Ready? Set?

See you online on as per the schedule.

WORKBOOK MODULE (1) – BACKGROUND INFORMATION

In this module, you will learn about the main elements of a Humanitarian and Compassionate application.

Objective

At the end of this module, you will be able to summarize the main elements of a H&C application.

Outline

- ☐ A25(1)
- ☐ H&C request vs. application
- ☐ Main restrictions
- ☐ National template
- ☐ Where to find the information?
- ☐ What is important?
- ☐ Case study

Why?

Before assessing the application, examining the factors and the evidence, and making your decision, it is essential for you to know the context of an A25 (1) request or application, the restrictions, where to find the information, and the background information about the applicant. You need to be able to say who the applicant is, and what they are requesting. Identifying the elements of a H&C application is the foundation for your assessment.

How?

Start by self-learning **Items # 1 to 7 inclusively** (approximately **90 minutes)**. This will prepare you for the virtual session where we will discuss the topics further and complete exercises.

Let's begin.

ITEM #1 – A25 (1) OF IRPA EXERCISE

What to do?

Complete the exercise

5 minutes

In the introduction to H&C online course, you learned about Subsection 25 (1) of IRPA.

25 (1) Subject to subsection (1.2), the Minister must, on request of a foreign national in Canada who applies for permanent resident status and who is inadmissible — other than under section 34, 35, 35.1 or 37 — or who does not meet the requirements of this Act, and may, on request of a foreign national outside Canada — other than a foreign national who is inadmissible under section 34, 35 35.1 or 37 — who applies for a permanent resident visa, examine the circumstances concerning the foreign national and may grant the foreign national permanent resident status or an exemption from any applicable criteria or obligations of this Act if the Minister is of the opinion that it is justified by humanitarian and compassionate considerations relating to the foreign national, taking into account the best interests of a child directly affected.

This subsection IPRA is be used when sufficient humanitarian and compassionate considerations justify an exemption from the Act.

Read the following statements and identify if they are true or false.

Statement	True	False
1. It is at the discretion of the decision-maker to examine the circumstances concerning the foreign national.		
2. H&C can be used to overcome all inadmissibilities.		
3. H&C is not a permanent residence class/category.		

ITEM #2 – H&C REQUEST VS. H&C APPLICATION EXERCISE

What to do?

Complete the Exercise

5 minutes

Read the following and identify the differences between a H&C request and a H&C application.

Request	Application
A H&C request can only be submitted alongside a Permanent Residence (PR) application. It is a request for an exemption from criteria or obligations under the Act based on H&C or public policy considerations. A H&C request can be submitted outside and inside Canada in the context of a PR application in one of the existing classes (family, economic or refugee). If approved, applicants are landed in the PR class in which they submitted their applications.	A H&C application provides the flexibility to grant permanent residence status to certain foreign nationals who would otherwise not qualify in any class. It can only be submitted in Canada. If approved, applicants are granted permanent residence status on H&C grounds.

Differences:

ITEM #3 – RESTRICTIONS TO THE EXAMINATION OF H&C AND EXCEPTIONS

Bars to H&C requests

What to do?

Read and reflect.

5 minutes

A H&C application/request cannot be examined if:

- The applicant has made a claim for refugee protection that is pending
- The applicant's claim for refugee protection was found to be ineligible to be referred and they have a pending Pre-Removal Risk Assessment (PRRA)
- The applicant has another pending H&C request
- It has been less than 12 months since the last rejection of their claim for refugee protection from the RPD, RAD, leave or judicial review at the Federal Court.
- It has been less than 12 months since the applicant abandoned/withdrew their claim for refugee protection

Exceptions to 12-month bar since the last rejection of the claim for refugee protection

There are 2 reasons to request an exception to the 12-month bar:

- Risk to the applicant's life caused by the inability of the country to provide adequate health or medical case in case of return

- The removal of the applicant would have an adverse effect on the best interests of a child directly affected

The applicant has to request the exception and the onus to establish that they meet the exception lies with them.

For a complete list of all the restrictions and the exceptions, please consult the H&C Program Delivery Instructions (PDI) page: Who may apply

In 20 words summarize the above:

____

____

ITEM #4 – NATIONAL TEMPLATE

The document below provides H&C decision-makers with a standard methodology requiring them to complete all the steps.

