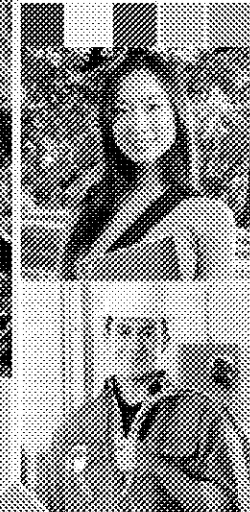




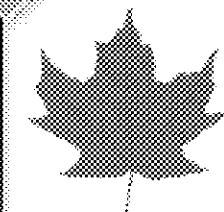
Citizenship and
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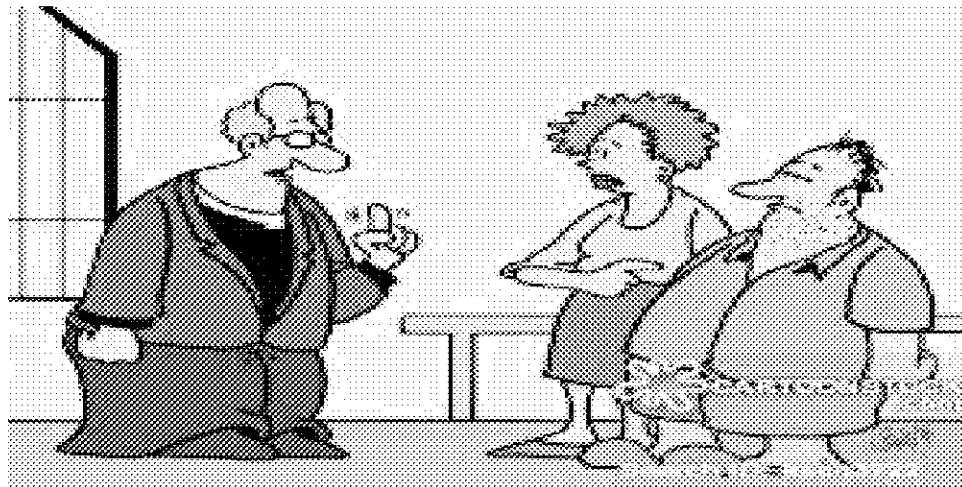
Come to Canada

Voluntary Renunciation of PR Status



Canada

Note: Under the previous legal and administrative frameworks, voluntarily giving up PR status was usually referred to as “*relinquishment*”. In the new regulatory framework, giving up PR status is referred to as “*renunciation*”.



"SORRY, NO EXCHANGE, NO RIGHT OF RETURN."



Topics to be Covered

- **Regulation Updates - 21 November, 2014**
- Determining if the Applicant is a Permanent Resident or a Foreign National
 - Was there Voluntary Relinquishment under the former Immigration Act
 - Was there Voluntary Relinquishment under IRPA
- Assessing an Application to Voluntarily **Renounce** PR status
 - Determine Eligibility
- Approving or Refusing an application to **Renounce** PR status
 - Review new 'Exceptional Circumstances'
 - Miscellaneous: Protected Persons / A44 Reports / POE / Any Other Applications in process
- Administrative Instructions:
 - GCMS and FOSS Instructions
 - Archiving Application Forms
 - Processing Fees
 - Changes for Pre-Assessing and Officers
 - VAC involvement
- Letters / Templates to be Used
- Questions to be sent to OMC





IRPR 72.6 – Proposed Regulatory Text (Gazette)

- **72.6** An officer may approve a person's application to renounce their permanent resident status if
- (a) the person has provided evidence of their citizenship, nationality or permanent legal resident status in another country; and
- (b) in the case of an application in respect of a person who is less than 18 years of age, the application is signed by every person who has custody of that person or who is empowered to act on their behalf by virtue of a court order or written agreement or by operation of law, unless otherwise ordered by a court.

