File No: Date: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Applicant’s Name: Name of Office: **BEIJING**

Subject’s Record of Permanent Residence No: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**Part 1 – Voluntary consent to determination of failure to comply with residency obligations**

I, voluntarily declare that I have failed to comply with the residency obligations under section 28 of the Immigration and Refugee Protection Act and I consent to the officer’s decision on the residency obligation under section 28.

Pursuant to subsection 28(1) of the Act, a permanent resident must comply with a residency obligation with respect to every five-year period.

Pursuant to paragraph 28(2)(a) of the Act, the following provisions govern the residency obligation under subsection 28(1):

28. (2)(a) a permanent resident complies with the residency obligation with respect to a five-year period if, on each of a total of at least 730 days in that five-year period, they are

(i) Physically present in Canada,

(ii) Outside Canada accompanying a Canadian citizen who is their spouse or common-law partner or, in the case of a child, their parent,

(iii) Outside Canada employed on a full-time basis by a Canadian business or in the public service of Canada or of a province,

(iv) outside Canada accompanying a permanent resident who is their spouse or common-law partner or, in the case of a child, their parent and who is employed on a full-time basis by a Canadian business or in the public service of Canada or of a province, or

(v) referred to in regulations providing for other means of compliance;

Section 328 of the Immigration and Refugee Protection Regulations reads:

328 (1) A person who was a permanent resident immediately before the coming into force of this section is a permanent resident under the Immigration and Refugee Protection Act

(2) Any period spent outside Canada within the five years preceding the coming into force of this section by a permanent resident holding a returning resident permit is considered to be a period spent in Canada for the purpose of satisfying the residency obligation under section 28 of the Immigration and Refugee Protection Act if that period is included in the five-year period referred to in that section.

(3) Any period spent outside Canada within the two years immediately following the coming into force of this section by a permanent resident holding a returning resident permit is considered to be a period spent in Canada for the purpose of satisfying the residency obligation under section 28 of the Immigration and Refugee Protection Act if that period is included in the five year period referred to in that section.

In making this declaration, I fully acknowledge the nature and consequences of my decision.

I am signing this declaration of my own volition, not due to force or the influence of any other person and I make this solemn declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath.

Signed at \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, in the country of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

On the \_\_\_\_\_\_ day of \_\_\_\_\_\_\_\_of the year \_\_\_\_\_\_\_\_\_\_\_

Signature of person\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Witnessed by \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**Part 2 - Voluntary waiver of right to appeal a decision on the residency obligation under section 28 of the Immigration and Refugee Protection Act**

I hereby acknowledge that I have the right under subsection 63(4) of the Immigration and Refugee Protection Act to appeal the officer’s decision under section 28 to the Immigration Appeal Division, within 60 days after receiving the written decision.

Subsection 63(4) of the Act reads:

63 (4) A permanent resident may appeal to the Immigration Appeal Division against a decision made outside of Canada on the residency obligation under section 28.

Notwithstanding my right under subsection 63(4) of the Act, I hereby voluntarily waive my right to appeal this decision, effective immediately.

In so doing, I fully acknowledge the consequences of my decision. Namely, a final determination will have been made that I have failed to comply with the residency obligation under section 28 of the Act, resulting in the loss of my permanent resident status pursuant to paragraph 46(1)(b) and all the rights attached to that status. I fully understand the consequences of my decision, including that I will no longer have the right to enter and remain in Canada on a permanent basis without first obtaining a permanent resident visa, that I will not be eligible to sponsor a family member to come to Canada, that I will not have the right to work and study in Canada unless authorized to do so under the Act, that I will not be eligible to apply for Canadian citizenship, and that I will not be eligible for certain provincial benefits such as health coverage and social assistance.

Paragraph 46(1) (b) of the Act reads:

46 (1) A person loses permanent resident status

(b) On a final determination of a decision made outside of Canada that they have failed to comply with the residency obligation under section 28.

I am signing this waiver of my own volition, not due to force or the influence of any other person and I make this solemn declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath.

Signed at \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, in the country of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_,

On the \_\_\_\_\_\_day of \_\_\_\_\_\_\_\_\_of the year \_\_\_\_\_\_\_\_\_

Signature of person\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Witnessed by \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**Part 3 – Interpreter’s Declaration** (if applicable)

I, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, solemnly declare that I have faithfully and accurately interpreted in the \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ language the information provided above. I make this declaration conscientiously believing it to be truth and knowing that it is of the same force and effect as if made under oath.

Signature of Interpreter \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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| **FOR OFFICIAL USE ONLY** |
| **Part 4 – Declaration of Minister’s Delegate**  Declared before me \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ at \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  This \_\_day of \_\_\_\_\_\_\_\_\_of the year \_\_\_\_\_\_\_ Signature of Delegate \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |