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Operational Bulletin 315 – June 30, 2011

Cancellation of Visas in Crisis Situations

Effective date	Expiry date, if any
June 30, 2011	n/a

Summary

This Operational Bulletin (OB) provides instructions to the field, both inland and overseas, on procedures to follow during crisis situations when preventing travel to Canada of particular individuals is necessary.

Issue

Due to recent events in the Middle East and North Africa, the need has arisen for specific instructions to the field on how to cancel visas in crisis situations when admissibility or *bona fide* issues arise as a result of the crisis.

Background

When social or political unrest leads to the breakdown of the regular daily functioning of a country, situations may develop which could raise admissibility or *bona fide* issues. When new information comes to light during a crisis regarding previously issued documents, officers require more direction than is currently provided on how to either cancel those documents or inform the appropriate individuals to cancel them should cancellation at the issuing office be impossible. This OB provides instructions to assist officers working overseas in crisis situations.

In the event that sanctions are in place against particular individuals or countries (for example United Nations (UN) sanctions), consideration should be given to the impact on visa holders who may already be in Canada. This OB also provides direction to Citizenship and Immigration Canada (CIC) officers working in Canada.

Standard Operations – OP 11

As per section 22 of OP 11, there is no provision under the *Immigration and Refugee Protection Act (IRPA)* or Regulations “that authorizes an officer to cancel a visa *per se*.” Despite this, there is existing case law which states that an implied authority exists, and there are operational steps which can be undertaken by an officer to address circumstances where a visa is issued based on fraud or misrepresentation.

The steps to follow are outlined in section 22.1 of OP 11 (at link below). The steps assume the officer’s ability to contact the applicant in order to address any issues of concern.

http://cicintranet/Manuals/Documents/pdf/op/op11_e.pdf

Crisis Situation – Overseas Environment

In crisis situations, *bona fide* concerns post-visa issuance for Temporary Resident Visas (TRV) may

become evident in a variety of ways, such as through intelligence, or due to government sanctions. Permanent Resident Visa (PRV) concerns would mainly fall into admissibility issues and may be either overseas or inland cases.

There may be circumstances in which the principle of procedural fairness and the ability to interact with the client are impossible. If the concerns are of a sufficiently serious nature and enough evidence is available, the visa can be cancelled without any further interaction with the visa holder. This applies in both a normal operating environment and in time of crisis. If the original officer is no longer at post, the decision to cancel a visa should be made by the Immigration Program Manager (IPM). In some instances, for example, if the mission staff had been evacuated, cancellations can be performed by a designated person at National Headquarters (NHQ). It is advisable to keep NHQ's Case Management Branch (CMB) informed as to whether its assistance is required or not.

Visa officers should refer to instructions provided by International Region in the "Scenario Contingency Planning Document," which provides useful information to officers during a crisis. A matrix of scenarios and responses for staff overseas was prepared to assist with procedures in extraordinary situations:

http://cicintranet/international/missions/bcp-pco/emergency-urgence_e.aspx

Further to these instructions, information for both overseas and inland officers on assessing inadmissibility can be found in ENF 2/OP 18. In Appendix C of OP 18, there is a list of countries against which the UN has placed sanctions. The list dates from 6 June 2006, but directs the reader to the following web site for more current information:

<http://www.dfait-maeci.gc.ca/trade/sanctions-en.asp>

Instructions specifically for Migration Integrity Officers (MIOs) can be found here, but they will also be of interest to visa officers:

http://cicintranet/international/missions/messages/2006/06ril012_e.aspx

Procedures

Generally, officers should perform the following steps in order to cancel visas:

- Visa officers should attempt to follow instructions in OP 11 (Temporary Residents).
- If the cancellation is based on *bona fide* reasons, the IPM must be consulted prior to cancelling the visa.
- Visa officers should also consult ENF 2/OP 18, "Assessing Inadmissibility"; if that is not possible and there is sufficient evidence, the visa should be cancelled.
- The issuing officer should set all document status to "cancelled" and re-open the case by setting the "App Status" to "Re-open," and then changing the decision in the Global Case Management System, situation allowing.
- If the issuing officer is no longer at post, the IPM should make the decision.
- The responsible MIO should be informed of the specifics of any cancellation and can, in turn, ensure that the MIO network is aware of any significant information.
- In all instances, officers overseas or inland should contact CMB, at CIC NHQ, either for assistance in cancelling visas/status or in order to keep headquarters informed.
- Officers should contact or request assistance by contacting the Intelligence Directorate at Canada Border Services Agency (CBSA) NHQ for assistance in placing a lookout.
- A lookout should be made in the Field Operations Support System (FOSS) in anticipation that the individual may arrive at a Port of Entry.

s.16(1)(c)

Crisis Situation – Inland Environment

Differences in Consideration of TRV or PRV to be Cancelled

Manual chapter(s) to be updated	NHQ Contact
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