IRPA - A46 – Loss of Permanent Resident Status:

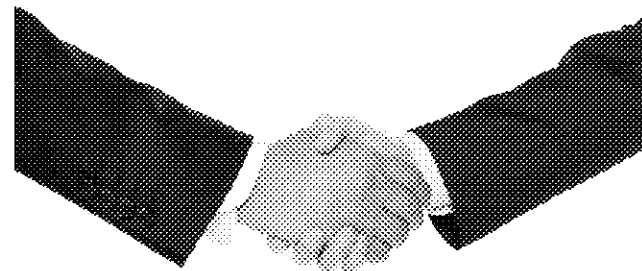
Permanent resident

- **46. (1)** A person loses permanent resident status
 - (a) when they become a Canadian citizen;
 - (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;
 - (c) when a removal order made against them comes into force;
 - (c.1) on a final determination under subsection 108(2) that their refugee protection has ceased for any of the reasons described in paragraphs 108(1)(a) to (d); or
 - (d) on a final determination under section 109 to vacate a decision to allow their claim for refugee protection or a final determination to vacate a decision to allow their application for protection.



Is it s difficult process? Check it out...

- **Person wishes to Renounce Permanent Residence**
 - No longer wishes to have Canadian PR status
 - Holds a PPT or PR status for another country
 - Completes & submits IMM 5782 application
 - Any child under 18 years has consent of Parents or legal guardians.
- **Any Fee?**
 - No Fee
- **Any Appeal Rights?**
 - No Appeal Rights





Counseling the Applicant:

Counselling the client

- Clients should not be counselled to renounce their PR status.
- They can be presented with the various options available.
- We should not encourage them to take one action over another.

- If a client applies to voluntarily renounce their PR status by submitting an IMM 5782 form the application can be processed.
- It is expected they have read and understood the application guide and form, and sought additional clarification, if needed.

Process...

- Application submitted through VAC
 - Or if request is with another type of application or form – send the correct form (IMM5782) to the applicant
- Determine if applicant is eligible or not
- Conduct FOSS check to see if there are any:
 - Outstanding reports (A44) / removal orders / other types of application (sponsorships or citizenship)
- Render Decision in GCMS – to Approve / Refuse / Return Application Unprocessed
- Enter notes in GCMS as to the decision rendered
- Prepare Appropriate Letter for Applicant(s)
- Complete any supplementary application (TRV/SP/WP/APR)

Is the Applicant a Permanent Resident or a Foreign National?

- **Any previous Voluntary Relinquishment under old *Act*?**
 - **If there is an NCB Type 10 in FOSS before 28th June, 2002 – they would be considered FN**
 - **NCB should be valid until applicant's 100th birthday**
 - **If not , create new GCMS record for previous relinquishment (R file) with notes: "Document created in order to record a previous relinquishment under the former *Immigration Act*. Client relinquished PR on [DATE]**
 - **[DATE] would be date of the NCB Type 10**
 - **Refer to GCMS Instructions on slide # ??**
 - **IF they request to renounce now (again) – accept application.**

Is the Applicant a Permanent Resident or a Foreign National?

- Any previous Voluntary Relinquishment under IRPA administrative procedures?
 - Any Voluntary Relinquishment processed between 28th June, 2002 and 21st November, 2014 would be under previous administrative procedures of IRPA with NO LEGAL EFFECT.
 - Technically – Clients can only lose their PR status if they failed to meet the residency obligation or otherwise lost status under A46.

Is the Applicant a Permanent Resident or a Foreign National?

What if Applicant Requested to Voluntarily Relinquish PR status after failing to meet residency obligation under IRPA?

- Remember, waiving of appeal rights has no legal effect
- If appeal period is expired (60 days) then the applicant is FN – no renunciation
- If appeal period is not expired – application to renounce is required – OR – wait for 60 day appeal period to pass to see if applicant files an appeal or, if not is FN.
- If appeal was lost – applicant is FN – no renunciation
- If appeal was successful – applicant is a PR – must complete application to renounce
- If appeal is pending – applicant must withdraw appeal and submit application to renounce PR status. **

Is the Applicant a Permanent Resident or a Foreign National?

- **How do I know from GCMS or FOSS if an applicant has lost their PR status?**
 - If there is an NCB Type 10 (relinquished before 28th June, 2002) – or – a negative PRD as per A46 (lost PR status under IRPA prior to 21st November, 2014)
 - If neither of the above are in FOSS:
 - An application to renounce permanent resident status can be processed without clarifying further with the applicant as they should be treated as a PR.
 - If it does not appear they were ever granted permanent resident status, they should be treated as a foreign national.