A template for you: You can use this template to record your decision. *Please connect with your manager to ensure that you have the most current template for your job.*

What to do?

Familiarize yourself with all sections in the template

10 minutes

Humanitarian & Compassionate Grounds

REASONS FOR DECISION

SECTION 1	Personal Information		
Surname: ______		UCI: ______	
Given Names: ______		Application: ______	
Gender: ______		Date of Receipt at IRCC: ______ Year/month/day	
DOB: ______ Year/month/day			
POB: ______	Citizenship: ______		
CLPR ______	Marital Status: ______		

SECTION 2 — Dependents and Other Family Members

In Canada:

NAME	DOB	RELATIONSHIP	IMMIGRATION STATUS	Client ID	INCLUDED IN APPLICATION (Y/N)

Outside of Canada:

NAME	DOB	RELATIONSHIP	IMMIGRATION STATUS (IF APPLICABLE)	Client ID (IF APPLICABLE)

SECTION 3	Application & Immigration Information	
E.g. issued visa at, entered Canada at, visa extended, claimed ref. protection, claim denied, PRRA received/rejected, prior H&C, removal order issued		
Date	Event	Detail (if needed)

APPLICATION SUMMARY

Briefly outline the factors expressed by the applicant

SECTION 4	Factors for Consideration
Best interest of the child (BIOC):	
Medical or health considerations :	
Establishment in Canada: *(e.g. residency, employment, social assistance, property, community involvement, letters of support, family in Canada, etc)*	
Risk and adverse country conditions:	
Other factors for consideration: *(e.g. domestic violence in Canada, etc)*	

Referral to National Headquarters (NHQ):	
List all inadmissibilities:	
Provide the rationale for the referral of the application to NHQ:	

SECTION 5	Decision and Reasons

Name: [First Name Initial. Last Name], [Title] Date: / /   day month year

SECTION 6	Sources Consulted

ITEM #5 – COLLECTING THE INFORMATION

What to do?

Read and take note.

5 minutes

Now that you have become familiar with the national template, and the information that needs to be collected, let's master how to capture background information.

Though we are still in the beginning of the process of getting to know the client, we are simply gathering information for the purpose of introducing the client to the reader. The information collected at this stage will be reflected in the "**Background Information**" section of the template.

Step 1	Read the application.
Step 2	Identify and **make note of any attachments and enclosures** and verify that any attachments referred to in the application are present.
Step 3	Read personalized attachments.
Step 4	Make note of the family structure with particular attention to which family members are applicants.
Step 5	Research and make note of the immigration history of the applicants and (if relevant) the family members.
Step 6	Collect and make note of relevant in-house information by accessing: • GCMS; Office Files; CPIC; NCIC
Step 7	If necessary, interview the applicant to obtain more information.

ITEM #6 – GUIDELINES FOR NOTE TAKING

What to do?

Read.

Take note.

Save as a tool.

15 minutes

An important step when gathering all the information is to take notes so that you are able to link all the information together. This document highlights each stage where you will need to take notes, and **how** they should be taken.

Note-taking is a task occurring throughout the decision-making process:

- While collecting information
- During interviews (in person; by phone; by video-conferencing)
- In electronic notes (GCMS)
- Our reasons for decision are also called "notes."

Notes are taken at different stages throughout the process and are all equally important.

You should always date and initial your notes and ensure your writing is legible.

Guidelines for note taking

When assessing a request for humanitarian and compassionate considerations, it is critical that case notes reflect the totality of evidence considered.

GCMS notes should represent a complete record of all actions taken in the case. To the greatest extent possible, there should be no information that appears *only* on the paper file. Where it is not possible to record all the information in GCMS, it should be clearly indicated that more information can be found on the paper file. Any notes that appear in GCMS should be accurate and consistent with what appears in the paper file and should not undermine or contradict the written decision.

You may use point form in most cases but sometimes you will need to record your notes in more detail (e.g. using Q&A format). For example, the following situations may require more complete notes:

- strong reactions by the applicant at the interview;
- interference from others present at the interview; and
- issues which are crucial to the decision and considered particularly important, etc.

General guideline for note taking during case assessment and decision-making

Be clear and concise.

