



CRIC
— **PREP** —
★

Biometrics:

Legal requirement, all ages 14–79

Part 1: Immigration to Canada

Section 1:

Section 10.1(1) — Invitation to Apply (ITA)

Plain-language text:

A foreign national who wants to apply for permanent residence in an economic category (e.g., Express Entry) cannot submit an application unless:

The Minister has sent them an official Invitation to Apply (ITA),

The invitation has not been cancelled,

The validity period of the invitation has not yet expired.

✓ In short:

No invitation, no permanent residence application in programs managed through Express Entry.

Section 10.1(1.1) — Invitation for provincial nominees

Plain-language text:

If a foreign national falls within the Provincial Nominee Program (PNP) category under the Minister's instructions:

➔ They may be invited to apply only as a provincial nominee, and not in another category.

✓ In short:

A provincial nominee receives an invitation in the PNP category, not in other economic immigration categories.

☑ Section 10.1(2) – Limitation on instructions

Plain-language text:

The Minister’s instructions (10.3(1)(a)) may target only economic immigration categories.

➔ They cannot target:

refugees

humanitarian and compassionate considerations

other non-economic categories

✓ In short:

Instructions that govern selection (such as Express Entry) apply only to economic immigration.

🌀 Super-short review summary (EAP)

Article	Clear meaning
10.1(1)	You cannot submit a PR application without receiving an invitation (ITA).
10.1(1.1)	A provincial nominee receives an ITA only in the PNP category.
10.1(2)	Ministerial instructions apply only to economic immigration.

Section 10.3(2) – Limitation

What it means:

The Minister may give instructions to manage immigration applications, but only within economic categories.

➔ Therefore, the Minister cannot use these instructions for:

the family reunification category

refugees

humanitarian and compassionate considerations

other non-economic categories

✓ Section 10.3(2.1) — Provincial nominees

What it means:

The Minister may also issue instructions for provincial nominees, but only for people officially nominated by a province.

So:

➔ If a province nominates candidates (through a Provincial Nominee Program — PNP), the Minister can create instructions that apply to them.

✓ In short: the Minister may include provincial nominees in the instructions, but only if they have been officially nominated by a province.

✓ Section 10.3(3) — Expression of interest (Express Entry)

What it means:

A person who wishes to be invited to apply (e.g., through Express Entry) must:

Submit an expression of interest (EOI) to the Minister

Through an electronic system (e.g., an Express Entry profile)

In accordance with the instructions set out under section 10.3

Unless the Minister decides on another exceptional method

✓ (4) — Misrepresentation: prohibition on submitting an expression of interest

Simplified text:

If a foreign national has been found inadmissible for misrepresentation (s. 40 IRPA), they:

➔ cannot submit an expression of interest (EOI) for the entire period of inadmissibility.

The inadmissibility for misrepresentation lasts 5 years.

✓ In short:

With a 5-year ban for misrepresentation, it's impossible to create an Express Entry profile during those 5 years.

✓ (5) — New expression of interest (EOI)

Simplified text:

A person who has already submitted an expression of interest:

→ cannot submit another one before the end of the period set out in the Ministerial Instructions (10.3(1)f).

This period = the time during which an EOI remains active in the system.

In Express Entry, an EOI is valid for 12 months.

✓ In short:

You cannot open a second profile while your current profile is still valid.

✓ (6) — Failure to submit an application after an invitation

Simplified text:

If the person receives an invitation to apply (ITA), but:

→ does not submit the application within the prescribed time,

→ they cannot receive another invitation based on the same expression of interest.

This means:

The EOI becomes unusable for any new invitation.

A new EOI will be required.

✓ In short:

If you ignore your invitation or you are late → you permanently lose the invitation tied to that EOI.

✓ (7) — Invitation declined

Simplified text:

However, if the foreign national:

➔ voluntarily declines the invitation (before the deadline),
then:

➔ subsection (6) does not apply.

Which means:

They may receive another invitation based on the same EOI.

Their profile remains active in the pool.

✓ In short:

If you decline your invitation on time:

→ You can keep your profile and receive a new invitation later.

🎯 Ultra-short summary for EAP review

Paragraph	Meaning
(4)	Misrepresentation → cannot create an EOI for 5 years.
(5)	An active EOI → cannot create another one before it expires.
(6)	If you do not submit your application after an invitation → you lose any chance of another invitation based on that EOI.
(7)	If you decline the invitation on time → you may receive another invitation with the same EOI.

✓ In short: to be invited to apply in the Express Entry system, the person must create an electronic profile (= expression of interest).

🎯 Ultra-short summary

Section	Plain meaning
10.3(2)	The Minister may issue instructions only for economic categories.
10.3(2.1)	The instructions may target provincially nominated candidates who have been officially designated.
10.3(3)	Anyone who wants to be invited must submit an expression of interest (electronic profile).

Section 10.2(1)(a) — Verification of eligibility criteria

Simplified text:

When an expression of interest (EOI) is submitted, the Minister must:

Check whether the foreign national meets the criteria set out in the instructions (e.g., minimum language level, recognized credential, required experience, etc.).

The Minister must then inform the person of the result, in accordance with the instructions.

✓ In short:

The Minister checks whether the person is eligible to receive an invitation to apply (ITA) and communicates the result.

➔ This is not yet an invitation — only an eligibility decision based on the criteria.

✓ Section 10.2(1)(b) — Verification of ranking and issuance of the invitation

Simplified text:

If the person is eligible, then the Minister:

Checks whether they have a sufficient rank (score) according to the instructions (in Express Entry: the higher your score, the higher you are ranked).

If their rank is high enough, the Minister sends an invitation to apply (ITA).

✓ In short:

The Minister looks at the person's ranking and sends an invitation only if their score is above the set threshold.

✓ Section 10.2(2) — Restriction on the number of invitations

Simplified text:

The Minister may send an invitation only if the total number of

invitations sent is less than the number set out in the instructions (10.3(1j)).

➔ There is a maximum quota of invitations for each round. Once the quota is reached, even a highly ranked candidate will not receive an invitation.

✓ In short:

The Minister cannot exceed the number of invitations authorized in a given round.

🎯 Ultra-short summary (for the EAP)

Section	Plain meaning
10.2(1)(a)	The Minister checks whether the person meets the eligibility criteria even before ranking.
10.2(1)(b)	The Minister then checks whether the person has a sufficient rank/score for an invitation → if yes, the invitation is issued.
10.2(2)	Invitations may be issued only if the total number of invitations is below the set quota.

▣ Section 10.3(1) — Ministerial instructions (general explanation)

This provision says the Minister may establish instructions to... govern how the invitation system works (Express Entry).

Points (a) to (m) describe exactly what the Minister may control.

I explain them one by one.

▣ a) Categories covered by the ITA (invitation)

The Minister may decide which economic immigration categories are included in the invitation system (e.g., Federal Skilled Workers, CEC, Federal Skilled Trades).

■ b) Electronic system

He may decide which IT system is used (e.g., Express Entry).

→ How it works, its rules.

■ c) Expression of interest (EOI): submission and processing

The Minister decides how an EOI is submitted and how it will be processed, including through the electronic system.

■ d) Expression of interest by another method

He may provide for exceptional cases where an EOI may be submitted without using the electronic system, and specify how.

■ e) Criteria to be eligible for an invitation

The Minister sets the mandatory criteria a foreign national must meet to be eligible for an invitation (e.g., minimum language level, sufficient funds, recognized diploma).

■ f) Validity period of an EOI

He may define how long an EOI remains active in the pool (e.g., 12 months).

■ g) Disclosure of personal information

He may indicate:

which information may be shared

and to which entities it may be transmitted (e.g., provinces for matching).

■ h) Ranking basis

The Minister decides how candidates are ranked in the pool.

→ Example: the CRS points system (SCG).

■ h.1) Creating groups for ranking

The Minister may create groups of foreign nationals to rank separately.

Groups may include:

All candidates

Those belonging to a specific category (e.g., CEC, FSW, FST)

Those belonging to a set defined in h.2

Example:

→ Groups by occupation, by category, by type of experience.

h.2) Creating sets + membership criteria

He may create sets (sub-groups) with specific criteria.

STEM workers set

Francophone set

Skilled trades set

The Minister decides the criteria to be part of them.

i) Rank required to receive an invitation

He decides the minimum score or rank required to be invited.

→ Example: CRS threshold in Express Entry (505).

j) Number of invitations per period

He sets how many invitations may be sent per round or period.

j.1) Applicable category when a foreign national could fit more than one category

He determines under which category a foreign national will receive their invitation if they are eligible under multiple categories at the same time.

→ Example: someone may be eligible for FSW + CEC → the Minister decides which one applies.

k) Time limit to submit the application after the invitation

He sets how much time the person has to submit their application after receiving an ITA.

→ Example: 60 days for Express Entry.

l) Method used to inform the foreign national

He decides how the candidate will be informed:

decision

messages relating to their EOI

In general:

→ In the online portal.

m) Role of other persons or organizations

He may assign to external persons or organizations:

decisions



recommendations

Example:

→ Provinces may recommend or nominate candidates.

Section 10.3(1.01) — Mandatory condition

Instructions that create groups (h.1) must:



-  Be based on a public consultation process,
-  Consultations (10.5(1)) must have given the public an opportunity to provide input.

✓ In short:

The Minister cannot create groups without prior public consultation.

Ultra-short summary for the EAP exam

Simplified text: A foreign national must apply for an eTA before coming to Canada, and must do so:

-  through an electronic system (online),  unless regulations provide another method (rare exception).

After the application:

The officer checks that the foreign national is not inadmissible,

and that they comply with the Act. → If everything is in order, the officer may issue the eTA.

✓ In short: Any foreign national who requires an eTA must apply for it..., and the officer approves it only if the person is admissible.

▣ Subsection (1.1) — Restrictions for designated foreign nationals (5 years)

This subsection imposes a 5-year bar on applying for permanent residence for designated foreign nationals.

A designated foreign national (irregular arrival) cannot appl... for permanent residence until 5 years have passed since one of the following events:

■ a) Case 1: they made a refugee claim (without an application for protection)

The period starts when: → the final decision on the refugee claim is rendered.

■ b) Case 2: they made an application for protection

The period starts when: → the final decision on the applica...tion for protection is rendered (RPD → RAD → Federal Court if applicable).

If no application was filed, the period starts on: → t... date the person officially becomes a designated foreign national.

✓ In short for designated foreign nationals:

They may apply for permanent residence only after 5 y...tion. The only thing that changes is the start date of the period.

Ultra-condensed summary (eTA)

Provision	Plain meaning
(1.01)	The eTA must be applied for online and is approved only after an admissibility check.
(1.1)a)	5 years after the final decision on the refugee claim.
(1.1)b)	5 years after the final decision on the application for protection.
(1.1)c)	5 years after the date the person becomes a designated foreign national.

Subsection (1.2) — Suspension of the application (designated foreign national)

Simplified text: If a person becomes a designated foreign national after already submitting an application for permanent residence, then:

 Processing of their application is suspended for 5 years.

The start of the period depends on their situation:

a) Refugee claim (without an application for protection)

The period starts on the day the final decision on the refugee claim is rendered.

b) Application for protection

The period starts on the day the final decision on the application for protection is rendered.

