

USA

TRP

MANUAL



New Consolidated Version

IRCC Los Angeles

Revision Date: 13 June, 2018

PART ONE: Receiving TRP applications:

Completeness of applications:

Pursuant to R10, a complete application should meet the following requirements:

- 1) be made in writing using the form provided by IRCC;
- 2) be signed by the applicant;
- 3) be accompanied by evidence of payment of the applicable fee;
- 4) include all required information and documents:
 - contain the name, birth date, address, nationality and immigration status of the applicant and of all family members of the applicant, whether accompanying or not, and a statement whether the applicant or any of the family members is the spouse, common-law partner or conjugal partner of another person;
 - indicate whether they are applying for a visa, permit or authorization;
 - indicate the class prescribed by these Regulations for which the application is made;
 - include the name, postal address and telephone number, and fax number and electronic mail address, if any, of any person or entity — or a person acting on its behalf — representing the applicant;
 - include a declaration that the information provided is complete and accurate.

Fees:

When a complete application for a TRP is received with an acceptable fee and form, but little or no supporting documentation, create a file in GCMS, process and allocate the fees.

Any incomplete application without a required fee, or with an incorrect fee, may be returned without creating a file. However, if it appears that the file relates to urgent or important travel, on a discretionary basis payment may be requested.

Before returning any file, examine whether the qualify for any exemption.

Fee Exemptions

Several exemptions exist: for diplomats, persons invited by the Government of Canada, visiting forces, applications received with a study permit, etc. Fees should be refunded if they have paid and should have been exempt in one of these categories.

- Exemption codes can be found at http://cicintranet.ci.gc.ca/Manuals/immigration/cod/cod1/cod1_e.asp

Public Policy Exemption

As of March 1, 2012 the public policy exemption applies to an FN to whom a TRP is being issued at a port of entry (POE) or a visa office abroad, who is inadmissible solely on the grounds of criminality under section 36(2) of IRPA, and who:

1. was convicted of an offence and received no term of imprisonment as part of the sentence imposed; and
2. has had no other convictions or committed any other acts that would render the person inadmissible.

- No prison sentence of any length, including suspended sentence.
- Only one conviction of any kind.
- A client can only benefit from this exemption one time.

- If the client has not paid the fee, first examine whether they qualify.
- If client has asked for the exemption, determine whether they qualify.
- We may need to request evidence to determine the applicability of the policy.
- When in doubt, please check with an officer before taking any further action.
- We do not refund fees under the Public Policy Exemption where a client has paid but might be exempt.
- In addition, the Cost Recovery fees must be allocated so that “Complete” appears in the Cost Recovery box
- The code for the one-time public policy exemption is M31.

PART TWO: Creating TRP applications:

Steps for file creation can be found in GCMS online help under [Process a Temporary Resident Permit Application](#), steps 1-11.

Take note of the following:

The following fields must be completed in order for an officer to finalize the application:

- a. **# of Entries:** defaults to Multiple
- b. **Province:** must be filled to finalize (UNK if not stated)
- c. **City:** must be filled to finalize (UNK if not stated)
- d. **NOC:** must be filled
- e. **Occupation:** must be filled – use a NOC title if the given title is not useful

If possible, complete the following fields with a specified or approximate date:

- a. **Stay/Program - From Date:** fill with stated or approximate date
- b. **Stay/Program - To Date:** fill with stated or approximate date
- c. **Purpose of Visit:**
- d. **Other Description:**

PART THREE: Pre-Assessing TRP Applications

In the lower details screen enter

Case type (usually 80, unless they will be applying for SP, WP))

Prohibiting Section (A36 etc.)

Canadian Criminal Code section (or other law)

The screenshot shows a web form titled "TRP Details". At the top, there are three buttons: "Menu", "Query", and "Add". Below these are several input fields with dropdown arrows:

- Case Type: 80
- Prohibiting Section: A36(2)(b)
- Other Prohibiting Section(s):
- Canadian Criminal Code: 253, 249(1)
- Authorized By:
- Authorized Date:

The template found in the appendix should be used, and filled out as follows:

A. ******Reason for Travel/Supporting Documentation:**

Why the applicant wishes to go to Canada – urgency – documentation of the reasons (invitations, employer dispatch letters – requested validity/dates of the permit (if present). Include dates to the extent indicated. If event is past, note this.

B. ******Criminal History:**

1.

Disposition:

Describe charges, disposition, (convicted, dismissed, etc.) and sentences. Avoid confusing charges and dispositions as separate cases, or vice versa. Use numbers 1. 2. etc. to list separate charges, but if there are several “cycles” listed in a PC that each may have multiple charges, use numbers to match those cycles where possible and keep the charges or counts together. Mention any later dismissals, expungements, etc. relating to the charge. Indicate the dates, and whether it is the arrest or conviction date (arr. / conv.).

Provide the Canadian Criminal Code or other equivalent, or possibilities if you are not certain.

C. ******Circumstances surrounding and leading to the offence(s) (brief description) and any extenuating factor (optional):**

Make this section as brief as possible – two or three lines should suffice. OMIT/DELETE for typical DUI cases with no exceptional circumstances.

