resident visa fee exemption R297

Although identical fee exemptions for single and multiple entry temporary resident visas existed in the former Regulations, the multiple entry exemptions were omitted in error from the Regulations. Those exemptions are now reinstated.

###### 2. Temporary resident permit fee exemptions

New wording for R298(2)(a).

###### 3. Temporary resident permit fee exemptions – Clergy R296(2)(c)

###### 4. Temporary Resident Permit Fee Exemptions – same time and place R296(2)(d)

Introduction of new provisions.

###### 5. Temporary resident permit fee exemptions – *Foreign Missions and International Organizations Act* (FMIOA)

Persons who are otherwise inadmissible but who are assessed under subsection 5(1) of the *Foreign Missions and International Organizations Act* (FMIOA) will be able to obtain a temporary resident permit on a fee-exempt basis. This change brings the Regulations into compliance with the FMIOA and addresses DFAIT concerns with respect to the admission (on a fee-exempt basis) of otherwise inadmissible foreign nationals involved in meetings organized by the Government of Canada.

###### 6. Temporary resident permit fee exemptions – Clients in transit at the time of visa imposition R298(2)

This fee exemption applies to foreign nationals in transit to Canada during the first 48 hours after a visa requirement is imposed on their country, and who are consequently rendered inadmissible to Canada and require a temporary resident permit to overcome their inadmissibility. This fee exemption applies if they are inadmissible for the sole reason that they do not hold a TRV and is valid only for a 48-hour period upon a change to the list of countries in R190(1)(a).

This regulation addresses concerns of fairness regarding the treatment of clients in transit. Since clients in transit are not aware of the requirement for a TRV prior to their departure, it would be

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unfair to request payment of the TRP processing fee to overcome their inadmissibility to Canada. Creating a permanent fee exemption will simplify future changes to Canada's temporary resident visa requirements in R190(1)(a).

### **7. Application to Remain in Canada as a Permanent Resident – Fee exemption – protected temporary residents R301**

This fee exemption was created to accommodate situations where clients in need of protection abroad were, for various reasons, allowed to enter Canada on a Minister's permit or on a temporary resident permit before a permanent resident visa could be issued. As refugees or protected persons, these clients were entitled to processing on a fee-exempt basis abroad, while there was no provision to process their in-Canada applications on the same basis. Therefore, this new regulation brings clarity to the situation by providing processing on a fee-exempt basis.

### **8. Right of Permanent Residence Fee exemptions – Dependent children who applied under A25 or dependent children who applied in the permit holder class R303(2)**

### **9. Right of Permanent Residence Fee Exemptions – Members of the protected temporary residents class R303(2)**

Persons described in R303(2)(c.1) are not required to pay the fee in R303(1).

This regulation creates an RPRF fee exemption for those members of the protected temporary residents class and their family members included on the application who were not already exempt from the RPRF. This includes clients on Minister's permits under the former regulations who were seeking to enter Canada as Convention refugees or as members of one of the humanitarian designated classes.

## **2. Fee regulations amendments 2005**

### **Introduction of New Provisions**

1. Single entry temporary resident visa fee exemption R296(2).
2. Permanent Resident visa processing fee R295(1)(a)(ii) replaced.
3. Right of Permanent Residence fee R303(2)(b).

## **3. Fee regulations amendments 2006**

### **Introduction of New Provisions**

1. Multiple Entry Visa R297.
2. Temporary Resident Permit R298(2)(a).
3. Applications to Remain in Canada as a Permanent Resident R301.
4. Fee R302.
5. Right of Permanent Residence R303.