



# Protected Person Permanent Residence Applications: the basics

5 December 2024

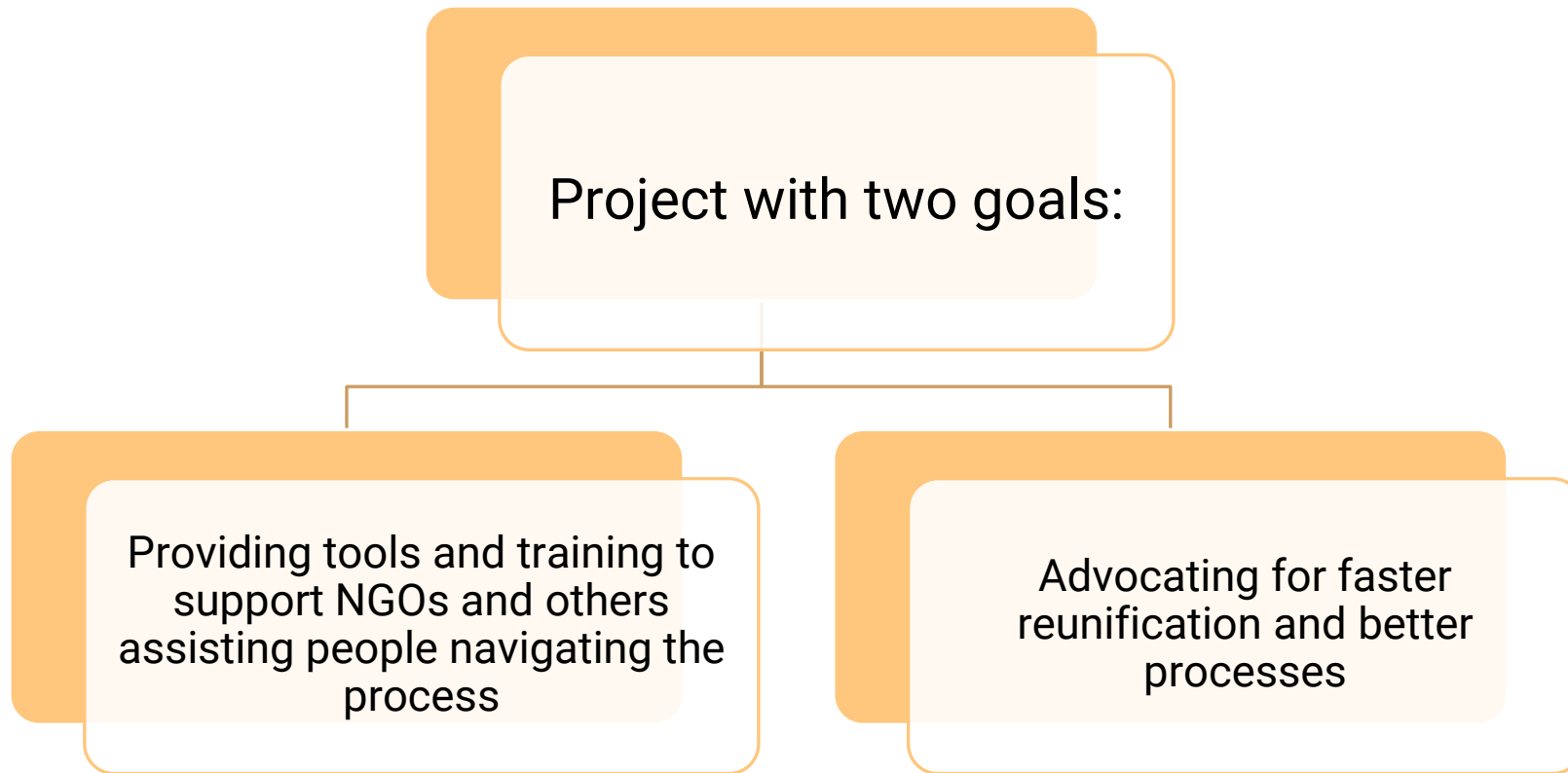
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# Moderators

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# Contacts

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# Webinar on basics of Protected Person permanent residence applications (including family reunification)

- Basics only!
- We will ask your input on most useful topics for follow up sessions
- Question period after presentation
- Recording of session will be available + we will send the slides

Thanks to OCASI for hosting the webinar!