The period starts on the day the person becomes a designated foreign national.

✓ In short: If you become a designated foreign national while your PR application is in process, Canada pauses your application for 5 years.

Subsection (1.3) — Refusal to examine the application

An officer may refuse to examine a designated foreign national's application for permanent residence if:


a) They did not comply with the conditions imposed on them

Without a valid excuse. The conditions concerned are those re...lease conditions or reporting obligations (sections 58(4), 58.1, 98.1).

failure to report for mandatory check-ins,

failure to comply with conditions imposed after release from detention.

b) Less than one year has passed since the end of the 5-year period

 After the 5-year bar, the foreign national must still wa...it one additional year; the officer may therefore refuse to examine the application if that year has not passed.

✓ In short: If a designated foreign national does not comply with their condi...tions, the application may be refused for an additional year after the end of the 5-year period.

Subsection (2) — Sponsored applications

Simplified text: A permanent residence application based on family sponsorship cannot be accepted if:

 The sponsor (the person in Canada who sponsors) does not meet the sponsorship requirements.

non-payment of a previous sponsorship debt,

a sponsorship bar is in effect.

✓ In short: If the sponsor is not eligible, PR cannot be granted, even if the foreign national themselves is eligible.

🎯 Ultra-condensed summary (for EAP review)

Provision	Plain meaning
(1.2)	If the person becomes a designated foreign national after having submitted an application, processing of their PR is suspended for 5 years.
(1.3)a)	If the designated foreign national does not comply with their conditions → the officer may refuse to examine the application.
(1.3)b)	This refusal may apply if less than one year has passed after the end of the 5-year period.
(2)	A sponsored application cannot be accepted if the sponsor is not eligible.

■ 11.2(1) — Cases where a visa CANNOT be issued

This section says that even if a foreign national received an invitation to apply (ITA), they cannot be issued the visa if, at the time the officer receives the application, they do not meet the following.

There are three reasons for automatic refusal:

- ✓ a) They did not meet the basic criteria (10.3(1)(e))

This means that:

➔ They did not meet the mandatory conditions required to receive an invitation.

Ineligible work experience

Unrecognized education

✓ In short: If they were not eligible for an invitation → visa impossible.

✓ b) They did not have the attributes on which their ranking was based (10.3(1)(h))

That means:

➔ They did not actually have the elements (CRS points) on which they were ranked → for example:

they claimed a degree they did not have

- they claimed a diploma they did not have
- they claimed a higher language level
- they claimed experience they do not actually have

✓ In short:

If their pool ranking was based on incorrect information → no visa.

✓ c) They did not meet the criteria of a set (10.3(1)(h.2))

This applies if the invitation was issued on the basis of a set:

- French-speaking workers set
- STEM set
- health set
- skilled trades set

➔ If, at the time of the invitation or when the application is received, they do not meet the set criteria → no visa.

✓ In short:

Invited as “Francophone” but not actually francophone = no visa.

▣ Ultra-simple summary of 11.2(1)

A visa cannot be issued if, at the critical moment, the foreign national:

✗ did not meet the eligibility criteria

✗ did not have the attributes that produced their ranking

✗ did not meet the criteria of the set used for the invitation

➔ A visa requires real eligibility, not just declared eligibility.

▣ 11.2(2) — EXCEPTIONS (when a visa may still be issued)

This is very important:

Subsection (2) says that sometimes the visa can still be issued even if the person no longer meets certain criteria at the time of filing.

There are two main situations:

If the foreign national no longer meets a criterion because:

➔ They had their birthday after receiving the invitation, and that birthday lowered their ranking or points, then:

→ The visa may still be issued.

Age 31: 15 points

If the birthday caused a loss of points → it is not a ground for refusal.

Even if the foreign national no longer has certain attributes at the time of application, the visa may be issued if:

They still meet the basic criteria (10.3(1)(e))

→ still eligible.

If they were invited as a member of a set (h.2), they still meet the criteria of that set

→ e.g., Francophone, STEM, etc.

They still hold a sufficient rank

→ Their rank at the time of application is not lower than the rank required to be invited.

The invitation threshold was 470

They had 475 points at the time of invitation

They lose points (e.g., spouse factors, expired experience) and drop to 471

→ Their rank is still not below the threshold → visa OK.

Ultra-simple summary of 11.2(2)

A visa can be issued even if the person loses points if:

 The loss is caused by a birthday

OR

✓ The person remains eligible, meets the set criteria (if applicable),

AND

➤ Still holds a sufficient rank to be invited

Final 10-second summary (perfect for EAP)

SECTION 12 — Selection of permanent residents

Selection is based on the family relationship with a citizen or permanent resident:

spouse

- common-law partner
- another family member provided for by regulation
- ✓ In short: eligibility is based on the family relationship, not economic criteria.

12(2) — Economic immigration

Selection is based on the foreign national's ability to establish themselves economically in Canada.

✓ In short: the candidate must demonstrate economic potential (education, language, work, etc.).

12(3) — Refugees

Selection is based on:

- the need for protection
- Canada's humanitarian tradition
- refugee status or a similar situation

✓ In short: humanitarian criteria, not economic.

■ SECTION 13 — Sponsorship framework

✓ 13(1) — Who may sponsor?

Permanent residents

Groups of citizens or permanent residents

Organizations (federal/provincial)

Groups of these organizations

✓ In short: sponsorship can be done by individuals or authorized organizations.

✗ 13(2) and 13(3): REPEALED

✓ 13(4) — Minister's instructions

Officers must follow the Minister's instructions to apply the regulations on sponsorship.

✓ In short: the officer follows the instructions when processing sponsorship files.

■ SECTION 13.1 — Binding undertaking

Any undertaking (especially a sponsorship undertaking) binds the sponsor. They must meet all obligations.

✓ In short: the sponsor is legally responsible for the person they sponsor.

■ SECTION 13.2 — Undertaking required

If regulations require it, the foreign national must obtain the prescribed undertaking (often in sponsorship or guarantees).

✓ In short: for some visas, an undertaking is mandatory.

Officers must follow the Minister's instructions related to undertakings.

✓ In short: once again, a duty to follow ministerial instructions.

■ SECTION 14 — General regulations

Regulations implement this entire section and define key terms.

✓ In short: the legal foundation for categories and rules.

▨ SECTION 14.1 — Ministerial instructions (economic immigration)

☑ 14.1(1) — Creating economic sub-categories by instruction

The Minister may create new categories in economic immigration (e.g., a pilot program) to achieve economic objectives, and set:

- selection criteria
- assessment grids
- fees and exemptions

✓ In short: the Minister can create new economic programs by instruction.

For each category created by instruction:

➔ max 2,750 applications per year.

✓ In short: strict annual cap.

☑ 14.1(3) — Application of regulations

The general regulations for the economic class apply unless exceptions are provided.

The Minister may decide that certain regulations do not apply to a new category.

✓ In short: full flexibility for new categories.

14.1(5) — Category-specific regulations do not apply unless stated otherwise

If a regulation applies only to a specific category, it does not automatically apply to new categories — unless the instruction says so.

14.1(6) — Instructions do not apply to categories created by regulation

Instructions do not apply to categories created by regulation: regulations (more permanent) vs instructions (flexible).

14.1(7) — Duty of the officer

The officer must follow the instructions before and during processing.

14.1(8) — Application to pending applications

If an instruction is amended, it may apply to applications already in progress, if the amending instruction says so.

14.1(9) — Maximum duration: 5 years

An instruction:

- is valid for a period specified in it,
- cannot exceed 5 years,
- cannot be extended or renewed.

✓ In short: max 5 years → temporary program.

14.1(10) — Processing after expiry


Even after the instruction expires, the Minister may direct the officer to process applications submitted while it was in force.

✓ In short: applications filed on time can still be finalized even if the program ends.

14.1(11) — Exemption from the Service Fees Act

The Service Fees Act does not apply to the fees referred to in 14.1(1).

✓ In short: fees for programs created under 14.1 are not subject to the general service-fees law.

 Ultra-condensed summary for the EAP

Article	Main idea
12(1)	Family reunification based on family relationships.
12(2)	Economic class based on the ability to establish.
12(3)	Refugees based on the need for protection.
13(1)	Who may sponsor.
13.1	The sponsor's undertaking is mandatory.
13.2	An undertaking is required for certain applications.
14(2)	Regulations = criteria, visas, quotas, conditions, sponsorship, sanctions, inspections.
14.1	The Minister may create new economic categories limited to 2,750 applications/year, valid for a maximum of 5 years.

Section 2:

ARTICLE 15 — Officer powers

15(1) — The officer may conduct an examination


The officer may conduct an examination in connection with any application made under the Act:

- visa application
- permanent residence application
- temporary residence application

✓ In short: the officer may verify information in all filed applications.

15(2) — Provincial nominees

For a foreign national nominated by a province (PNP):

 The officer does not assess the economic criteria themselves.

They only verify:

- → that the province itself has confirmed, in its nomination, that the foreign national meets its criteria.

✓ In short:

For the PNP, the federal officer relies on the province: they only verify that the province has validated the candidate.

15(3) — Search and inspection powers

- search a conveyance arriving in Canada (plane, ship, bus)
- question people
- copy documents
- detain the vehicle until the examination is complete

✓ In short:

Broad search powers at the border.

15(4) — Minister's instructions

The officer must follow the Minister's instructions when conducting examinations.

✓ In short:

The Minister sets the rules; officers apply them.

ARTICLE 15.1 — Health insurance (Super Visa)

This article concerns Super Visas for parents and grandparents.

If a foreign national purchases private health insurance from a ... require such insurance for a long-term visitor visa.

✓ In short:

For the Super Visa, private insurance may be purchased outside Canada if it is approved.

ARTICLE 16 — Applicant obligations

16(1) — Truthful answers and documents

- answer questions truthfully
- provide relevant information
- provide the required evidence
- present the required visas and documents

✓ In short:

Duty of complete and truthful disclosure.

16(1.1) — Submit to examination

The applicant must appear and submit to an examination when the officer requires it.

✓ In short:

Physical obligation to submit to examination.

16(2) — Evidence: biometrics + medical

Relevant evidence includes:

- medical examination, if required by the regulations

✓ In short:

Biometrics + medical exam may be mandatory.

16(2.1) — Mandatory CSIS interview (security)

The foreign national must appear for an interview with the Canadian Security Intelligence Service (CSIS) if requested, as part of its investigation.

They must answer truthfully.

✓ In short:

Security interview → mandatory if requested.

16(3) — Identification in case of arrest/detention/removal

The officer may require all items necessary to establish identity, including:

- other identity documents

✓ In short:

In case of arrest, detention or removal → the officer may obtain anything needed to confirm identity.

Article	Plain meaning
15(1)	An officer may examine any application (visa, PR, TR, eTA).
15(2)	For provincial nominees: the officer verifies only that the province has approved them.
15(3)	The officer may search means of transport, question, seize, and inspect.
15(4)	The officer must follow the Minister's instructions.
15.1	Approved private health insurance is acceptable for a Super Visa.

16(1)	The applicant must answer truthfully and provide all documents.
16(1.1)	The applicant must submit to the examination.
16(2)	Evidence: biometrics + medical exam.
16(2.1)	A CSIS security interview is mandatory if requested.
16(3)	The officer may require anything needed to establish identity in case of arrest/detention/removal.

