

Temporary Residents Résidents temporaires

Temporary Resident - Case Studies *Résidents temporaires - Études de cas*

What would you do? (Presume the facts as stated to be the truth.) Is there anything else that you need to know before making a decision? Does this application require any special procedures? Do you have the info needed to take a final decision? If yes, what would be your final decision?

Que feriez-vous? (Supposez que les faits mentionnés sont vrais.) Y a-t-il autre chose que vous devez savoir avant de prendre une décision? Est-ce que la demande nécessite de suivre des procédures particulières?

Disposez-vous des renseignements nécessaires pour prendre une décision? Le cas échéant, quelle serait votre décision?

1) Purdy Elpless is an 87 year old citizen of Guatemala. He comes from a very wealthy family and his personal wealth is presented at over \$2,000,000. He has previously traveled all around the Americas, including the US, and the Caribbean. He wants to visit an old schoolmate in Toronto this summer.

Purdy Elpless est un citoyen de 87 ans du Guatemala. Il est issu d'une famille très riche et sa fortune personnelle est estimée à plus de 2 000 000 \$. Il a déjà voyagé partout dans les Amériques, y compris aux États-Unis et dans les Caraïbes. Il veut rendre visite à un ancien camarade de classe à Toronto, cet été.

A1) This applicant appears to be well-established in Guatemala. It is unlikely he would wish to resettle in Canada at this stage of his life. He has an extensive travel history already, including a jurisdiction with similar immigration requirements (US). Unless there are other reasons to be worried, such as questions related to his wealth's legality or A35 inadmissibilities (long civil war in Guatemala), he would likely be approved.

2) Gringus Grok is originally from the Philippines. He immigrated to Canada 6 years ago with his wife Maria in the federal skilled-worker category. They are now Canadian Citizen. He has invited his mother-in-law, Mrs Sala, to Canada for one year. She is applying for a temporary resident visa in Manila. She indicates that she wishes to remain in Canada for one year because her daughter Maria is pregnant with twins and she wishes to be in Canada for the delivery and to help the family after the twins are born. Mrs Sala is very excited about being a first time grandmother and about visiting Canada. She has never travelled before. She lives in Manila with her husband and one son. They will not accompany. Mrs Sala has always been a housewife and her husband is a retired government employee. They live with his pension. They do not have much savings but Gringus submitted a letter indicating that he will pay for the plane ticket and all expenses of Mrs Sala. He is a public servant, earning around \$60, 000 yearly.

Gringus Grok est originaire des Philippines. Il a immigré au Canada en tant que travailleur qualifié avec sa conjointe Maria. Ils sont maintenant citoyens canadiens. Il a invité sa belle-mère, Mme Sala, au Canada pour un séjour d'un an. Elle présente donc une demande de visa de résident temporaire indiquant qu'elle souhaite demeurer au Canada pour une période d'un an pour aider sa fille Maria, qui est enceinte de jumeaux. Elle souhaite l'aider avant l'accouchement et après la naissance des jumeaux. Mme Sala est très heureuse d'être grand-mère pour la première fois et de visiter le Canada. Elle n'a jamais voyagé. Elle demeure à Manille avec son mari et son fils, qui n'accompagneront pas. Elle a toujours été femme au foyer et son mari est retraité de la fonction publique. Ils vivent de sa pension. Elle n'a pas beaucoup d'économies mais Gringus indique dans sa lettre d'invitation qu'il paiera pour le billet d'avion et toutes les dépenses encourues par Mme Sala. Il est fonctionnaire et son salaire annuel est d'environ 60,000 \$.

A2) There is no apparent problem with funds since Gringus can afford to support her. Although the applicant has modest financial establishment in her country, she has good family ties and is involved in the community. The purpose of the trip is compelling. It is likely she would be approved. If so, we would issue medicals, as she lives in a designated country and intends to stay more than 6 months.

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3) Antoine Spiccolli is a Canadian medical doctor currently visiting his son Roni in Bulgaria. He is applying for a temporary resident visa for his son, who is 11 years old and a citizen of Bulgaria. He wants his son to travel back with him to Canada to show him the country where he lives as well as to meet his grandparents. Roni's mother and Antoine are divorced and she will remain in Bulgaria, where she is working as an architect.
Antoine Spiccolli, un médecin canadien, est présentement en Bulgarie où il visite son fils Roni. Il fait une demande de visa de résident temporaire pour son fils, qui a 11 ans et qui est citoyen bulgare. Il souhaite que son fils voyage avec lui au Canada pour lui faire connaître le pays et ses grands-parents. La mère de Roni et Antoine sont divorcés et elle demeurera en Bulgarie, où elle travaille comme architecte.