# Our presenters

Edgar Valderrama Medina, FCJ Refugee Centre

Jennifer Wan, lawyer, Don Valley Community Legal Services

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# Protected Person PR applications + family members

- Applications by people accepted as Protected Persons in the refugee claim process in Canada (at Immigration and Refugee Board, or through Pre-Removal Risk Assessment)
- Can include immediate family members whether in Canada or outside Canada



# Overview of process

- Refugee (Protected Person) submits application online (through the IRCC permanent residence portal)
- Case Processing Centre Mississauga (CPC-M) reviews the application of Protected Person + any family members in Canada
- CPC-M will send various requests, such as for biometrics, new medicals, police certificates
- Once everything is complete, Protected Person and family members in Canada are invited to confirm permanent residence online
- Processing of family members abroad takes place (usually by visa office, sometimes by CPC-M) (Family members abroad are “DR2” in IRCC code)

# Overview – timelines (outside Quebec)

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<b>Month 0</b>	Submit permanent residence application
<b>Month 25</b>	Refugee in Canada receives permanent residence
<b>Month 53</b>	Family members abroad reunite in Canada

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[Application processing times](#)

# Overview – timelines (inside Quebec)

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[Application processing times](#)

# Resources

## IRCC

- [Application package](#)
- [Instruction guide](#)
- [Operational instructions](#) (designed for IRCC officers)

# Submitting the application

# Applying for permanent residence

- Application type: [Application for Permanent Residence in Canada – Protected Persons and Convention Refugees](#)
- Through the IRCC permanent residence portal (can also apply by mail)

# Fees

## Processing fees:

- Principal applicant: \$635
- Spouse or partner: \$635
- Dependent child: \$175

## Biometrics (if required):

- \$85 per person, maximum \$170 per family

# Submitting the application – tips!

- Take care with the email address given for communications – it must be accessible and be checked regularly by the applicant.
- Make sure all the information required is fully completed – in English or French. Otherwise, IRCC will ask for forms to be re-done.
- If both members of a couple are Protected Persons, it is a good idea for the one least likely to have delays to be the Principal Applicant



# Another tip!

- Download copies of the information submitted for future reference.

## My applications

[+ Create new application](#)

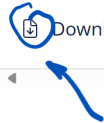
Status

Select

Category

Select

Application details	Category	Status last updated	Date of submission	Status	Action
Taty application 2024 <a href="#">Download Applica...</a>	<i>[Redacted]</i>	April 10, 2024	April 10, 2024	Submitted	<a href="#">View</a>



# In-Canada processing

# Requirements for in-Canada applicants

- Security and criminality
  - Biometrics (if over 14 years) – need to be re-done for permanent residence
  - [Police certificate](#) of countries where lived 6+ months (other than country of origin)
- Medical
  - [Medical exam](#) may need to be re-done if expired (for many in Canada, [5 years](#))
  - Follow up may be required ([medical surveillance](#) for inactive tuberculosis)
- CSQ ([Quebec selection certificate](#)) – if living in Quebec

# Communications from IRCC

- Applicants will receive emails from time to time telling them what is needed, for example:
  - To re-do a form
  - To re-do medicals
  - To re-do biometrics
  - To provide a police certificate (for example, if they lived in US for a while)

# Finalizing permanent residence for in-Canada applicants

Once all requirements are met and application is approved, in-Canada applicants start the process of confirming permanent residence

1. Email asking them to confirm personal information (by email)
2. Invitation to portal for confirming permanent residence (they will need to upload photos)
3. Permanent residence card is mailed to them

Family members

# Which family members may be included?

“Family member” = spouse or common-law partner, dependent children and dependent children of dependent children

Dependent children =

- Single children under 22 years at lock-in date
- Older children who are dependent on parent due to a physical or mental condition

# Dependent children: lock-in date

Children over 22 years may still qualify if they were under 22 at the [lock-in date](#):

- For Protected Persons through claim process: Date refugee claim was made
- For Protected Persons accepted in Pre-Removal Risk Assessment (PRRA): Date of permanent residence application



# Ceasing to be family members

The family member must continue to qualify as a family member (other than regarding age) throughout the processing of the application.

- A child who marries or enters into a common-law relationship no longer qualifies
- If the couple divorces, the spouse no longer qualifies

# Overseas processing

# Processing family members overseas

Once the principal applicant in Canada has confirmed their permanent residence, processing of family members overseas will proceed.

- Sometimes IRCC starts processing of overseas family members before PR of principal applicant
- Processing of family members overseas is usually done by visa office in the region
- In some cases, CPC-M does the processing

# Requirements for family members overseas

- Establishing family relationship
- Security and criminality
- Medical
- CSQ (Quebec selection certificate) – if going to live in Quebec

# Establishing family relationship

- Where there is a marriage certificate and birth certificates of good quality: generally straightforward
- For common-law relationships, need to complete: [IMM 5409 – Statutory Declaration of Common Law Union](#)
- IRCC proactively asks for other proofs of relationship – they want as much information as possible available to the officer
- DNA testing is often required for children if no birth certificate or birth certificate issued long after birth. IRCC will send a letter with instructions to do DNA testing

# Medical exams

Family members will be sent instructions to complete their immigration medical exam.

Once they have the instructions, they need to make an appointment with a [panel physician](#).