Assessing an Application to Voluntarily Renounce PR Status:

Determine Eligibility:

1. Require Proof of Citizenship or PR status in another country
 - Passport or Citizenship Certificate from another country
 - Valid PR Card or other document from another country

2. Applicants under 18 years of age
 - Requires Signatures from all parents or legal guardians
 - Both parents (as per B/C) must sign application form
 - If only one signature – sole custody must be confirmed
 - If adopted – adoption must be accepted by CIC

Assessing an Application to Voluntarily Renounce PR Status:

Eligibility Criteria:

Passport or PR status in another country;

- Take care before accepting travel documents from refugees or stateless persons
 - If an applicant has no other citizenship or PR status in another country, officers must request evidence that they WILL receive PR status in another country before approving application to renounce Canada's PR status.
 - Renouncing PR status should never result in a person becoming stateless.

Assessing an Application to Voluntarily Renounce PR Status:

Eligibility Criteria:

Applicants under 18 years of age;

- If persons signing the form are not on the B/C – the adoption is not legal – not legal guardians – no other satisfactory evidence presented – *REFUSE*
 - Adoption must be valid in Canada
 - International adoptions – BIOC etc. – see adoption guidelines
 - Any concerns, see Chantal or Saad

Approving or Refusing an Application:

- If the applicant meets the requirements to renounce permanent resident status and the application is **approved**, officer sends the applicant Letter #1 – Approval.
- If the application is **refused**, officer sends the applicant Letter #2 - Refusal
- If it is determined that the applicant is a Foreign National, officer sends the applicant Letter #3
- What if one member of a family meets (parent) the requirements but others do not (child)?
 - Approve those that meet and Refuse those that do not.
 - Each applicant is issued a separate letter.

What are 'Exceptional Circumstances'?

- What if the applicant does not meet the requirements to renounce but may be otherwise inadmissible to Canada (does not meet residency obligation etc.)?
 - Complete the process for application to renounce (Refuse)
 - Assess the inadmissibility
 - Encourage applicant to apply for a PRTD or a PR Card
 - The fact that the applicant does not meet Eligibility to Renounce may present factors for consideration for the PRTD application.
- Officers are strongly encouraged to contact the Case Management Branch **prior to making a negative residence or admissibility determination or writing a 44 report** against a permanent resident who does not meet the requirements to renounce permanent resident status.

What are 'Exceptional Circumstances'?

- Other Exceptional Circumstances are:
 - **Protected persons wishing to renounce their PR status**
 - They would still maintain protected person status and could remain in Canada
 - If they leave Canada without a valid Refugee travel document there is no guarantee of re-entry to Canada
 - **Outstanding 44 reports and requests to renounce PR status**
 - Approving an application to renounce of a person who is in Canada grants them 6 months TR status
 - Only inadmissibility for A44 report should be not meeting residency obligation
 - Applicants would not be permitted to attend school or work without authorization and must leave at the end of authorized period
 - Applicant must complete IMM 5782 – A44 report would be closed with no further action required
 - If not satisfied of above facts application can be refused and A44 process continues

What if there are other Applications in process for this applicant?

- **PR renunciation received along with an Application for PR**
 - If the applicant is FN, then the application to renounce should be returned unprocessed with letter #3
 - Processing of the APR can continue.
 - If the applicant is still a PR, the application to renounce should be processed first.
 - Processing of the APR can then continue.

Question: Does OSC need to be contacted to allow new APR to be finalized?

What if there are other Applications in process for this applicant?