Section 3:

ARTICLE 17 — Regulations

The regulations set out:

- how to apply this section
- how examinations are carried out
- what powers, procedures, and methods apply

✓ In short:

Regulations provide the practical details of examinations.

 Ultra-condensed summary (for EAP)

ARTICLE 18 — Entry and stay in Canada

18(1) — Mandatory examination to enter Canada

Any person who seeks to enter Canada must submit to an examination to determine:

whether they have the right to enter (citizen, PR),

or whether they are authorized, or may be authorized, to enter and remain (foreign national).

✓ In short:

No one enters Canada without an examination.

Even if the person does not leave the airport but wants to exit the transit area:

➔ They must also submit to an examination.

✓ In short:

Transit passengers are subject to examination if they leave the transit area.

18(3) — An officer may require an examination

Even a person who is normally exempt from examination (under the regulations) may be required by an officer to submit to an examination.

✓ In short:

An officer can always require an examination, even if it is not normally required.

ARTICLE 19 — Right of entry (citizens and permanent residents)

19(1) — Citizens and registered Indians

They have the right to enter and remain in Canada.

The officer admits them on proof (passport, card, etc.).

✓ In short:

Citizens + registered Indians = an absolute right of entry.

19(2) — Permanent residents

A permanent resident may enter Canada if they prove that they have that status.

✓ In short:

A PR has the right to enter, but must prove their status (PR card, etc.).

▣ ARTICLE 20 — Requirements for foreign nationals seeking to enter

☑ 20(1)(a) — To become a permanent resident

The foreign national must prove that they:

hold the required visas/documents,

are coming to establish themselves permanently.

✓ In short:

To become a PR → required documents + intention to settle.

☑ 20(1)(b) — To become a temporary resident

The foreign national must prove that they:

hold the required documents,

and will leave Canada at the end of their stay.

✓ In short:

For temporary status → prove you will leave.

☑ 20(1.1) — Declaration barring temporary residence (s. 22.1)

If the foreign national is subject to a declaration barring temporary residence (s. 22.1):

➔ They cannot enter as a temporary resident.

✓ In short:

A person “declared” under s. 22.1 cannot come temporarily.

☑ 20(2) — Provincial criteria (PNP)

For an applicant under the Provincial Nominee Program (s. 9(1)):

➔ They must prove they hold the provincial document confirming that they meet the province’s criteria.

✓ In short:

Provincial nominees → proof of provincial nomination required.

▣ ARTICLE 20.1 — Designation of a group (irregular arrival)

☑ 20.1(1) — When the Minister may designate a group

The Minister may designate an arrival as an “irregular arrival” if:

a) Timely examination is not possible

Identity, inadmissibility, or other checks cannot be carried out quickly.

b) Suspected organized illegal entry

Reasonable grounds to believe that there has been, or there will be:

human smuggling (117(1)),

for the benefit of a criminal organization or a terrorist group.

✓ In short:

The Minister designates a group when examination cannot be done in time or there is suspected organized smuggling.

☑ 20.1(2) — Effect of the designation

Everyone in the group becomes a designated foreign national, unless:

they have the required documents,

and an officer confirms that they are not inadmissible.

✓ In short:

Everyone in the group = designated foreign nationals, except those fully documented.

The orders are not regulations, but they are published.

✓ In short:

These are rapid ministerial decisions, but they are made public.

▣ ARTICLE 20.2 — Restrictions for designated foreign nationals

☑ 20.2(1) — Bar on applying for permanent residence for 5 years

They must wait 5 years after:

the final decision on the refugee claim (a),

or the final decision on the application for protection (b),

or the date they become designated foreign nationals (c).

✓ In short:

Designated foreign national = no PR for 5 years.

☑ 20.2(2) — Suspension of an ongoing application

If the person becomes a designated foreign national during their application:

➔ Processing is suspended for 5 years, under the same rules as above.

✓ In short:

If you become designated → your PR application is put on hold for 5 years.

☑ 20.2(3) — Refusal to examine the application

An officer may refuse to examine the application if:

a) The foreign national did not comply with mandatory conditions

(requirements of ss. 58(4), 58.1 or 98.1)

b) Less than one year has elapsed since the end of the 5-year period

✓ In short:

Non-compliance + the one-year waiting period not completed = refusal.

🎯 Ultra-condensed summary for EAP

Article	Key point
18	Everyone must submit to an examination to enter; even

	in transit.
19	Citizens and PRs have a right of entry (on proof).
20(1)	Foreign national must prove: PR → documents + intent to settle; TR → documents + planned departure.
20(1.1)	A person “declared” (s. 22.1) cannot enter as a TR.
20(2)	PNP applicant must prove provincial nomination.
20.1	Minister may designate an irregular arrival → group becomes designated foreign nationals.
20.2(1)	Designated foreign national → no PR application for 5 years.
20.2(2)	If designated during an application → processing suspended for 5 years.
20.2(3)	Refusal if mandatory conditions not met + one-year period not completed.

■ ARTICLE 21 — Permanent Resident (PR)

✓ 21(1) — How a foreign national becomes a permanent resident

A foreign national becomes a PR if:

they have applied for permanent residence,

they have met the requirements of 20(1)(a) (required documents + intention to reside),

they have met 20(2) if they are a provincial nominee,

they are not inadmissible.

✓ In short:

They become a PR if the application is complete and they are admissible.

✓ 21(2) — Protected persons (accepted refugees)

A protected person becomes a PR if:

they have been recognized as a refugee or a person in need of protection,

they have submitted a proper PR application in accordance with the regulations,

they are not inadmissible on: security, violation of human/international rights..., serious criminality, organized criminality, health grounds.

✓ In short:

An accepted refugee becomes a PR automatically, unless a serious inadmissibility applies.

✓ 21(3) — Ongoing cessation application (108(2))

If the Minister seeks to withdraw refugee status (cessation proceedings, s. 108(2)), then:

➔ The person cannot become a PR until those proceedings are finished.

✓ In short:

If refugee status is being challenged, PR is blocked.

■ ARTICLE 22 — Temporary Resident (TR)

✓ 22(1) — How a foreign national becomes a temporary resident

A foreign national becomes a TR if they:

apply,

meet 20(1)(b) (documents + leaving at the end of the stay),

are not inadmissible,

are not subject to a temporary inadmissibility declaration (22.1).

✓ In short:

A temporary visa is possible if the person shows they will leave.

A foreign national may intend to become a PR later, but:

➔ that does not prevent them from being granted temporary status if they prove they will leave Canada on time.

✓ In short:

Having an immigration plan does not block a temporary visa.

■ ARTICLE 22.1 — Minister's declaration (bar on being a TR)

✓ 22.1(1) — Minister's power

The Minister may declare that a foreign national cannot become a temporary resident if it is in the public interest.

security,

✓ 22.1(2) — Duration

The declaration is valid for up to 36 months.

✓ 22.1(3) — Revocation

The Minister may cancel it or shorten the period at any time.

The Minister must report to Parliament:

how many declarations were made,

why they were in the public interest.

■ ARTICLE 23 — Additional examination

An officer may authorize entry to Canada only for:

a further examination,

or an investigation.

✓ In short:

You can be allowed in without full authorization, just for an examination/investigation.

■ ARTICLE 24 — Temporary Resident Permit (TRP)

■ Reminder: TRP = for people who are inadmissible or non-compliant

It is discretionary and can be revoked at any time.

✓ 24(1) — When a TRP may be issued

A foreign national who is inadmissible or non-compliant may become a TR if an officer issues a TRP, when:

circumstances justify it.

✓ In short:

Even if inadmissible, a person can enter thanks to a TRP.

✓ 24(2) — Outside Canada

If a TRP is issued outside Canada → the person only becomes a TR upon arrival after examination.

The officer must follow the Minister's instructions.

⊗ 24(3.1) — Special case: pending protection application

A foreign national whose refugee claim was found ineligible ...TRP if a Ministerial protection application is still pending.

⊗ 24(4) — Bar on a TRP for 12 months (refused refugee claim)

A person whose refugee claim has been rejected CANNOT apply for a TRP for 12 months, except in limited cases.

✓ 12 months after:

rejection by the RPD (no appeal),

or rejection by the RPD/RAD,
or refusal of judicial review.

⊘ 24(5) — Designated foreign national

A designated foreign national may apply for a TRP only 5 years after:
the final decision on the refugee claim,
or the final decision on the protection application,
or the designation itself.

If the person becomes a designated foreign national during the application:

⊘ 24(7) — Refusal to examine (conditions not met)

the person did not comply with their conditions (ss. 58, 98.1),
AND less than one year has elapsed after the end of the 5-year period.

■ ARTICLE 25 — Humanitarian and Compassionate (H&C) Application

■ Important: an application to obtain PR on equity grounds + the best interests of the child.

✓ 25(1) — Minister's authority

The Minister must examine the case of the foreign national in Canada and may grant:

permanent residence,
or waive certain requirements.

Provided that:

humanitarian grounds justify it,
and taking into account the best interests of any affected child.

Exceptions:

H&C is not possible if the inadmissibility is for:

security (34),

organized criminality (37).

🚫 25(1.01) — Designated foreign national: 5-year bar

A designated foreign national may apply for H&C only after 5 years.

If the person becomes designated after filing the application → the 5-year clock pauses.

the person did not comply with their conditions,

AND less than one year has elapsed after the end of the 5-year period.

💰 25(1.1) — Fees required

The H&C application is examined only if the fees have been paid.

🚫 25(1.2) — Situations where H&C cannot be examined

The Minister may not examine it if:

a) another H&C application is already pending,

a.1) the application seeks to circumvent Express Entry rules (section 0.1),

b) the person has a pending refugee claim (RPD or RAD),

b.1) or the claim was found ineligible but the protection application is pending,

c) 12 months have not passed since a negative refugee decision (unless exceptions).

■ 25(1.21) — Exceptions to the 12-month bar

An H&C application can be made before 12 months if:

- a) risk of serious medical danger in case of removal,
- b) serious impact on the best interests of the child.

! 25(1.3) — Factors NOT considered

The Minister may NOT use:

the same criteria as to recognize a refugee (96),
nor those for protection (97).

But the Minister may consider:

the foreign national's humanitarian hardship.

✓ In short:

H&C ≠ a second refugee claim.

🎯 ULTRA-COMPACT SUMMARY (for EAP)

■ ART. 25 — Provincial criteria (continued)

✓ 25(2) — Permanent residents: provincial requirements

A foreign national nominated by a province (s. 9(1), Provincial Nominee Program ...) cannot be granted PR if they do not meet the province's selection criteria.

✓ In short:

Even if accepted federally, they must still meet the province's requirements.

■ ART. 25.1 — H&C on the Minister's own initiative

✓ 25.1(1) — Minister's authority

The Minister may, without an application, examine an H&C case and:

grant PR,

or waive requirements,

if humanitarian grounds justify it + the best interests of the child.

! Does not apply to serious inadmissibilities (security, war crimes, terrorism).

✓ In short:

H&C can be initiated by the Minister, but not for serious inadmissibility grounds.

✓ 25.1(2) — Fee waiver

The Minister may waive the H&C processing fees.