A3) Roni should have a letter of permission from his mother to travel. Keep in mind possibility of abduction by father. To be certain, officers should clarify any applicable child custody arrangements or court orders if in any doubt as to who is the child's legal parent or guardian and could give permission to travel. If consent of mother is given and verified, this application pose no problem. Both father and mother are well established. The application would likely be approved.

4) Mr. Cono Bande works as a manager in a hardware store in Bonn, Germany. He is applying for a temporary resident visa in Berlin. He is a Turkish national and has been living in Bonn for 2 years. He claimed refugee status in Germany when he was initially smuggled into the country. His refugee claim is still in process in Germany. His wife and children now all live in Germany and will not accompany him to Canada. He wants to go to Canada to explore business opportunities. In particular, he wishes to examine some specialized Canadian tools that he is thinking of importing to Germany, as well as meet with some potential business partners.
M. Cono Bande est gérant dans une quincaillerie à Bonn, en Allemagne. Il présente une demande de visa de résident temporaire à Berlin. Il est de nationalité turque et vit à Bonn depuis 2 ans. Il est entré clandestinement en Allemagne et a présenté une demande d'asile à son arrivée. Sa demande de statut de réfugié est toujours en traitement. Sa femme et ses enfants vivent en Allemagne et ne l'accompagneront pas. Il veut voyager au Canada pour y explorer les possibilités d'affaires. En particulier, il veut examiner des outils spécialisés produits au Canada qu'il souhaite exporter et vendre en Allemagne, ainsi que rencontrer des partenaires d'affaire potentiels.

A4) First, he may be ineligible to apply in Berlin: R11(2) says that the person must be lawfully admitted, or else apply to the office serving their country of nationality, or country of habitual residence. Making a refugee claim may not regularize his status in Germany for R11 purposes. This would have to be verified. Further, there are questions about his bona fides as a visitor to Canada. He apparently entered Germany illegally, which raises questions as to whether he would respect Canadian immigration laws. Also, there is no reason he could not order the product without visiting Canada. Does he have enough capital to start an import/export business? Does he have or is he eligible for business permits in Germany, given his status? He probably could not return to Germany and it appears he would not return to Turkey, which makes it less likely he would leave Canada. This application would likely be refused.

5) Mr Baghbanian is an Iranian national applying for a temporary resident visa to go and visit Toronto and Niagara Falls for two weeks. His spouse and two children are also applying to accompany. It's their first international trip and they are very excited about it. He has submitted proof of their return plane ticket as well as a booking at "Holiday Inn". He also submitted a letter from his employer indicating that he has been a primary school teacher at the same school for 10 years and that he was granted two weeks leave for this trip. The family has around 6000\$ in savings.
Mr Baghbanian est un demandeur de visa de résident temporaire iranien. Il souhaite visiter Toronto et les

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chutes Niagara pour deux semaines. Son épouse de même que ses deux enfants veulent l'accompagner. Il s'agit de leur premier voyage en dehors de l'Iran et ils sont très enthousiastes à l'idée de voyager. Il a soumis une copie de leur billet d'avion aller-retour de même que de leur réservation à l'hôtel « Holiday Inn ». Il a aussi soumis une lettre de son patron indiquant qu'il est enseignant à la même école primaire depuis 10 ans et qu'il a obtenu deux semaines de congé. La famille a environ 6000\$ d'économies.

A5) Although the principal applicant seem to have a relatively good job and has worked there for over 10 years, in this case the push factors are stronger: The whole family would travel, therefore limited family ties remaining in Iran. They have never traveled before. They would use all their economies for this trip to Canada which raise questions. It does not make sense that they would spend all their hard earned economies over a long period of time for a two week trip to Canada. The political and economical situation in Iran is also unstable. Would likely be refused.

6) A Syrian national wishes to go to Canada for 1 month to undergo plastic surgery in Canada. Her husband is a very wealthy government official: she will fly by private jet to Canada and he will pay all of the medical bills himself. She will stay in an apartment they have arranged to rent during her stay.

Une ressortissante syrienne souhaite aller au Canada pour un mois afin d'y subir une chirurgie plastique. Son conjoint est un représentant du gouvernement très riche : elle ira au Canada en jet privé et son conjoint paiera lui-même tous les frais médicaux. Elle habitera dans un appartement loué pour la durée de son séjour.

A6) She appears very well established in Syria but given the current situation in Syria, her ties have to be weighed against the push factors. There may also be inadmissibility issues. If bona fides is established, the applicant should provide proof that arrangements have been made with medical service providers in Canada who have agreed to treat her. Special procedures will apply to the Syrian applicant, and there is also possibility of the case being high profile.