- **PR renunciation received along with a TRV application**
 - If the applicant is FN, then the application to renounce should be returned unprocessed with letter #3.
 - Processing of the TRV can then continue.
 - If the applicant is still a PR, then the application to renounce PR should be processed
 - If the renunciation is refused and the applicant has a valid PRC, they can return to Canada with it.
 - If they don't have a valid PR Card, the applicant can apply for a PRTD.
 - If the renunciation is approved, processing of the TRV can continue.
- If the applicant is requesting Relinquishment under IRPA an IMM5782 should be sent to them for completion.
 - There are no longer any appeal rights under R72.6

Voluntary Renunciation at the POE:

- Are they eligible?
 - Complete application at POE
 - Provide supporting documents
 - Counsel applicants that there is no right of appeal
 - Children under 18 years of age – consent from parents / legal guardian
 - IF Renunciation is refused – applicant is still PR and allowed to enter Canada
 - If refused POE should not be making negative PRD
 - IF renunciation is approved – they are no longer a PR and are given 6 month entry stamp in PPT.
 - POE must provide PA with copy of signed form and decision letter.



Applications to Renounce PR and other active CIC applications:

Instructions for office processing PR renunciation

- Any sponsorship must be suspended until decision made on renunciation
 - If approved they are no longer eligible to sponsor
- Any citizenship application must be suspended until decision made on renunciation
 - If approved they are not eligible for citizenship

Send an e-mail to responsible office advising of decision – subject line of e-mail should be “Suspend application – PR Renunciation”

- See OB for specific mailbox addresses
- 

Applications to Renounce PR and other active CIC applications:

Instructions for office processing sponsorship or family class applications

- Sponsorship will be put on hold with 60 day BF
- If Renunciation application is refused – this could affect the outcome of sponsorship decision
- If Renunciation application is approved – sponsorship will be refused by CPC/M as sponsor is no longer a PR
 - Only RPRF would be refunded if paid – appeal rights re sponsorship would apply

Instructions for office processing citizenship applications

- Citizenship application will be put on hold with 60 day BF
- If Renunciation application is refused – this could affect the outcome of citizenship decision
- If Renunciation application is approved – citizenship application will be refused as applicant is no longer a PR – which is required to apply for citizenship
 - Only ROCF would be refunded if paid

Administrative Instructions – GCMS Instructions:

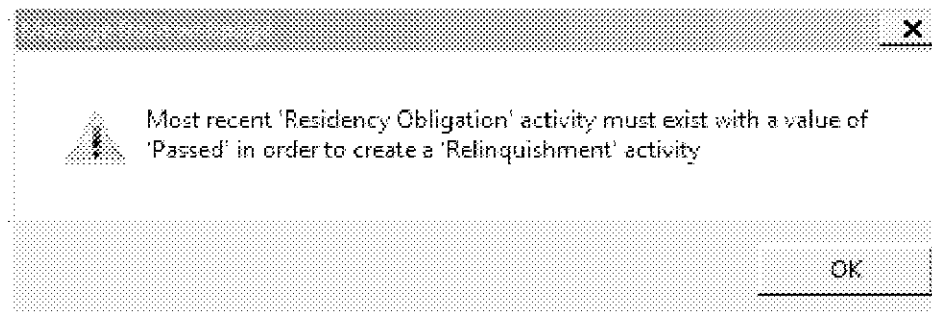
GCMS

- Create a PRTD application in GCMS,
 - subcategory “OVS”.
 - Fee Code – “FPN”
 - If an application is returned without processing, it should be ‘Cancelled’ in GCMS
 - Add Note that application returned without processing
 - Send a copy of Letter #3 – Not a PR
- Approvals: the *Eligibility* field should be set to “Relinquished”
 - *App Status* = “Cancelled”,
 - *App Status Reason* = “Relinquished”
 - Send a copy of Approval Letter #1
- Refusals: the *Eligibility* field should be left at “Not Started”
 - Send a copy of the Refusal Letter #2
 - Enter notes re Refusal decision.
 - The PRTD application in GCMS should be left open pending the implementation of the appropriate system functionality. Officers are asked to advise the Operational Management and Coordination Branch (available internally only).
- If the applicant submitted an APR as well as an application to renounce, and they meet the residency obligation, then the PRTD application (to renounce) in GCMS should be approved in the usual manner.