✓ 25.1(3) — Provincial criteria

For provincial nominees → same rule:

No PR if the province's criteria are not met.

■ ART. 25.2 — Stay in the public interest

✓ 25.2(1) — Minister's authority

The Minister may grant PR or waive requirements if:

the foreign national meets imposed conditions,

and the Minister is of the opinion that the public interest justifies it.

protection of a witness,

national interests.

✓ 25.2(2) — Fee waiver

The Minister may waive the fees.

! 25.2(3) — Provincial criteria

Same rule: PNP applicants must meet the province's criteria.

The imposed conditions may include:

a third-party admissibility determination,
a commitment from a person or organization.

✓ In short:

The Minister may require guarantees before granting the exemption.

■ ART. 26 — Regulations (related to ss. 18 to 25.2)

✓ 26(1) — Content of the regulations

The regulations set out:

entry/exit and stay,

the Minister's declaration (22.1),

circumstances for a TRP (24),

conditions imposed on PRs and TRs,

undertakings required (H&C, 25.2),

financial guarantees.

✓ In short:

Regulations set out all practical details regarding entry, status, TRPs, and H&C.

Certain individuals or groups may be exempt from mandatory examination (s. 18), under the regulations.

aircraft crews.

■ ART. 27 — Rights and obligations of a permanent resident

✓ 27(1) — Right to enter and remain

A PR has the right to:

enter Canada,

✓ In short:

A PR has the right to return, subject to the exceptions provided by law.

A PR must comply with:

conditions set out in the regulations,

the Minister's instructions (s. 14.1).

■ ART. 28 — Residency obligation (730 days / 5 years)

■ 28(1) — Applies to each 5-year period

■ 28(2)(a) — How to meet the 730 days

A PR meets the obligation if they have 730 days in the last 5 years:

Physical presence in Canada

Accompanying a Canadian citizen (spouse, partner, parent) abroad

Working full-time abroad for a Canadian business or government

Accompanying a PR who is themselves working for a business/government

Any other method provided by regulation

✓ In short:

There are several ways to keep PR, not only by staying in Canada.

■ 28(2)(b) — Different period depending on seniority

PR for less than 5 years → must show they will meet the 730 days in the next 5 years.

PR for 5 years or more → must show they already meet the 730 days in the last 5 years.

Even if the obligation is not met:

➔ Status may be retained if humanitarian grounds + the best interests of the child justify it.

■ ART. 29 — Rights and obligations of a temporary resident (TR)

A temporary resident may enter and remain temporarily:

as a visitor,

or with a TRP.

A TR:

must comply with all conditions,

must leave Canada at the end of their authorized stay,

may return only if authorized.

■ 29(3) — Long stay

For a TR visiting a Canadian child/grandchild (super visa):

➔ The authorized stay may be up to 5 years.

■ ART. 30 — Studies and work

A foreign national may work or study in Canada only:

➔ if authorized under the Act (study permit, work permit).

✓ In short:

No work or studies without a legal permit.

🎯 ULTRA-COMPACT SUMMARY (for EAP)

▨ ART. 31 — Status document

◇ 31(1) — Status document

Canada provides:

a status document to permanent residents,

and to protected persons (accepted refugees / persons in need of protection).

✓ In short:

This is the official document proving their status.

◇ **31(2) — Presumption of status**

A person who holds a status document:

➡ is presumed to have the status shown (PR or protected person), unless an officer decides otherwise.

👉 If someone outside Canada cannot show their PR status document:

➡ they are presumed not to be a permanent resident.

✓ In short:

With the document = presumed PR.

Outside Canada without the document = presumed NOT PR.

◇ **31(3) — PR travel document (outside Canada)**

A permanent resident outside Canada, without a PR card, is issued a travel document if they prove at examination:

a) that they meet the residency obligation (730 days / 5 years),

b) that the officer finds the humanitarian exception in 28(2)(c) applies,

c) that they have been in Canada at least once in the last 365 days,

AND that they have an appeal in progress (63(4)) or the appeal period has not expired.

✓ In short:

A PR travel document lets a PR return to Canada when they do not have their PR card.

■ ART. 31.1 — Refugee travel document and designated foreign nationals

◇ Meaning of the rule

For a designated foreign national whose protection/asylum claim is accepted:

➔ they can be considered lawfully resident in Canada (for a refugee travel document) only if they:

become a permanent resident,

or receive a temporary resident permit (TRP).

✓ In short:

A designated foreign national recognized as a refugee does not automatically qualify for a travel document.

They must become a PR or obtain a TRP.

■ ART. 32 — Regulations for sections 27 to 31

The regulations explain how to apply the sections on:

the rights of PRs/TRs,

the residency obligation,

the status document,

the PR travel document.

Key points:

◇ 32(a) — Categories of temporary residents

The regulations define categories such as:

students,

✓ In short:

The government sets all the sub-categories of temporary residents.

◇ **32(b) — Selection criteria**

The regulations establish:

the criteria for each category,
assessment methods (point grids, etc.),
including criteria for family members.

◇ **32(c) — Decisions by designated bodies**

Some criteria can be assessed by third parties (e.g., ESDC for LMIA's).

✓ In short:

Some decisions are shared between different bodies.

◇ **32(d) — Conditions imposed on PRs and TRs**

The regulations set out conditions that may be:

imposed,

varied,

lifted,

on PRs and TRs, including for:

studies,

types of authorized activities.

◇ **32(d.1) — Conditions imposed on employers and schools**

The regulations may impose obligations on:

employers,

educational institutions,

in relation to foreign nationals and PRs (e.g., declarations, checks, compliance).

The regulations allow the government to require information:

to verify compliance with conditions.

◇ **32(d.3) — Consequences of non-compliance**

The regulations define penalties for failing to comply with conditions.

◇ **32(d.4) — Administrative penalties for employers**

A regime of financial penalties is provided for employers who do not comply with the rules (conditions, authorizations, etc.).

◇ **32(d.5) — Employer information obligations**

Employers may be required to provide:

regulatory information relating to a foreign national's authorization to work.

◇ **32(e) — Residency obligation**

The regulations define:

how to count days,

the applicable periods,

exceptions to the PR residency obligation.

◇ **32(f) — Travel documents and status documents**

The regulations determine:

when to issue, renew, or revoke:

the PR/protected person status document,

the PR travel document.

🔗 **ULTRA-COMPACT SUMMARY (for EAP)**

Section	Key point
31(1)	PRs and protected persons receive a status document.
31(2)	With a status document = presumed to have status. Outside Canada without the document = presumed NOT PR.
31(3)	PR travel document → to return to Canada without a PR

	card (conditions).
31.1	Designated foreign national → accepted refugee ≠ lawfully resident; must become PR or obtain a TRP to receive a travel document.
32	Regulations: TR categories, criteria, conditions for PR/TR, inspections, sanctions, residency obligation, travel documents/status documents.

Section 4:

■ ART. 33 — General interpretation

Facts that make a person inadmissible (sections 34 to 37) are assessed using:

➔ “reasonable grounds to believe”

Meaning an officer does not need absolute proof: a serious possibility is enough.

✓ In short:

Low evidentiary threshold, based on credible information.

■ ART. 34 — Inadmissibility: Security

A person is inadmissible on security grounds if they:

- a) engage in espionage against Canada;
- b) engage in or instigate the overthrow by force of any government;
- b.1) engage in subversion against democratic institutions;
- c) engage in terrorism;
- d) are a danger to the security of Canada;
- e) engage in acts of violence that would or might endanger the lives or safety of persons in Canada;

f) are a member of an organization that engages in any of the above activities (espionage, terrorism, subversion, violence).

✓ In short:

Security = espionage, terrorism, serious violence, overthrow of government, subversion, danger to Canada.

▣ ART. 35 — Inadmissibility: Violating human or international rights

A person is inadmissible if they:

a) committed, outside Canada, a crime against humanity or a war crime; (offences set out in the Crimes Against Humanity and War Crimes Act)

b) held a senior position in a government that:

commits terrorism,

grossly violates human rights,

commits genocide, crimes against humanity, or war crimes.

c.1) engaged in conduct that would constitute the Criminal Code offence 240.1 (child sex tourism).

✓ In short:

Human rights = war crimes, genocide, senior responsibility in abusive regimes, or serious human-rights violations.

▣ ART. 35.1 — Inadmissibility: International sanctions

(1) A person is inadmissible if they:

a) are subject to sanctions of an international organization in which Canada participates;

b) are subject to a measure under the Special Economic Measures Act;

c) are subject to a measure under the Magnitsky law (sanctions against corrupt foreign officials).

(2) — End of inadmissibility

If the sanctions cease, the person is no longer inadmissible.

✓ In short:

Inadmissibility = a person targeted by Canada's international sanctions.

■ **ART. 36 — Inadmissibility: Criminality**

◆ **36(1) — Serious criminality**

A person is inadmissible for serious criminality if:

a) In Canada

convicted of an offence with a maximum sentence of 10 years or more,
OR

received a term of imprisonment of more than 6 months.

b) Outside Canada

convicted of an offence that, if committed in Canada, would be punishable by 10 years or more.

c) Outside Canada

committed an act that would be punishable by 10 years or more in Canada
(even without a conviction).

✓ In short:

Serious criminality = serious offences (heavy penalties) in Canada or abroad.

◆ **36(2) — Criminality (less serious)**

Applies to foreign nationals only, not to permanent residents.

A person is inadmissible if they:

a) In Canada

convicted of an indictable offence,
or

convicted of two separate offences.

b) Outside Canada

convicted of an offence that would be an indictable offence in Canada,
or

two separate offences that would be offences in Canada.

c) Outside Canada

committed an act that would be an indictable offence in Canada.

✓ In short:

Criminality = one indictable offence or two separate offences.

Serious criminality = very serious offences (10+ years).

 **ULTRA-COMPACT SUMMARY (for EAP)**

Article	Key point
33	Facts are assessed using “reasonable grounds to believe” (low threshold).
34	Security: terrorism, espionage, serious violence, subversion, danger to Canada.
35	Human rights: crimes against humanity, senior officials of abusive regimes, serious offences (240.1).
35.1	Sanctions: persons targeted by international sanctions (SEMA, Magnitsky).
36(1)	Serious criminality: offences punishable by 10+ years / sentence > 6 months / serious crimes abroad.
36(2)	Criminality: indictable offence or two offences — foreign nationals only.

■ ART. 36(2.1) — Transborder criminality

A foreign national (not a permanent resident) is inadmissible if they:

- ➔ commit, at the time of their entry into Canada, an offence set out in the regulations
- ➔ that is also an offence under a federal statute (e.g., customs, immigration, drugs).

Import prohibited goods without declaring them.

Provide false documents at the border.

■ ART. 36(3) — Application rules

a) A hybrid offence is treated as indictable

Even if prosecuted summarily, it counts as an indictable offence for inadmissibility purposes.

b) If the conviction is erased

Record suspension (pardon)

- ➔ No inadmissibility.

c) Rehabilitation may be possible

For offences committed outside Canada:

After a regulatory waiting period, the person may be found “rehabilitated”.

Some categories are deemed rehabilitated automatically.

- ➔ If rehabilitation is accepted → the person is no longer inadmissible.

d) Higher proof standard for a permanent resident

For them, the evidence must be based on the balance of probabilities (stronger proof).

e) Exceptions (CANNOT ground inadmissibility)

Offences classified as contraventions (e.g., minor fines).