- Use common language and avoid jargon.
- Use complete words.
- Avoid extraneous comments.

Be objective.

- Record the facts.
- Do not record opinions or interpretations of the facts.

Organize notes with explanatory headings so readers can follow the case history.

Examples of explanatory headings include:

Paper file review

Representation

Interview

Pending or outstanding information

Decision

Record notes at the first available opportunity.

- Record notes after any interaction with the client (either by phone or in person) to make sure that they are clear and accurate.
- When required, revisions should be done as soon as possible.

Record the interview.

- Specify the start and finish times.
- Indicate who was present.
- If an interpreter was used, include the name of the interpreter, their relationship to applicant, language of interpretation and instructions given to the interpreter.
- Make it clear who said what.
- Point out the tone of the interview (e.g. was the applicant angry or upset?).
- If interviewing officer left during the interview, record and provide an explanation.

Notes should include:

- A summary of correspondence and communication;
- The contents of all non-routine correspondence and/or the forms of routine correspondence sent; and
- The date the note is added to file and the note-taker's initials.

ITEM #7 – CASE STUDY – BACKGROUND INFORMATION

What to do?

Complete the Exercise

40 minutes

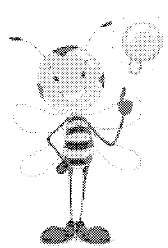
Now that you have learned what information should be captured in the background information section, and how to gather all the facts, it is time to take a look at your first case study.

Case Study documents:
http://gcdocs2.ci.gc.ca/otcs/cs.exe/link/373387507

Your task:

- Read all the documents included in the case study.
- Remember what you are trying to identify. Extract the pertinent information that would help you answer the question, "Who is the applicant?"
- Make a list of the relevant information. You will need it in the virtual session.

BACKGROUND INFORMATION: KEY POINTS:



When summarizing important information about the applicant, **remember to:**

1. Use the national template as your guide to capture key background information on the applicant.
2. Read **all** the submissions and information in GCMS.
3. Write clear and concise notes throughout the entire process.

Module 1: Background information

Total Duration: 3 hours

Self-learning: **Participants will review all of the following items prior to the virtual session (1h30)**

- Item #1 – A25(1) of IRPA – Exercise (5 minutes)
- Item #2 – H&C requests vs. H&C applications – Exercise (5 minutes)
- Item #3 – Restrictions on the examination of the H&C applications and requests (5 minutes)
- Item #4 – National template (10 minutes)
- Item #5 – Collecting the information included in the participant's guide (5 minutes)
- Item #6 – Guidelines for note taking (15 minutes)
- Item #7 – Case study – background information (40 minutes)

Virtual Session: **Review and discussion (1h30)**

Emails: **Answer guide for Item #7 (optional)**
Whiteboards: **Yes**

Self-Learning WB 2 – 1.5 hours

Virtual Session: 1.5 hours

#	Topic	Instructor (SAY and DO)	Producer (SAY and DO
1.0	(2 minutes) **Module Objective**	1.0 **Welcome** participants to the session and **inform** them you will recap and review what they have read and done in their self-learning.	Display VA14 – **Module Title**

	Module Outline	1.1 **Start** by reminding them of the objective 1.2 **Insist** on the key point being to ensure that the officer can tell the reader who the applicant is in a few words - "Tell me in a jiffy, who is this client?" 1.3 **Remind** participants the different topics they reviewed in their self-learning.	Display VA15 – **Module objective** *At the end of this module, you will be able to summarize the important elements of a H&C application.* Display VA16 – **Module Outline** • *Review of A25 (1)* • *H&C application vs. H&C request* • *Restrictions to the examination of H&C applications* • *National template* • *Where to find the information?* • *What is important?* • *Case study*
2.0	(30 minutes) **Review of A25(1)** **H&C request vs. H&C application** **Main restrictions** **2 exceptions to the 12-month bar**	2.1 **Tell** participants we will first review **Item #1** in their workbook. 2.2 **Tell** them that in the introduction to H&C online course, you learned about Subsection 25 (1) of IRPA. This subsection of IRPA is a section of the Act to be used when sufficient humanitarian and compassionate considerations justify an exemption from the Act. 2.3 Item #1 ask them to identify if the statements were true or false.	Display VA17-18-19 – **Review of A25(1)** [one statement per slide]