D. **Official documents submitted corroborating criminal record:**

PCs should be listed, but in the event that many documents are provided, you may make a summarized description such as “Several court and probation documents.” If few or no documents are present, indicate this.

E. **Applicable inadmissibility section of the Act:**

Inadmissible under 36(2)(b) of the Act [or other subsection]

If you are uncertain, state that client “appears” or “may be” inadmissible. If there has been an expungement, refer to it in this section without making a conclusion.

If client appears to be or believes they are deemed rehabilitated, note this prominently.

Be certain to flag Serious Criminality cases 36(1)(b) and note that cases where charges have been laid are usually determined to be 36(2)(c) pending disposition of the case.

F. **Previous entry to Canada: previous TRP’s or visas issued or refused:**

Indicate NONE for clients with previous record.

Summarize or copy in previous records. If copying, make sure they are in order, most recent first. Port of Entry interactions such as Deportations, Allowed to Leave, etc. are particularly important, but many Alerts do not have significant value.

If there is a recent permit issued that may be valid, particularly from a POE, check the validity date and include this in the notes – and on the file jacket.

G. **Other documents submitted:**

Mention letters of reference, proof of treatment, volunteer work, previous travel, employment or financial document, etc. Summarize if they are very numerous; do not create long itemized lists, particularly for straightforward cases.

H. *Remarks:**

Any additional factors that an officer should be aware of:. OMIT/DELETE in most cases.

PART FOUR: Shared file processing in the USA network

Files may be assigned to another office, normally Washington, in peak periods or at other times to maximize the use of resources.

Step One

Managers in Los Angeles and the other mission agree on a time frame and number of files to be distributed (e.g. XX files per week for Y weeks, or a set number on an ad hoc basis).

Step Two

- Los Angeles staff triage pre-assessed files in the queue to identify those that are **not excessively complex, thick, or urgent**.
- Selected files are scanned in their entirety then uploaded as eDocs in GCMS.
- Secondary office must be added before assigning files.
- Files in a weekly batch are placed into a temporary processing group and named according to the scheme TRP WA Jan07 (for example).
- Files are assigned to the mission (WA = RC-6136) with a due date of one week.
- The paper files for this procedure should be kept together in a separate place.
- The mission is advised by email when a new group is assigned.
- Point of contact in LA is MPM assistant, Luis Jauregui.

Step Three

- Officers identify files using queries (see Appendix).
- The officer at the other mission processes and finalizes the files.
- It should not be necessary to advise LA when the files are complete.
- If document requests or other assistance are required, however, officer should place requirements in notes and send an email to LA requesting action. LA will advise by reply when the request is received.

Step Four

- LA staff will track the files using a query, either for the group, or for files assigned to the mission.
- LA completes POE or refusal letters and all other routine finalization steps.
- The assignment to the other mission is deleted.

PART FIVE: OFFICER PROCESSING AND FINALIZATION

- Review the pre-assessment notes, do record check as required, and review the file materials.
- Verify whether the admissibility assessment in the notes is correct, and rectify any errors in your notes.
- Information and clarification regarding aspects of the USA justice system as they impact A36 can be found in OP 18, Section 15.2, which contains a table called U.S. Criminal Dispositions.
http://www.cichq.dfait-maeci.gc.ca/Manuals/Documents/PDF/enf/enf2_e.pdf
 - Various types of deferred adjudication and diversion do not result in a conviction as the charge is dismissed at the end of the process. But as the client normally enters a tentative guilty plea and accepts a sentence, we reckon them inadmissible A36(2)(c) until the dismissal is made.
 - Most states have a process for expungement or dismissal. Officers must decide on a case by case to recognize this as equivalent to a Record Suspension; to simplify the question, it should be recognized unless there is a strong reason not to (see material on part 3 of the “Saini test”).
 - Discharges usually have the same meaning as in Canada, but in New York and possibly some other states, there is a conviction and the sentence is discharged.
- Make a decision, and explain it briefly in the notes, weighing risk criteria against compelling need to travel and benefit.
- Other aspects of the permit, such as validity dates, entries, etc. do not need to be referred to in the notes unless they are exceptional, differ from the request by the applicant, or need to be signalled to the POE officer for some reason.
- **CLIENT NOT INADMISSIBLE.** We frequently receive applications where either the client does not realize they are not inadmissible, or they do realize it but want a formal determination that they are not. In these cases we explain the determination in the GCMS notes, withdraw the application, and issue a withdrawal letter which briefly explains the decision, which the client can present to a POE to facilitate entries to Canada. CBSA can cancel the inadmissibility flag.
- **PILOTS:** We often receive TRP applications from commercial aircraft pilots with DUIs. In order to be considered:
 - We verify that they are registered with the FAA as an active pilot.
<https://amsrvs.registry.faa.gov/airmeninquiry/>
 - If the client was already a pilot at the time of the DUI, the file must contain evidence the conviction was disclosed as required to the FAA under their regulations, or to the current employer, preferably both.