Offences under the former Young Offenders Act.

Offences with a specific youth sentence.

✓ In short:

Minor offences or youth offences = no inadmissibility.

■ ART. 37 — Organized criminality

A person is inadmissible if they:

a) are a member of a criminal organization

or

participate in a pattern of organized criminal activity (e.g., organized gang, cartel).

➔ No absolute proof required → “reasonable grounds to believe”.

b) participate in transnational crime

Human smuggling

Human trafficking

A person is not automatically inadmissible simply because they used a smuggler to enter Canada.

✓ In short:

It targets those who participate, not merely those who used a service.

■ ART. 38 — Health grounds

(1) Inadmissibility on health grounds if:

A foreign national's health condition:

is likely to be a danger to public health,

a danger to public safety,

OR is likely to cause excessive demand on health or social services.

Serious communicable diseases, dangerous behaviours, extremely high medical costs.

(2) Exceptions (no inadmissibility for excessive demand)

The following categories cannot be refused for excessive demand:

- a) Spouse / partner / child of an approved sponsor
- b) Refugee outside Canada
- c) Protected person
- d) Immediate family of the above categories

✓ In short:

Refugees and close sponsored family members are not excluded for excessive demand.

■ ART. 39 — Financial grounds

A person is inadmissible if they:

cannot support themselves,

or refuse to do so,

and do not show they have the necessary resources without social assistance.

No income, no guarantor, no proof of means.

✓ In short:

Canada refuses entry to those likely to become a charge on the state.

■ ART. 40 — Misrepresentation

A person is inadmissible if they:

- a) make a misrepresentation or withhold a material fact

If it results in, or could result in, an error in the administration of the Act.

Lie about marital status

Hide a criminal record

Provide a fake diploma

b) were sponsored by a sponsor found guilty of misrepresentation

The sponsor lied → it also affects the sponsored person.

c) had their refugee claim vacated on final determination

(vacation = as if the claim had never been valid)

d) lost Canadian citizenship for fraud or misrepresentation

Under sections 10(1), 10(2) and 10.1(3) of the Citizenship Act.

✓ In short:

Any fraud, omission, or lie = a 5-year inadmissibility period and refusal.

🌀 ULTRA-SUMMARY (to memorize)

Article	Quick summary
36(2.1)	Border offence at entry = inadmissibility (foreign nationals only).
36(3)	Clarifications: hybrid offences treated as indictable, rehabilitation possible, minors excluded.
37	Organized criminality: gangs, human trafficking, money laundering.
38	Health: danger / excessive demand (exceptions for refugees and close family).
39	Financial: inability to support oneself without social assistance.
40	Misrepresentation: lies, omissions, fraud → inadmissibility.

■ ART. 40(2) — Length and conditions of inadmissibility for misrepresentation

◆ a) Length of inadmissibility

If a person (foreign national or permanent resident outside Canada) is found guilty of misrepresentation, the inadmissibility period lasts:

→ 5 years

starting from:

the final determination, if the person is not in Canada,

or after the removal order is enforced, if they were in Canada.

◆ **b) Special condition (para. 1(b))**

This paragraph on misrepresentation by a sponsor applies only if the Minister is satisfied.

✓ The Minister must find that the facts justify the inadmissibility.

■ **ART. 40(3) — Effect on permanent residence applications**

During the 5-year inadmissibility period:

→ The foreign national CANNOT apply for permanent residence.

This is an automatic consequence of inadmissibility for misrepresentation.

■ **ART. 40.1 — Loss of refugee protection = inadmissibility**

◆ **(1) For a foreign national**

If the Board makes a final decision that the person loses their refugee or protected person status (section 108(2)):

→ They become inadmissible immediately.

◆ **(2) For a permanent resident whose refugee status is ceased**

If a permanent resident loses their refugee protection status (for fraud, lies, voluntarily returning to the country of origin, etc.):

→ They become inadmissible automatically.

✓ Refugee status withdrawn = permanent resident status at risk.

ARTICLE 41 — Inadmissibility for non-compliance with the Act

- ◆ For a foreign national

Inadmissible if:

 **They violate any part of the Act (act or omission).**

Examples:

Illegal entry

Failure to comply with a permit condition

Working without a permit

- ◆ For a permanent resident

Inadmissible if:

 **They do not comply with:**

the residency obligation (730 days / 5 years),

regulatory conditions,

Permanent resident living 5 years outside Canada with no exceptions.


ARTICLE 42 — Family inadmissibility

Applies to foreign nationals, except permanent residents and protected persons.

- ◇ **(1) A foreign national is inadmissible if:**

a) A family member is inadmissible.

b) They accompany a family member who is inadmissible.

 The idea: the family is treated as a unit.

◇ **ARTICLE 42(2) — Exception for temporary residents**

If the person is (or is applying to be) a temporary resident, family inadmissibility only applies if the family member is inadmissible for:

Security (art. 34)

Organized criminality (37)

✓ Therefore:

A simple medical or financial issue of a family member does NOT prevent a temporary visa.

▣ **ARTICLE 42.1 — Possible exception to certain serious inadmissibilities**

This article allows certain very serious inadmissibilities to be set aside (security, international violations, organized criminality).

- ◆ (1) On application

The foreign national may request an exemption if:

➔ They convince the Minister that it is not contrary to the national interest.

- ◆ (2) On the Minister's initiative

The Minister may grant the exemption even without an application.

- ◆ (3) Criteria

The Minister considers only:

➔ National security and public safety, not the applicant's personal interest.

✓ This power is rare and exceptional.

ARTICLE 43 — Regulations

This article simply says that:

- The government may make regulations to implement this whole section (inadmissibility).
- It may define terms, specify exceptions, and create exempt categories.

ULTRA-SIMPLE SUMMARY (for EAP memorization)

Article	Key idea
40(2)	Inadmissibility for misrepresentation lasts 5 years.
40(3)	During those 5 years → no PR application is possible.
40.1	Loss of refugee protection = automatic inadmissibility (foreign national / PR).
41	Any violation of the Act = inadmissibility.
42	Family inadmissibility (applies only to foreign nationals).
42(2)	Exception for temporary visas (only if the family member is inadmissible under 34/35/35.1/37).
42.1	The Minister may set aside a serious inadmissibility (security).
43	Regulatory power to implement the section.

Section 5:

ARTICLE 44 — Inadmissibility report

- ◆ (1) Report by an officer

If an officer believes that a foreign national or permanent resident in Canada is inadmissible, they:

- prepare a detailed report
- send it to the Minister.

- ◆ (2) Minister's decision

If the Minister finds the report well-founded, they have two options:

a) Refer to the Immigration Division

The case goes to an admissibility hearing, unless:

it is a permanent resident inadmissible only for failing to meet the residency obligation

or a foreign national in a special case provided by regulation.

b) Issue a removal order directly

Without going to the Immigration Division.

During the report, hearing, or before removal:

➔ the officer or the Division may impose conditions (reporting, address, bond).

- ◆ (4) National security cases

If the case involves section 34 (security) and the person is not detained:

➔ the officer must impose the mandatory regulatory conditions.

- ◆ (5) Duration of conditions

Conditions end ONLY when:

- a) the person is detained
- b) the report is withdrawn
- c) final decision: no removal
- d) the Minister grants an exemption (42.1)
- e) the removal order is enforced

ARTICLE 45 — Decisions of the Immigration Division

After a hearing, the Division may:

- a) Confirm the right to enter

For:

a permanent resident

b) Grant status

Grant permanent or temporary resident status to a foreign national who complies with the Act.

c) Authorize entry for further examination

With or without conditions.

d) Make a removal order

against the inadmissible foreign national

or a permanent resident found to be inadmissible.

 **ARTICLE 46 — Loss of permanent resident status**

◇ **Permanent resident status is lost if:**

a) The person becomes a Canadian citizen

PR status ends automatically.

b) A final determination that the residency obligation was not met

Decision made outside Canada.

c) The removal order comes into force

c.1) Loss of refugee protection (section 108)

Cessation of refugee status results in loss of PR status.

d) Vacation of the refugee/protected person decision

As if status had never been granted.

The person renounces their PR status.

◆ (1.1) Effect of renunciation

If a person renounces PR in Canada, they:

➔ become a temporary resident for 6 months, unless they renounce at the border or from outside Canada.

- ◆ (2) Loss of citizenship = return to PR status

If citizenship is revoked for fraud or misrepresentation:

➔ the person becomes a permanent resident again, subject to any exceptions.

▣ ARTICLE 47 — Loss of temporary resident status

Temporary resident status is lost if:

a) The authorized period expires

Visa, permit, implied status ends.

b) A determination for non-compliance with the Act

E.g., unauthorized work, overstay.

c) Revocation of a temporary resident permit (TRP)

▣ ARTICLE 48 — Enforcement of removal orders

(1) Enforceable

A removal order must be enforced as soon as it comes into force and there is no stay (suspension).

(2) Consequence

The foreign national must leave Canada immediately.

The government must enforce it as soon as possible.

▣ ARTICLE 49 — When a removal order comes into force

- ◆ (1) General rules

Without a right of appeal → it comes into force immediately.

With a right of appeal → it comes into force:

at the end of the appeal period (if no appeal),

or after the final decision of the Appeal Division.

The removal order is conditional; it comes into force only in the following situations:

a) Ineligibility under 101(1)(e)

(e.g., protection already obtained elsewhere).

→ Comes into force immediately.

b) Other ineligibility cases

→ 7 days after the decision.

c) Rejection by the Refugee Protection Division (RPD)

→ after the appeal period expires (110(2.1))

→ or 15 days after notification of the Refugee Appeal Division (RAD) rejection.

d) Abandonment or withdrawal of the claim

→ 15 days after notification.

e) File closed for failure to appear (section 104)

→ 15 days after notice of closure.

 **ULTRA-SIMPLE SUMMARY (ideal for exams)**

Article	What to remember
44	Officer's report → Minister → removal or hearing; mandatory conditions if security.
45	The Division may confirm, grant status, impose conditions, or order removal.
46	PR loses status by: citizenship, residency breach, removal, loss of refugee protection, vacation, renunciation.

47	TR loses status if expiry, violation of the Act, or TRP revocation.
48	Enforceable removal = the person must leave immediately.
49	Comes into force depending on appeal rights; special rules for refugee claimants.

ARTICLE 50 — Stay (pause) of a removal order

A removal order may be temporarily stayed in the following situations:

a) Court decision

If a court issues a decision that directly prevents the enforcement of the removal.

 Example: the Federal Court grants a stay.

As long as the foreign national is serving a prison sentence in Canada, the removal is stayed.

c) Stay granted by a competent tribunal

E.g., the Immigration Appeal Division (IAD) orders a stay.

d) Stay provided for in s. 114(1)

Cases related to applications for a pre-removal risk assessment.

e) Stay granted by the Minister

The Minister may personally stay the removal.

✓ In summary: Removal is temporarily blocked if a judicial or administrative authority prevents it, or if the person is serving a sentence.

▣ ARTICLE 51 — Lapse (cancellation) of the removal order

➔ If the person obtains permanent residence, any removal order that has not yet been enforced becomes void (lapses) and is therefore cancelled.