		2.4 With the visual, **read** each statement, and **ask** participants **to use their checkmarks: √ for true; x for false.** Refer to the following in providing feedback if necessary: 1. It is at the discretion of the decision-maker to examine the circumstances concerning the foreign national F: According to A25 (1), an officer **must,** upon request, examine the circumstances concerning the foreign national 2. H&C can be used to overcome all inadmissibilities F: Foreign nationals who are inadmissible under section 34, 35, 35.1 or 37 are not entitled to request H&C considerations. 3. H&C is not a permanent residence class/category T: H&C is a section of the Act used in exceptional measures to grant foreign national permanent residency when it is justified by H&C considerations. 2.5 **Tell** participants that the next Item **(Item #2)** they review was the distinction between a request and an application. Explain to participants that it is important to note that there is a distinction to be made between In-Canada H&C applications and Overseas H&C requests.	1. It is at the discretion of the decision-maker to examine the circumstances concerning the foreign national. 2. H&C can be used to overcome all inadmissibilities. 3. H&C is not a permanent residence class/category. **Help the facilitator to record the** **True:** √ **False: x** **Display VA20 – H&C request vs. H&C application** • *A H&C request* ***can only be submitted alongside*** *a Permanent Residence (PR) application. It is a request for an exemption from criteria or obligations under the Act based on H&C or public policy considerations. A H&C request can be submitted outside and inside Canada in the*

			context of a PR application in one of the existing classes (family, economic or refugee). When approved, applicants are landed in the PR class in which they submitted their applications. • *A H&C application provides the flexibility to* ***grant permanent residence status*** *to certain foreign nationals who would otherwise not qualify in any class. It can only be submitted in Canada. If approved, the applicant is granted permanent residence status on H&C grounds.*
		2.4 Finally, **remind** participants that they have also seen in the online training that there are certain restrictions to the examination of H&C applications and requests. They have review the main restrictions in **Item #3**. 2.5 Let's review the most common restrictions together. For the **third bullet, tell** the participants that it can also be in the context of another type of PR application where H&C considerations are requested.	**Use whiteboard to gather responses.** **Then,** Display VA21 - **Main restrictions** A H&C application/request cannot be examined if: ▶ The applicant has made a claim for refugee protection that is pending ▶ The applicant's claim for refugee protection was found to be ineligible to be referred and they have a pending Pre-Removal Risk Assessment (PRRA) ▶ The applicant has another pending H&C request ▶ It has been less than 12 months since the last rejection of their claim for refugee protection from the RPD, RAD, leave or judicial review at the Federal Court.

		For the **last bullet**, **tell** the participants that it is only applicable when the applicant attended a hearing or provided a testimony. **2.6 Inform** the participants that we usually refer to the last 2 bullets as "the 12-month bar". • Medical (risk to life) • BIOC **2.7 Inform** the participants that if they wish to review more information on H&C restrictions and the exceptions, it can be found in the H&C PDI under the "who may apply" section.	▶ It has been less than 12 months since the applicant abandoned/withdrew their claim for refugee protection Display VA22 – **2 exceptions to the 12-month bar** ▶ **Risk to the applicant's life** caused by the inability of the country to provide adequate health or medical care in case of return ▶ The removal of the applicant would have an adverse effect on the **best interests** of a **child** directly affected
3.0	(10 minutes) **National Template**	3.1 **Tell** participants that now that we have reviewed background information on section 25(1) of IRPA, we will turn our attention to the template. Remind them that they reviewed this prior to this session, **Item #4 – National Template.** **Ask the question:** From what you can remember, can you tell me what information is included in the applicant's background? **Ask** participants to use their **Raising hand** to provide answers and we will write them on the white board. **Suggested answers**: • Identity • Immigration history	**Write the question on the whiteboard:** What information is included in the applicant's background? **Take notes as people provide answers.**