7) Akhin Tofiti is an Ethiopian citizen living in France. He is a permanent resident of France and has obtained his papers as a refugee in 1992. He owns a restaurant serving Ethiopian cuisine in Paris. His parents and siblings all live in Canada. He now wants to visit them for one month in August. It's his first visit in Canada. He has previously travelled in Europe. He shows you savings of \$40,000, accumulated over the past four years from an initial \$12,000. He wants to travel with his wife and 2 children.

Akhin Tofiti est un citoyen éthiopien qui vit en France. Il est résident permanent de la France et il a obtenu ses papiers en tant que réfugié en 1992. Il possède un restaurant éthiopien à Paris. Ses parents et frères et sœurs vivent tous au Canada. Il veut leur rendre visite pendant un mois, en août. C'est sa première visite au Canada. Il a déjà voyagé en Europe. Il vous montre des économies de 40 000 \$, accumulées au cours des quatre dernières années à partir d'un montant initial de 12 000 \$. Il veut voyager avec sa femme et ses deux enfants.

A7) He has good reasons for the visit and a good reason to return to France. He seems well-established and has no apparent reason to seek to stay in Canada – he could easily visit again. Funds appear to have been accumulated legally (business). If there is no indication of government/military service or other inadmissibility issue relating to the civil war, membership in any groups, etc. then he would likely be approved.

8) Xin Xiang Xu is a well-known Chinese pro-democracy activist who has been living in Hong Kong and has resident status there because of his wife. He works in a bookstore as a salesman. He has been very critical of the Chinese government on several issues, including their treatment of certain ethnic minority groups and religions. The press has been reporting all of his speeches, which are extremely critical of China, and several of his essays have been published online on Hong Kong-based web sites. He intends to visit Canada for four days

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to attend an academic conference on 'The New China'.

Xin Xiang Xu est un célèbre ressortissant chinois qui milite pour la démocratie. Il vit à Hong Kong où il a le statut de résident grâce à sa femme. Il travaille dans une librairie en tant que vendeur. Il a beaucoup critiqué le gouvernement chinois en ce qui a trait à plusieurs questions, dont le traitement de certains groupes minoritaires ethniques et religieux. La presse a fait état de tous ses discours, qui sont extrêmement critiques à l'égard de la Chine, et plusieurs de ses essais ont été publiés en ligne sur des sites Web de Hong Kong. Il a l'intention de visiter le Canada pendant quatre jours pour assister à une conférence universitaire sur « La Chine nouvelle ».

A8) This case meets the criteria to be considered high profile: it involves a client with a public profile, media interest, and the potential to affect bilateral relations. Officers must report all high profile or possibly controversial cases according to the procedures in OP1 section 15. There does not appear to be special screening procedures required in this case, but there may be depending on the applicant's personal history. As there is information on file pointing towards persecution, the officer should carefully assess the applicant's ties and situation in Hong Kong. Can he return to Hong Kong? Is he persecuted in HK? Does he work? Etc.

9) Bienfaisant Mbuniyazi, a Congolese man from the war-torn province of Nord-Kivu, is applying to visit Canada to attend a conference on community-based public health initiatives in developing countries. He explains that his wife is deceased but he lives with his three children, whom he raises with the help of his mother, who also lives with him. His costs will be paid by the organizing committee in Canada, which is funded by CIDA. He has a long history of involvement in community self-help initiatives and grassroots development projects, but he has no paid employment right now. He tells you his attendance at this conference will be a big help in networking to find more support for his community's projects from international donors.

Bienfaisant Mbuniyazi, un Congolais de la province déchirée par la guerre du Nord-Kivu, demande à visiter le Canada pour assister à une conférence sur des initiatives communautaires de santé publique dans les pays en développement. Il explique que sa femme est décédée, mais qu'il vit avec ses trois enfants qu'il élève avec l'aide de sa mère. Cette dernière vit aussi avec lui. Ses frais seront payés par le comité organisateur, au Canada, qui est financé par l'ACDI. Il a une longue histoire de participation à des initiatives d'entraide communautaire et de projets locaux de développement, mais il n'a pas d'emploi rémunéré à l'heure actuelle. Il vous indique que sa présence à cette conférence lui sera d'une grande utilité sur le plan du réseautage pour trouver plus de donateurs internationaux prêts à financer les projets de sa collectivité.

A9) This is a very difficult case and arguments can be made for both approval and refusal. He lives in a precarious situation which most people would not hesitate to escape from at the first opportunity. On the other hand, his children remain in Congo, and he has a record of community involvement all of which indicate a certain amount of ties to his community. Equally significant is the potential positive impact his participation in the conference could yield in his home country, and through a Government of Canada funded project, too. Additional information could be sought about his personal security situation: has he or his family ever been threatened or a victim of violence? How did his wife die? Does he feel safe in his location? And some additional info about him: Does he own any property? Has he ever traveled before? It would then be up to the officer to carefully weigh the evidence presented and make a decision.