An applicant already subject to a removal order becomes a PR through sponsorship → the removal order is automatically cancelled.

▣ ARTICLE 52 — Bar on return

When a person is removed:

➔ **They are barred from returning to Canada, unless:**

an officer authorizes it,

or a regulation provides an exception.

(2) Return at the Minister's expense

If a non-appealable removal order is set aside after judicial review, the foreign national may:

➔ **return to Canada at the government's expense.**

▣ ARTICLE 53 — Regulations

The government may make regulations concerning:

conditions imposed on foreign nationals or PRs,

renunciation of PR status,

cases in which a removal order must be made or maintained,

restoration of status,

enforcement of removal (deadlines, procedures),

effects of a pardon (record suspension),

financial obligations related to removal.

✓ This article gives the power to organize all the practical functioning of removals.

SECTION 6:

Detention and release

ARTICLE 54 — Competent jurisdiction

➔ **The Immigration Division (ID) conducts detention reviews.**

ARTICLE 55 — Arrest and detention

- ◆ (1) Arrest with a warrant

An officer may issue a warrant if:

reasonable grounds to believe the person is inadmissible, AND

that they are a danger to the public, or are likely to flee an examination / investigation / removal.

➔ **This applies to PRs and foreign nationals.**

- ◆ (2) Arrest without a warrant (foreign nationals only)

a) Reasonable grounds to believe they are inadmissible and a danger or flight risk.

b) Their identity has not been established.

➔ **Example: a foreign national with no identity documents at the border.**

- ◆ (3) Detention at entry to Canada

An officer may detain a PR or a foreign national who arrives if:

a) detention is necessary to complete the examination,

b) there are reasonable grounds to suspect they are inadmissible for:

security (34)

serious criminality (36),
regular criminality (36),
cross-border criminality (36(2.1)),
organized criminality (37)

◆ (3.1) Designated foreign national (irregular arrivals) — mandatory detention

If a group is designated (irregular arrival, s. 20.1):

a) On arrival

Anyone aged 16+ → mandatory detention.

b) After entry

arrest and detain without a warrant,

or issue a warrant.

✓ Strict policy tied to large-scale or organized arrivals.

The officer must immediately notify the Immigration Division of any detention.

▣ ARTICLE 56 — Release

(1) Release by the officer

Before the first detention review by the Division:

➡ **The officer may release the person if the grounds for detention no longer exist.**

They may impose:

reporting requirements.

Example:

A person is detained because their identity was not established → documents obtained → release.

QUICK SUMMARY (to memorize)

ARTICLE 56(2) — Duration of detention for designated foreign nationals

Who is covered?

Designated foreign nationals (irregular arrivals, s. 20.1) aged 16 or older at the time of arrival.

Unlike other detainees, they remain detained until one of the following occurs:

a) Their refugee claim is accepted (final decision)

→ They become protected persons → release.

b) The Immigration Division orders release (section 58)

→ The release takes effect.

c) The Minister orders release (section 58.1)

→ For example, in exceptional circumstances.

✓ Key idea:

Designated foreign nationals are subject to strict and prolonged detention, with limited exceptions.

ARTICLE 56(3) to (4) — Mandatory conditions in security cases

(3) Release of a person linked to security

If a permanent resident or foreign national:

is the subject of an inadmissibility report for security,

OR of a removal order for security,

➔ **The officer must impose the mandatory regulatory conditions (e.g., reporting, restrictions).**

(4) Duration of the conditions

These conditions continue until:

The same events listed in 44(5)(a) to (e), namely:

- a) the person is detained,
- b) the report is withdrawn,
- c) final decision: no removal,
- d) Minister's exemption (42.1),
- e) removal enforced.

ARTICLE 57 — Detention review

(1) First review

Within 48 hours of detention.

(2) Subsequent reviews

Within 7 days after the first,

Then every 30 days.

(3) Attendance

The person must be brought to the hearing (or to the place set).

ARTICLE 57.1 — Detention review: designated foreign nationals

Applies to designated foreign nationals aged 16 or older.

(1) First review

→ **Within 14 days (instead of 48 hours).**

(2) Subsequent reviews

→ **Every 6 months (instead of every 30 days).**

→ **No review before those 6 months.**

(3) Mandatory attendance

The officer brings the person to the designated place.

✓ Key idea:

Designated foreign nationals have a stricter, less frequent review regime.

ARTICLE 58 — Release by the Division

The Division must release the person, unless at least one of the grounds below is established:

a) Danger to the public

Violence, criminality, threats, etc.

b) Risk of flight

High risk of hiding to avoid examination, investigation, or removal.

c) The Minister is investigating possible serious inadmissibility

Security (34), human rights violations (35), sanctions (35.1), serious criminality (36), organized criminality (37).

d) Identity not established (standard foreign national)

Either the foreign national is not cooperating, or the identity investigation is ongoing.

e) Identity not established (designated foreign national)

Stricter specific rule.

■ ARTICLE 58(1.1) — Mandatory detention: designated foreign national

At the first review (14 days):

- ➔ The Division must maintain detention if one of the grounds (a) to (c) or (e) is established.
- ➔ It may not consider any other factor.

■ ARTICLE 58(2) — Detention ordered by the Division

The Division may order detention if:

The person is subject to an examination, investigation, or removal,
AND
they are a danger or a flight risk.

■ ARTICLE 58(3) — Conditions of release

The Division may impose conditions:

regular reporting,
travel restrictions.

■ ARTICLE 58(4) — Mandatory conditions for designated foreign nationals

If the Division releases a designated foreign national (16+):

- ➔ It must impose the mandatory regulatory conditions.

■ ARTICLE 58(5) and (6) — Security conditions

For security cases (section 34):

mandatory conditions are imposed,
they end only upon the events in 44(5)(a) to (e).

■ ARTICLE 58.1 — Release by the Minister

(1) On application

A designated foreign national (16+) may request release.

→ The Minister may grant it if exceptional circumstances justify it.
E.g., serious health issues, vulnerability, children.

(2) On the Minister's initiative

If the grounds for detention no longer exist, the Minister may release without an application.

The Minister may impose conditions (like the Division).

(4) Security cases

Mandatory conditions apply if the person falls under section 34.

(5) Duration

The conditions end upon the events in 44(5)(a) to (e).

■ ARTICLE 59 — Handover to the officer

If a person is detained under another law (e.g., Criminal Code) but is the subject of an immigration warrant:

→ The institution must hand the person over to the officer when the sentence ends.

■ ARTICLE 60 — Minors

→ Detention of a minor must be a measure of last resort.

considering the best interests of the child,

and the usual detention factors (danger, flight, identity, etc.).

■ ARTICLE 61 — Regulations (release and detention)

Regulations may specify:

a) Grounds and criteria for release

E.g., types of guarantees, acceptable evidence.

a.1) Types of conditions that may be imposed

By an officer, the Division, or the Minister.

a.2) Types of mandatory conditions for designated foreign nationals

Age 16 and over.

a.3) Mandatory conditions for individuals linked to security

(report or removal on security grounds).

b) Criteria for detention

To guide officers and the Division.

c) Specific factors for minors

E.g., alternatives to detention.

 QUICK SUMMARY (perfect for the EAP exam)

Article	Summary
56(2)	Designated foreign nationals (16+) remain detained until 1) ... asylum, 2) release by the Division, 3) release by the Minister.
56(3)-(4)	Mandatory conditions for security cases; end only under 44(5).
57	Reviews: 48h → 7 days → every 30 days.
57.1	Designated foreign nationals: 14 days → every 6 months.
58	Release by the Division unless danger, flight, identity, or a security investigation.
58.1	Exceptional release by the Minister (on request or initiative).
59	Handover to the officer after criminal detention ends.
60	Detention of minors = last resort.
61	Regulations define criteria, conditions, minors.

Section 7:

■ SECTION: RIGHT OF APPEAL (SECTIONS 62 to 69)

General overview

The Immigration Appeal Division (IAD) deals with different types of appeals: visa refusals, removal orders, and the residency obligation. The right of appeal may be restricted for certain serious grounds of inadmissibility.

The IAD may:

allow the appeal,

grant a stay,

dismiss the appeal.

Humanitarian and compassionate considerations may apply, subject to exceptions.

■ ARTICLE 62 – Competent jurisdiction

The Immigration Appeal Division (IAD) is the body that decides the appeals provided for in this section.

■ ARTICLE 63 – Who may appeal?

(1) Sponsorship – Visa refusal

A sponsor under the family class may appeal the refusal of the sponsored foreign national's visa.

(2) Permanent resident visa holder – Removal

A PR visa holder may appeal a removal order made by:

an officer (44(2)), or

the Immigration Division.

(3) Permanent resident or protected person – Removal

They may also appeal a removal order made against them.

(4) Residency obligation (outside Canada)

A permanent resident may appeal a negative decision made outside Canada regarding compliance with the residency obligation (730 days).

(5) Minister's appeal

The Minister may appeal a decision of the Immigration Division.

■ **ARTICLE 64 – Restrictions on the right of appeal**

(1) No appeal for persons inadmissible for:

security (34),

serious criminality (36(1)),

organized criminality (37).

→ Their sponsor cannot appeal either.

(2) Definition of serious criminality

a conviction in Canada with ≥ 6 months' imprisonment,

or conduct described in 36(1)(b) and (c) (foreign offences equivalent in Canada).

(3) Misrepresentation and sponsorship

No appeal from a refusal for misrepresentation unless the foreign national is:

the spouse / common-law partner,

or the sponsor's child.

■ **ARTICLE 65 – Humanitarian considerations: limits**

In sponsorship appeals (63(1) and (2)):

Humanitarian considerations are examined only if:

The foreign national truly falls within the “family class”;

The sponsor meets the regulatory requirements.

■ **ARTICLE 66 – Possible outcomes of the appeal**

The Division may:

- a) allow the appeal → under section 67;
- b) stay the removal order → under section 68;
- c) dismiss the appeal → under section 69.

■ **ARTICLE 67 – When is an appeal allowed?**

The IAD sets aside the decision if one of the following is established:

(1)(a) Error in law, fact, or mixed law and fact

E.g., misinterpretation of the evidence or the law.

(1)(b) Breach of the principles of natural justice

E.g., inability to be heard, bias.

(1)(c) Humanitarian considerations (except a Minister’s appeal)

If exceptional circumstances justify special relief, taking into account:

- ➔ the best interests of any child directly affected.

The decision is quashed and replaced with:

the appropriate decision (e.g., cancelling removal),

or the matter is referred back to the original decision-maker.

■ **ARTICLE 68 – Stay of the removal order**

(1) When may a stay be granted?

If, considering the best interests of a child, humanitarian and compassionate considerations justify special relief.

(2) Effects of the stay:

the Division imposes the regulatory conditions + other useful conditions,

the previous conditions are cancelled,

non-regulatory conditions may be modified or lifted,

the stay may be cancelled on the Division's own initiative or on request.

The Division may reopen the appeal at any time (on its own initiative or on request).

(4) Automatic cancellation

The stay is automatically cancelled if the person (PR or foreign national) commits a new offence of the serious criminality type within the meaning of 36(1).

→ The appeal is then discontinued.