		• Family details • Any relevant background information • etc. **Collect** the different answers of the participants and **discuss** with the class. 3.2 **Explain** that the structure of the course essentially mirrors the steps of the template so the participants will have plenty of opportunities to learn how to use the template 3.3 **Say** that by looking at the structure of the template, you probably notice there is a certain order in which the sections are presented. This order isn't random. It helps you write your decision. However, in the "Decision and Reasons" section, you don't have any guidance. You need to make sure that you've got everything in there on your own.	
4.0	(10 minutes) **Item#5 Review and discussion** **Collecting information**	4.1 **Refer** to the objective of the module and **outline** the fact that before **summarizing the important elements of a case**, you have to become familiar with the said case. 4.2 Tell them that from reading **Item #5 - Collecting the Information**, you have learned how to collect background information on the applicant. **Give participants** a few minutes to turn to Item #5 before asking the recap question.	**Use whiteboard, write question on it:**

<table>
<tr><td></td><td></td><td>Ask the question: As a quick recap, can someone tell me how we can find background information on the applicant?

Collect the answers and discuss with the class.

Suggested answers:
• Read the file
• Applications
• 44 reports
• Evidence submitted, etc.
• Look at GCMS
• Interview, if necessary

4.3 Emphasize with the participants that in fact what we want to know in this section is: “Who is this person?”

Remind the participants that in the beginning of the training, you introduced yourself by giving your name, where you are from, your background experience etc. Here, it is more or less the same concept, but in the context of a H&C application.</td><td>What information is included in the applicant’s background?

To take notes as people provide answers.</td></tr>
<tr><td>5.0</td><td>(5 minutes)

Note-taking</td><td>5.1 Tell participants that, as you have seen in Item #6 – Guidelines for Note-taking, throughout the process of gathering the information, you need to take notes.

Ask the question: When going through Item #6 did you have any questions?

5.2 Ask the participants to take a few moments to look at the National Template and identify which sections of the template would require “Background Information”-type of information.</td><td>

Use whiteboard to make a collective list of all the answers.</td></tr>
</table>

		Collect their answers and **discuss**. Make sure that their answers cover sections 1, 2 and 3 of the template. 5.3 **Challenge: Explain** to participants that there is a challenge in this section, especially for new officers who might have a tendency to write a lot. We need to find balance between providing enough detail regarding the personal circumstances of the applicant and the conciseness of your decision. The reader should have just enough information to understand who the client is without having to go through the whole file. 5.4 **Conciseness is a virtue!** It will serve you well through all the writing steps. Keep that in mind!	**Display VA23** *Challenge* **Display VA24** *Conciseness is a virtue!*
6.0	(20 minutes) **Item #7 - Case Study - Background Information - Answers**	6.1 **Remind** participants that in their self-learning, they have reviewed their first case study. **Tell** them we will now take the time to discuss their findings. 6.2 **Refer** participants to **Document #7 – Case Study - Background Information**. They should have made a preliminary list of the background information. Tell them they will now get a chance to compare with their colleagues and learn from each other's. <u>NOTE TO TRAINER:</u> **Create teams of 2 or more** (depending on the size of the group), and **ask participants to contact each other via phone or chat box**, to discuss	

		what information they would put in the Background Information of the template. **Give them 10 minutes.** 6.3 Once the ten minutes are up, **regroup and ask** participants to discuss their answers with the group and list all the information they would include in the template. 6.4 **Discuss** any issues while you display **Item #7 - Case Study - Background Information - Answers** **Inform** participants they will receive a copy of the answers.	**Use whiteboard to make a collective list of all the answers.** **Display document item #7 - Case Study - Background Information - Answers**
7.0	(2 minutes) **Module Objective Revisited** **Module Outline** **Key points**	7.1 To conclude the module, **remind** them of the objective and outline.	Display VA25 - **Module Objective Revisited** *At the end of this module, you will be able to summarize the important elements of a H&C application.* Display VA26 - **Module Outline Revisited** • *Review of A25 (1)* • *H&C application vs. H&C request* • *Restrictions to the examination of H&C applications* • *National template* • *Where to find the information?* • *What is important?* • *Case study*

		7.2 **Insist** on the key learning points. 7.3 **Tell** them that now that you know who the applicant is, you will want to know what he or she wants. The next module deals with the requested exemptions. **7.4 Announce** the next steps.	**Display VA27 - Key points** 1. *Use the national template as your guide to capture key background information on the applicant.* 2. *Read **all** the submissions and information in GCMS.* 3. *Take clear and concise notes throughout the entire process*