Administrative Instructions – GCMS Instructions:

GCMS – Cont'd...Currently in the System for PRTD Applications (R Files)

- You cannot enter a value directly in the 'Eligibility' field
- Value in GCMS DETAILS > PRD ASSESSMENT – 'Type' field is 'Relinquishment' not 'Relinquished'
- When selecting 'Relinquishment' there is a message stating that you cannot select 'Relinquishment' unless you first 'PASS' the 'Residency Obligation' – what this shows is that ONLY those who meet A28 can RENOUNCE. The 'New Instructions' indicate that an applicant can RENOUNCE whether they meet A28 or not. So for cases where the applicant does not meet A28 (refer slide 9) – it appears that they must still be refused a PRTD – with appeal rights – and cannot RENOUNCE.



Administrative Instructions – FOSS Instructions:

FOSS

- Create an NCB Type 10 valid for 99 years in FOSS
 - CBSA officers do not have ability to create applications in GCMS
 - If an application is returned without processing, no business line should be created in GCMS.
 - Add Note that application returned without processing
- Add Notes to document the decision
 - Approvals - “Client applied to voluntarily renounce permanent resident status and meets the requirements of R72.6. Client lost permanent resident status on this day pursuant to A46(1)(e).”
 - Refusals – clearly indicate reasons and what action was taken.



Administrative Instructions - Other:

Archiving Application Forms

- **Applications must be kept as a permanent record**
- **Once a month offices are to send applications to OSU**

Processing Fees

- **There is no processing fee**
- **Fee code is “FPN” in GCMS**
- **Other fees are still applicable (TRV, SP, WP, APR)**
- **There may be many refunds during the first weeks, until applicants and the VAC become aware of the new process.**

Letters

- **Letter #1 – Approval / Confirmation of Renunciation of PR Status**
- **Letter #2 – Refusal of application to Renounce PR Status**
- **Letter #3 - Applicant is not a PR – is a FN – Return application**

Changes for Pre-Assessors and Officers:

How does this affect me?

- New form – IMM 5782
- No fee – so it could mean more refunds for those that paid \$50.00 to the VAC
 - Additional instructions to the VAC re acceptance of the new forms
 - Fee code of 'FPN' must be entered
- Pre-Assessors must enter a sub-category in GCMS of 'OVS'
- If an officer can 'Approve' renunciations then less work for IPM/DPM
- As 'physical residence in Canada' etc. is not at issue – less work for the pre-assessors entering travel details under 'Details' **
- Letters / Email messages advising applicants of their options will need to be updated (TRU)
- TRU applicants may still need to apply for PRTD but will not be issued the Consent or Appeal Rights forms

Administrative Instructions - VAC:

The VAC – to be consulted re process

- VAC – need to ascertain those PR's who must pay a fee and those who do not need to? New form or old form?
- VAC will be advised of new forms and process
- VAC will accept applications and charge only VAC fee – no CIC fee
- New process will still resemble a PRTD application – BLUE sticker on the file jacket
- VAC will indicate on file jacket – NO FEE – to differentiate the 2 types of PRTD applications
 - This is for those who wish to Renounce PR status only.
- Looking at possibility of creating a VAC checklist for those who want to both Renounce PR status and apply for TRV – more efficient.

Quick Look – Applicants Wish to Renounce PR Status:

PR or FN	Eligible?	Decision / Letter
PR	Yes	Approve / Letter #1
FN	No	Return App / Letter #3
PR	No	Refuse / Letter #2
Meets/Does Not Meet A28	Renounce or PRTD?	Appeal Rights?
Meets	Renounce	No
Does Not Meet	PRTD - Refusal	Yes – 60 Days to Appeal



Resources:

- <http://www.cic.gc.ca/english/information/applications/guides/5781ETOC.asp> - guide for applicants wishing to renounce their PR status
- <http://www.gazette.gc.ca/rp-pr/p1/2014/2014-06-07/html/reg1-eng.php> - legislative reference for new Regulations – Canada Gazette
- **ENF 23 – Loss of PR Status**
- **OP 10 – Permanent Residents – Applying for PRTD**
- **OP3 – Adoption Guidelines**
- http://cicintranet.ci.gc.ca/connexion/tools-outils/perm/card-carte/renounce-renonciation-eng.aspx#assessing_an_application – link to OB for Renouncing PR Status
- **OP 16 / ENF 32 / IP 12 re Passports and Travel Documents**

Discussion 讨论



Discussion 讨论 – Continued...



Discussion 讨论 – Continued...



THANKS !
谢谢！