■ **ARTICLE 69 – Dismissal of the appeal**

The appeal is dismissed if:

■ **ARTICLE 69 – Dismissal of the appeal**

The appeal is dismissed if:

the grounds under 67(1) are not established,

or if no stay is justified (s. 68).

(2) Special case: Minister's appeal

Even if there is an error of law or fact, the IAD may:

→ dismiss the Minister's appeal,

→ or grant a stay despite the error,

if humanitarian considerations (and the best interests of the child) justify special relief.

OPERATIONAL SUMMARY FOR EAP

REMOVAL ORDER — Section 69(3)

(This subsection is part of the Immigration Appeal Division — continuation of the rules on appeals.)

When the Immigration Appeal Division (IAD) dismisses the ... under subsection 63(4) (appeal of a removal order imp... removal order imposed by the Immigration Division), then:

 It must issue a removal order against that permanent resident who is in Canada.

Key idea

For a permanent resident:

They may appeal a removal order (subject to exceptions, e.g., serious criminality).

If the appeal fails, the IAD formally orders removal.

✓ Automatic effect: removal is confirmed by the IAD.

ARTICLE 70 — Effect of decisions rendered by the IAD

70(1) – The officer is bound by the IAD’s decision

During the examination of a permanent resident or foreign national, ... must respect the IAD decision that allowed the appeal.

 The officer cannot revisit what the IAD decided.

If the IAD decides that the person is not inadmissible,

→ the officer must apply that finding.

70(2) – Suspension of the examination if the Minister seeks judicial review

If the Minister applies for leave to bring the IAD decision for judicial review before the Federal Court:

→ The officer's examination regarding the permanent resident / foreign national is suspended

→ Until a final decision is made on that application.

Practical consequence

No administrative measure (e.g., removal, final decision) ... may be taken until the judicial process is fully completed.

✓ This protects the person from enforcement while the Minister challenges the decision.

ARTICLE 71 — Reopening of the appeal

Who may request reopening?

→ A foreign national

→ Who has not left Canada despite the removal order made against them.

In what case?

→ If they can show a breach of a principle of natural justice.

This may include:

right to be heard not respected,

bias,

serious procedural error.

Consequence

The Immigration Appeal Division may reopen the matter despite the confirmed removal.

 **QUICK SUMMARY (for the EAP exam)**

Section 8:

SECTION: JUDICIAL REVIEW (Sections 72 to 75)

72 — Judicial review: Application for leave

Summary

To challenge an immigration decision before the Federal C... mandatory step before the Court actually examines the case.

Key details

No immigration decision may be challenged without an application for leave (except rare exceptions such as 86.1).

72(2) - Rules for the application

a) All avenues of appeal must be exhausted before the application.

b) Strict time limits:

15 days if the decision was made in Canada

60 days if the decision was made abroad

→ the time limit runs from the date the person is notified.

- c) The time limit may be extended if there are valid reasons (e.g., illness, material impossibility).
- d) The Court rules quickly, on the record, without an in-person hearing unless the judge permits it.
- e) Decisions regarding leave cannot be appealed.

73 — Minister's intervention

The Minister may apply for leave to seek judicial review:

➔ even if they did not participate in the initial hearing before the RPD or RAD.

This is an expanded strategic power.

74 — Rules on judicial review

Once leave is granted:

- a) The judge sets the date and place of the hearing.
- b) The hearing must take place between 30 and 90 days (unless the parties consent).
- c) The procedure is expedited and summary.
- d) The judgment may be appealed only if the judge certifies a serious question of general importance and states it.

➔ This is a very strict filter: only important cases reach the Court of Appeal.

75 — Procedural rules

The rules committee may establish specific rules for:

judicial review,

And these rules prevail over those of the Federal Courts Act in case of conflict.

SECTION 9: (not for CRIC)

OPERATIONAL SUMMARY

Topic	Key content	Practical effect
Mandatory hearing	Art. 113.01 : irrecevabilité 101(1)c.1)	Strengthens procedural fairness
Decision PRRA	Asile ou sursis	Protection complète ou limitée
Révocation / annulation	Dépend des risques actuels ou des fausses déclarations	Mécanismes de réexamen
No-refoulement	Protection forte sauf exceptions graves	Équilibre entre droits et sécurité
Exceptions	Sécurité / grande criminalité	Renvoi possible malgré les risques
Regulations	Procédure, audiences, critères	Mise en œuvre détaillée

Summary – All deadlines in one table

Topic	Applicable deadline	Reference
Documents/information (refugee claim)	15 calendar days (intérieur) / 45 jours (port of entry)	Rules PRD – art. 7 et 8
Fixation de l'audience à la PRD	30, 45 ou 60 days selon le type de claim	Rules PRD – art. 159.91
Exceptions à 110(2)d) – appels permis	Cas limités définis par règlement (personnes venant d'un pays tiers désigné mais exemptées)	IPRR 159.92
Deadlines pour interjeter appel RAD	Avis d'appel : 15 jours / Dossier d'appel : 30 jours	Rules RAD – art. 3 et 9
Deadlines pour décision RAD	90 days (no hearing) / extensions possible in exceptions	Rules RAD – art. 159.92(4)

▣ Details by section

◇ A) Deadlines to provide information and documents (s. 99(3.1) and 100(4))

The deadlines are not in the Act, but in the Refugee Protection Division (RPD) Rules.

✓ 1. Claim made inside Canada (s. 99(3.1))

The claimant must provide:

their Basis of Claim (BOC) Form +

supporting evidence documents,

within 15 calendar days after the date the claim is referred to the RPD.

→ Reference: RPD Rule 7(1).

✓ 2. Claim made at a port of entry (s. 100(4))

In this case, the deadlines are longer:

45 calendar days after referral to submit:

the BOC,

supporting documents.

→ Reference: RPD Rule 8.

◇ B) Time limit to set the RPD hearing date (s. 100(4.1))

Timeframes are set by regulation + directives from the IRB Chairperson.

✓ Current time limits:

Type of claimant	Maximum time limit for the RPD hearing
Ressortissants de pays d'origine désignés (POD)	30 days (intérieur) / 45 days (border)
All other claimants	60 days

→ References:

Regulations 159.91 (via s. 111.1)

IRB Chairperson's Guidelines (2019).

◇ C) Exceptions to the no-appeal rule for cases covered by 110(2)(d)

Paragraph 110(2)(d) generally bars an appeal for people arriving from a safe third country (designated under s. 102).

However, the Regulations provide exceptions (111.1(1)(c)).

✓ Exceptions where an RAD appeal is allowed

An appeal is possible when:

the claimant was not subject to the Safe Third Country Agreement (STCA), even if coming from a designated country, because they qualify for a regulatory exception.

the designated safe third country does not properly apply its Refugee Convention obligations (case-by-case analysis, very rare).

the claimant shows that the claim was not found ineligible under 101(1)(e) (e.g., no transfer to the U.S.).

→ Reference: IRPR 159.92(3).

◇ D) Deadlines to file and perfect an RAD appeal (s. 110(2.1))

The Refugee Appeal Division (RAD) Rules set the deadlines:

✓ 1. Filing the Notice of Appeal

15 calendar days after receiving the RPD decision.

→ RAD Rule 3.

✓ 2. Filing the complete appeal record

30 calendar days after receiving the RPD decision.

→ RAD Rule 9.

The record must include:

written submissions (memoranda),
permitted new evidence (s. 110(4)),

◇ **E) Deadlines for RAD decisions (s. 110(3.1) and 111.1(1)(e))**

✓ **1. Standard time limit**

The RAD must make its decision within 90 days after:
receipt of the complete record,
unless it decides to hold a hearing.

→ Regulation 159.92(4).

✓ **2. Exceptions where the 90-day time limit does not apply**

The time limit does not apply if:

a hearing is held (110(6)),
the RAD requests additional material or the record is referred back,
exceptional circumstances arise (serious illness, major legal complexity).

The IRB Chairperson may authorize departures:

change of country of origin,
new risks raised.

→ Regulation 159.92(5).

▣ **Final summary – ultra-compact version**

BOC documents: 15 days (inland) / 45 days (border).

RPD hearing: 30–60 days depending on the category.

Exceptions to 110(2)(d): cases not actually subject to the STCA or regulatory exceptions.

RAD decision: 90 days, extendable / paused if a hearing is held.

Table of deadlines after a refusal or request for information (Canada Immigration)

Type of decision / situation	Possible action	Legal / recommended time limit
Refusal of an application (PR, study permit, work permit, visa)	Reconsideration request via the IRCC webform	Pas de délai strict, mais agir rapidement (quelques jours à semaines) [venioimmigration.com]
	New application (if there are new elements)	À tout moment, sauf si la lettre indique une interdiction temporaire [ircc.canada.ca]
	Judicial review (Federal Court)	15 jours si décision rendue au Canada, 60 jours si à l'étranger [fct-cf.ca], [askaia.ca]
Refusal or negative refugee decision (RPD)	Appel à la Refugee Appeal Division (RAD)	Notice of Appeal: 15 days after receiving the written reasons; Complete appeal record: 45 days after receiving the reasons [irb-cisr.gc.ca]
Request for additional information or documents (IRCC)	Téléversement via compte IRCC	Before the deadline indicated in the IRCC letter (often 30 days or less) [ircc.canada.ca]
Remedy after refusal of family sponsorship	Appel à la Section d'appel de l'immigration (SAI)	Generally 30 days after the decision [canada.ca]
Correcting errors in an application	IRCC webform	Dès constatation, pas de délai fixe mais agir vite [immigratio...canada.com]

Act quickly: even if some remedies have no strict legal deadline (e.g., reconsideration), the longer you wait, the lower your chances are.

Meet mandatory deadlines: judicial review (15/60), RAD appeals (15 and 45 days).