- Complete the lower part of the Details screen:

TRP Details					
Menu		Query		Add Note	
Case Type:	80	Regional Concurrence:		Assigned To:	RC-6051
Prohibiting Section:	A36(2)(b)	Other Reason Description:		Assigned By:	MV04945
Other Prohibiting Section(s):		Valid From:	2018/04/19	Due Date:*	2018/04/28
Canadian Criminal Code:	253, 249(1)	Valid To:	2018/07/19	Verify Departure:	<input type="checkbox"/>
Authorized By:		Status:*	Not Started	Authorized for Re-Entry:	<input checked="" type="checkbox"/>
Authorized Date:		Status Updated By:	MV04945	Study Permit Required?:	<input type="checkbox"/>
		Status Updated Date:	2018/03/29	Work Permit Required?:	<input type="checkbox"/>

- Verify coding in left column from pre-assessment.
- Enter the Valid From and Valid To dates in center column.
- Check Authorized for Re-Entry if you wish to give permission to leave and re-enter within validity.
- Save with Ctrl-S or Alt-Enter prior to entering decision. IMPORTANT!
- Change Status to Passed or Failed.

Complete the upper part of the Details Screen:

# of Entries: <input type="text" value="MULTIPLE"/>	Intended Return to Canada Date: <input type="text" value="21"/>	Criminality: <input type="text"/>
Province of Destination: <input type="text" value="AB"/>	Card Type: <input type="text"/>	Org Crime: <input type="text"/>
City of Destination: <input type="text" value="Edmonton"/>	Existing PR Card: <input type="text" value="A"/>	Medical: <input type="text"/>
Available Funds (CAD): <input type="text"/>	Reason for Referral: <input type="text"/>	Misrep: <input type="text"/>
Travel Itinerary: <input type="text"/>	Other Reason Description: <input type="text"/>	Other Req: <input type="text"/>
FOSS Doc #: <input type="text"/>	Income Verification: <input type="text"/>	Info Sharing: <input type="text" value="Complete"/>
Associated App: <input type="text"/>	Validity Period: <input type="text"/>	Final: <input type="text"/>
	Reason for 1 Year: <input type="text"/>	Entry Doc: <input type="text" value="Not Required"/>
Biometrics	Local Office: <input type="text" value="A"/>	Counterfoil Req: <input type="checkbox"/>

Only the **Final** decision has to be entered, but take note of the following:

- Counterfoil Req: is seldom checked. Most non-exempt nationals will have a Green Card and do not require a counterfoil. If it is checked, verify whether it is really needed.
- # of Entries **refers to the counterfoil**, not to whether leaving Canada will invalidate the permit, and can usually be ignored.
- Final decision will not take without the Province, City and NOC codes.

Complete the Finalize Application Tab:

Details	Online	Admissibilities	Associations	History	Clients & Parties	Other Reqs	Correspondence	Notes	Finalize Application	Fees					
<table border="1"> <tr> <td>Document Issuance</td> <td>Refusal Grounds</td> <td>IFHP Refusal Grounds</td> </tr> </table>											Document Issuance	Refusal Grounds	IFHP Refusal Grounds		
Document Issuance	Refusal Grounds	IFHP Refusal Grounds													
<table border="1"> <tr> <td>Menu</td> <td>Query</td> <td>New</td> <td>Send To Queue</td> <td>Print</td> </tr> </table>											Menu	Query	New	Send To Queue	Print
Menu	Query	New	Send To Queue	Print											
UCI	Client/Party	Document #	Document	Status	Name	DOB	Valid To	Print Queue							
				Authorized											
				Authorized											

- The Permit will appear in this tab after finalization. Change Status to Authorized and save Ctrl-S. An eFoil (eTA) or counterfoil will appear as required, as long as passport information is valid.
- For **Refusals**, enter the reasons: Normally the A36 inadmissibility as well as A24(1).
- Go to Correspondence / Outgoing and set the letter to Generate.
- The PA will send the letter.

Corrections

If you discover you have made an error in issuing the permit, it can be corrected, but this is more laborious than with visas. The following procedure applies to changing the decision, or correcting the validity dates or re-entry authorization.

- Cancel the permit and eTA (if approved) in Finalize Application tab.
- In History, change status to **Re-Opened** (not Re-Issue).
- Delete the final decision.
- Go back to Details and create a new permit. You must re-enter all of the screens from all steps of processing.
- Continue through the remaining officer steps. Fix outgoing correspondence if required.

APPENDIX 1: Queries

Tab: IMM / Other

For Other Mission – identifying assigned files
This will only find files not decided yet.

App/Case #	D*
Category	TRP
Findec	Is Null
Assigned To	RC-6136
Primary Office	Los Angeles

For either mission – check progress of a group

App/Case #	D*
Category	TRP
Group Name	TRP WA May 21
Primary Office	Los Angeles

For either mission – check all files assigned to Other Mission

App/Case #	D*
Category	TRP
Status	Open or Closed
Assigned To	RC-6136
Primary Office	Los Angeles