Government of Canada

Gouvernement du Canada

Targeted control audit of temporary resident permits: Introduction

Canada Border Services Agency

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1. A Temporary Resident Permit (TRP) may be issued in exceptional circumstances to a foreign national (FN):

- who would otherwise be inadmissible [1] and not authorized to enter Canada; **and**

- if the officer is satisfied that the FN's need to enter or remain in Canada is compelling enough to overcome the health and safety risks to Canadian society [2].
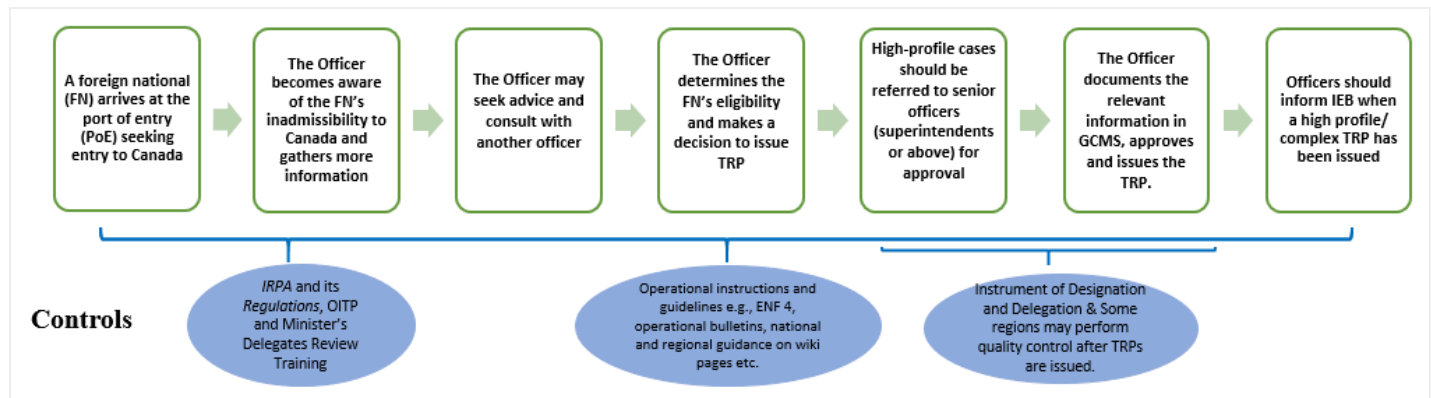
2. TRPs can be issued for up to three years. They may be issued for a single entry or for multiple entries, depending on the circumstances.

3. Once a TRP expires, the foreign national must leave Canada [3].

4. The Canada Border Services Agency (CBSA) and Immigration, Refugees and Citizenship Canada (IRCC) both have a shared responsibility for issuing TRPs. Officers from the CBSA and IRCC can issue TRPs based on their designated authority as outlined in the Instrument of Designation and Delegation and based on the severity of the inadmissibility.

5. TRPs are issued at the discretion of a designated officer and can also be cancelled.

6. The Travellers Branch (TB) is the functional lead for processing people at the border, including traveller facilitation and compliance, and the issuance of TRPs. Regions are primarily responsible for issuing TRPs at ports of entry (POE).

7. The Intelligence and Enforcement Branch (IEB) is responsible for activities related to investigation, screening, targeting and enforcement to protect Canada's economy, national security and public safety. It provides functional guidance on immigration enforcement activities. The regions are responsible for carrying out enforcement activities based on IEB defined guidance and policies.

8. IRCC is overall responsible for the TRP program and for issuing certain types of TRP.

9. The Global Case management System (GCMS) is IRCC's single, integrated and worldwide system used internally to process applications for citizenship, passport, and immigration services. CBSA officers also use it to document immigration activities, including issuing TRPs.

10. The following reflects the steps [4] for issuing TRPs by the CBSA and the controls currently in place and when they occur.

Figure 1: Simplified TRP process and current controls

▼ Image description

Process

1. A foreign national (FN) arrives at the port of entry (POE) seeking entry to Canada

2. The Officer becomes aware of the FN's inadmissibility to Canada and gathers more information

3. The Officer may seek advice and consult with another officer

4. The Officer determines the FN's eligibility and makes a decision to issue a TRP

5. High-profile cases should be referred to senior officers (superintendents or above) for approval

6. The Officer documents the relevant information in GCMS, approves and issues the TRP

7. Officers should inform IEB when a high profile / complex TRP has been issued

Controls applied at steps 1 to 7

- IRPA and its Regulations, OITP and Minister's Delegates Review Training

- Operational instructions and guidelines e.g., ENF 4, operational bulletins, national and regional guidance on wiki pages, etc.

Control applied at steps 5 and 6

- Instrument of Designation and Delegation and some regions may perform quality control after TRPs are issued.

Footnotes

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

- refused a permanent resident visa or temporary resident visa abroad

- refused an electronic travel authorization (eTA)

- reported inadmissible under section A44(1)

- allowed to withdraw their application to enter Canada at a port of entry (POE)

- refused processing within Canada

2   Temporary resident permits (TRPs): Eligibility and assessment – Canada.ca

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

4   Source – [redacted]

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

- record the refusal decision, with relevant case notes, in the Global Case Management System (GCMS)

- inform the client of a negative decision in writing for inland cases

- follow up on or monitor the application to ensure compliance (for example, confirmation of departure or check-out letter)

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