Summary table

Category	Description	Required documents	Fees	Typical processing time	Useful links
Cadre légal	LIPR : régit immigration, PR, réfugiés, interdictions, recours. Intègre Convention de 1951 et Protocole de 1967.	Texte de loi, pièces d'identité	N/A	Varies	IRCC link
Processus PR	Express Entry, PCP, Quebec (CSQ), family sponsorship, Start-Up Visa.	Formulaires IMM, evidence d'job, CSQ	1 365 \$ CAN (PR)	6 months (Express Entry)	IRCC Express Entry link
Programs provinciaux et Quebec	PCP : travailleurs qualifiés, étudiants, entrepreneurs. Quebec : PRTQ, PEQ.	CSQ, formulaires provinciaux	Varies	8-12 months	Quebec Immigration link
Protection des réfugiés	Demande d'asile, réinstallation, recours PRD/RAD.	Formulaire de claim d'asile, evidence	Free	Varies	IRB link
Interdictions de territoire	Motifs : sécurité, criminalité, santé, finances, fausses déclarations.	Casier judiciaire, certificats médicaux	Varies	Varies	IRCC inadmissibility link
Permis d'études	Obligatoire pour études >6 mois (EED, CAQ au	Lettre d'acceptation, CAQ, passeport	150 \$ CAN	8-12 semaines	Lien IRCC Studies

	Quebec).				
Permis de work	Fermé (employeur) ou ouvert (post-diplôme, conjoint).	Job offer, LMIA si requis	155 \$ CAN	8-12 semaines	Lien IRCC Work
Super Visa	Parents/grand s-parents, séjour jusqu'à 5 years.	Proofs financières, assurance médicale	100 \$ CAN	8-12 semaines	Lien IRCC Super Visa
eTA (eVisa)	Autorisation électronique pour voyageurs aériens.	Passeport valide	7 \$ CAN	Quelques minutes	Lien IRCC eTA
Entrée irrégulière	Passage hors point officiel, claim d'asile après contrôle.	Pièces d'identité, formulaire d'asile	Free	Varies	IRB link
Déontologie CRIC	Code éthique : compétence, intégrité, protection du public.	Licence CRIC	Frais d'adhésion CRIC	N/A	Lien CRIC
Comptes CRIC	Gestion transparente des fonds clients.	Contrat client	Varies	N/A	Lien CRIC
Refus et recours	Contrôle judiciaire, appels (SAI, RAD).	Formulaire d'appel, evidence	Varies	Plusieurs months	Lien Cour federal
Correction d'erreurs	Via formulaire Web IRCC ou claim écrite.	Formulaire de correction	Free	Varies	IRCC link
Work sans permis	Interdit sauf exceptions (ex. étudiants sur campus).	N/A	Sanctions	N/A	IRCC link
Intérêt supérieur de l'enfant	Principe fondamental dans décisions (art. 25.1 LIPR).	Proofs familiales	N/A	Varies	IRCC link

Table – Immigration programs in Canada: requirements & Express Entry

1. Federal economic programs

Program	Requirements principales	Express Entry?
Workers qualifiés (federal – FSWP)	Expérience qualifiée (NOC 0/A/B), diplôme évalué, preuve linguistique (CLB 7 min), fonds d'établissement, ≥ 67/100 au système FSW	✓ Yes
Catégorie de l'expérience canadienne (CEC)	≥ 1 an d'expérience qualifiée au Canada (NOC 0/A/B) dans les 3 dernières années, preuve linguistique (CLB 7 pour NOC 0/A, CLB 5 pour NOC B), pas de fonds nécessaires	✓ Yes
Métiers spécialisés (FSTP)	Job offer OU certificat de qualification provincial, expérience ≥ 2 ans dans métiers spécialisés, CLB 4/5, fonds d'établissement	✓ Yes
Program pilote agroalimentaire (Agri-Food Pilot)	Expérience dans secteurs admissibles, offre d'emploi non saisonnière, langue min. CLB 4, études min. secondaire	✗ No
Program des aides familiaux (Home Child Care / Home Support Worker)	Job offer dans un rôle admissible, CLB 5, études min. postsecondaires 1 an	✗ No
Workers autonomes (Self-employed)	Expérience culturelle/sportive significative, intention de contribuer à la vie culturelle du Canada	✗ No
Program de démarrage d'entreprise (Start-Up Visa)	Lettre d'appui d'un incubateur/ange financier/fonds de capital, CLB 5, fonds d'établissement	✗ No

Program des candidats des provinces – volet lié à Express Entry	Dépend de la province; profil EE requis, nomination = +600 points CRS	✓ Yes (volets EE uniquement)
Program des candidats des provinces – volets hors EE	Requirements variées, souvent une offre d'emploi ou des études locales	✗ No

2. Provincial programs (PNP) – by province

Province / Program	Main requirements	Express Entry?
Ontario – Program des candidats à l'immigration (OINP)	Volets : compétences recherchées, offres d'emploi, francophones, Masters/PhD	Certains oui / certains non
Colombie-Britannique – BC PNP	Job offer en C.-B., système SIRS, diplômés internationaux	Certains oui / certains non
Alberta – AAIP	Demandes via EE, professions recherchées, basse CRS possible	Volets EE et hors EE
Saskatchewan – SINP	Express Entry ou Occupations In-Demand	Deux volets : EE et non-EE
Manitoba – MPNP	Lien au Manitoba, expérience, éducation	Volets EE et hors EE
Nouvelle-Écosse – NSNP	Priorité du marché, professions en claim	Volets EE et hors EE
Nouveau-Brunswick – NBNP	Job offer, études locales, immigration stratégique	Généralement non-EE (sauf Express Entry Stream)
Île-du-Prince-Édouard – PEI PNP	Job offer, catégorie de travailleurs qualifiés	Volets EE et non-EE
Terre-Neuve-et-Labrador – NLPNP	Job offer, secteur technologique	Généralement non-EE
Yukon / T.N.-O. / Nunavut	Job offer locale	✗ No

3. Pathways for Francophones

Program	Requirements	Express Entry?
Catégorie Express Entry – Volet francophone	Proof linguistique française (TEF/TCF),	✓ Yes

(FSW/CEC)	points CRS bonifiés	
Volet ONFIP (Ontario – francophones qualifiés)	CLB 7 français, noe offer requise	✗ No mais peut être lié à EE si FSW/CEC
Volets francophones des provinces (NB, SK, MB, etc.)	Varie selon province	Parfois

4. Business immigration and entrepreneurs

Program	Requirements	Express Entry?
Start-Up Visa (federal)	Lettre d'appui organisation désignée, fonds, CLB 5	✗ No
Workers autonomes (Self-employed)	Expérience artistique/sportive significative	✗ No
Entrepreneurs – Provinces (Ontario, BC, NB, Manitoba, etc.)	Investissement, gestion d'entreprise, plan d'affaires	✗ No
Immigration des investisseurs (Quebec)	Investissement Quebec, actifs suffisants	✗ No

Program	Conditions principales	Express Entry?
Réfugiés réinstallés / PSR / BVOR / GAR	Reconnaissance UNHCR ou parrainage	✗ No
Demandeur d'asile au Canada	Risques fondés sur art. 96-97	✗ No
Demande pour considérations d'ordre humanitaire (H&C)	Motifs humanitaires, établissement, intérêts de l'enfant	✗ No
Demande de protection — art. 112	Risque de torture, vie, traitement cruel	✗ No
Résidence permanente sur motifs publics (25.2)	Facteurs humanitaires ou politiques prioritaires	✗ No

6. Pilot pathways (experimental programs)

Program	Requirements	Express Entry?
Program pilote sur l'immigration atlantique (RNIP remplacé par RNIP)	Job offer dans communauté participante	✗ No

permanent)		
Program pilote des communautés rurales et nordiques (RNIP)	Employeur dans communauté, critères locaux	✗ No
Pilote agroalimentaire	Secteurs admissibles + expérience	✗ No
Pilote des gardiens d'enfants / préposés aux soins	Offer + expérience progressive	✗ No

Table – Quebec immigration programs

1. Economic immigration (skilled workers)

Program	Requirements principales	Express Entry?
Regular Skilled Worker Program (PRTQ) – Suspended	<ul style="list-style-type: none"> - Points selon la grille de sélection (âge, éducation, expérience, langue, offre d'emploi, etc.) - French requis (CLB/ÉQNCF élevé recommandé) - Expression of Interest via Arrima 	✗ No
Quebec Experience Program (PEQ – workers) – Closed	<ul style="list-style-type: none"> - 12 mois d'expérience au Québec dans emploi qualifié (NOC 0/A/B) - French avancé (oral B2 min) - Status temporaire valide 	✗ No
PEQ – diplômés du Québec- Closed	<ul style="list-style-type: none"> - Degree québécois admissible (DEP, DEC, Bac, etc.) - French B2 oral - Proof de résidence au Québec 	✗ No
Program pilote – travailleurs des secteurs IA, TI, effets visuels- Closed	<ul style="list-style-type: none"> - Secteurs technologiques prioritaires - Job offer au Québec - French pas toujours obligatoire (selon sous-volet) 	✗ No
Program pilote – préposés aux	<ul style="list-style-type: none"> - Expérience en soins - French intermédiaire 	✗ No

bénéficiaires (PAB)	(B1-B2) - Formation reconnue	
Program pilote – transformation alimentaire	- Experience dans secteur agroalimentaire - Job offer québécoise	✗ No

2. Entrepreneurial and business immigration

Program	Requirements	Express Entry?
Program des entrepreneurs (Quebec) – Volet 1	- Appui d'un incubateur/accélérateur - Plan d'affaires solide - Noe exigence financière minimale officielle	✗ No
Program des entrepreneurs – Volet 2	- Création ou acquisition d'entreprise - Investissement personnel substantiel - Actifs minimum	✗ No
Program des investisseurs (QIIP)	- Actifs nets élevés - Placement financier (via IQ/Quebec) - Résidence et obligations post-sélection	✗ No
Program des workers autonomes (Quebec)	- Experience pertinente - Capacité financière - Établir une activité indépendante au Quebec	✗ No

Program	Requirements	Express Entry?
Parrainage conjoints/enfants/parents (Quebec)	- Engagement financier auprès du MIFI - Étude du revenu (selon catégorie)	✗ No
Parrainage autres membres de la family	- Très limité, règles fédérales s'appliquent	✗ No

4. Humanitarian and refugee programs (Quebec)

(Quebec selection + federal admission)

Program	Requirements	Express Entry?
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Réfugiés pris en charge par l'État (Quebec)	Sélection par le Quebec + admissibilité fédérale	✗ No
Parrainage collectif (Groupes de 2 à 5, OSBL)	Engagement d'un groupe ou organisme québécois	✗ No
Demandes d'asile au Quebec	Décidées par la PRD (IRB), hors sélection Quebec	✗ No
Demande H&C (federal)	Facteurs d'établissement, enfants, vulnérabilité	✗ No

5. Quebec admission systems and tools

System / Program	Purpose	Express Entry?
Arrima	Plateforme de Déclaration d'Intérêt (PRTQ)	✗ No
EIMT (Quebec)	Appui pour permis de work temporaire	✗ No
CAQ (Certificat d'acceptation du Quebec)	Obligatoire pour études et certains permis de travail	✗ No
Certificat de sélection du Quebec (CSQ)	Document final de sélection avant PR	✗ No

No Quebec program uses Express Entry.

Quebec is excluded from Express Entry because it has its own independent selection (Arrima + CSQ).

The federal government only checks:

health

security

statutory admissibility

before granting permanent residence.

! Suspended or closed programs — especially in Quebec

Program / pathway	Status (suspended / closed / moratorium)
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<p>Program de l'expérience québécoise (PEQ) — volets « diplômés » et « travailleurs temporaires »</p>	<p>✘ Closedture effective en 2025. Les deux volets (gradués et travailleurs étrangers temporaires) sont arrêtés. Littler Mendelson P.C.+2R&K Consulting+2</p>
<p>Program régulier des travailleurs qualifiés (PRTQ) (et le successeur projeté Program de sélection des travailleurs qualifiés (PSTQ)) — Quebec**</p>	<p>🔒 Suspension temporaire annoncée en nov. 2024; plus d'invitations ni nouvelles claims jusqu'au moins le 30 juin 2025. fragomen.com+2Global News+2</p>
<p>Voies pilotes permanentes du Quebec (secteurs agroalimentaire, soins, TI/IA/effets visuels, etc.)</p>	<p>✘ Closedture programmée au 1^{er} janvier 2026. CIC News+1</p>
<p>Programs de parrainage familial (certains types, selon quota) sous la juridiction du Quebec</p>	<p>🚫 Le traitement de nouvelles claims a été ralenti ou limité dans plusieurs cas (quota atteint, priorisation des dossiers existants). Wikipedia+1</p>