If they don't live in a big city, they will likely need to travel to the nearest panel physician.

The family members must pay for the medical exam.

An identity document (such as passport) is needed for the medical exam.

# Security and criminality

- Family members who are 14 years or older must do biometrics
- Family members will be sent instructions for biometrics
- Police certificates may be requested

# Communicating with visa office

After the family members' applications are sent to the relevant visa office, communications (submission of documents, requests for extension) generally need to be sent via the IRCC webform.

Applicants may also be told that they can send an email to the visa office or upload a document to the portal.



# Webform:

<https://secure.cic.gc.ca/ClientContact/en/Application>

MENU ▾

[Home](#) > [Departments and agencies](#) > [Immigration, Refugees and Citizenship Canada](#) > [Contact IRCC](#) > [Client contact](#) > Application

## Ask about or update your application

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What would you like to do?



Check your application status

See details



Change or update your contact information

See details



Add, change or cancel a representative

See details

# Dealing with IRCC correspondence

- IRCC often sends template emails asking for things – sometimes things already submitted or not relevant. Don't panic! Re-send documents
- IRCC generally sets **deadlines** for responding – sometimes unrealistic. Always send a request for extension before the deadline
- IRCC sends a **Procedural Fairness Letter** (PFL) when they think the applicant has failed to meet a request or they are preparing to refuse. It is important to respond – for example, send or re-send the document requested. If IRCC is preparing to refuse – for example, officer is not satisfied that relationship is established, refer for legal support

# Visa Application Centres (VAC)

[Visa Application Centres \(VAC\)](#) are run by a private company, [VFS Global](#).

Overseas applicants need to use the VAC for:

- Biometrics
- Visa issuance

Once instructions for biometrics are received:

- Find the nearest VAC and make an appointment (may be in another country)
- Follow the directions given (including bringing biometrics instructions)
- An identity document (such as passport) is needed for the biometrics

# Issuing the visas

- Once all requirements are met and the applications are approved, the family members receive an email instructing them to submit their passports in order to issue the permanent residence visas
- Passports must be submitted through the VAC
- If family members are displaced outside their country of origin and don't have a passport, the visa office may issue them a Single Journey Travel document

# Passport submission at the VAC

Once the visa office is ready to issue the visa, they will send a passport submission request. The steps to take are:

- **Take two passport-size photos** with specified information stamped/written on the back of one photo. ([Specifications](#))
- **Print out passport submission letter**, and fill out the Appendix A.
- **Print and fill out [VFS Global Consent form](#)** - for each applicant.
- **Make a single package** with passport submission letter, 2 photos and original passport, and drop off in person or send by courier. (Check [VAC options](#))

# Issues relating to children

# Children as principal applicants

- If a parent is applying for several children and the children are not accompanying the other parent, each child will be considered a principal applicant by the visa office.
- Any documents submitted must be submitted separately for each child.
- Instructions are sometimes unclear – they may indicate that something is required only for persons over 18 but also that it is required of all principal applicants.

# Parental consent for minor children

- If a child under 18 is not joining both parents in Canada, start preparing early for addressing parental consent. It will be necessary to provide:
  - [Declaration from Non-accompanying Parent/Guardian for Minors Immigrating to Canada IMM 5604](#) (needs to be notarized), or
  - Death certificate of the other parent, or
  - Full custody order
- See RFR [Parental consent tip sheet](#)
- Refer to lawyer if none of the above can be provided



# Separated minor children

- CCR has an arrangement with IRCC to expedite family reunification applications involving children overseas who are under 18 and are separated from both parents.
- In cases where CCR has requested an intervention, **processing is significantly faster!**
- Requests for intervention must be submitted to CCR by an NGO worker, sponsor or lawyer (after submitting the permanent residence application).

For more information: <https://ccrweb.ca/en/expediting-family-reunification-separated-children>

More complex issues

# Exit issues

- Sometimes difficult to leave the country of origin (for example, Eritrea). Family may need to find way to leave country and complete processing from another country
- Processing may be difficult in certain countries (for example, Afghanistan, Iran)
- Exit visas can be challenging for people in third countries – may help to be registered as refugee

# Exemptions from requirements

- Officers have discretion to waive certain legal requirements on **humanitarian and compassionate** (H&C) grounds – for example, the requirement to provide consent from non-accompanying parent
- A request for an H&C exemption usually requires detailed submissions – consult a lawyer!
- Exemptions are more likely to be granted if request is for a minor exemption /someone who nearly qualifies (e.g. child just over 22 years at lock-in date)

# De facto family members

- The “family member” definition does not include de facto family members, such as:
  - Informally adopted children
  - Children over the age of 22 (unless disability category applies)
- It is possible to request DR2 processing of a *de facto* dependent on Humanitarian and Compassionate grounds, if the family member is financially and emotionally dependent on the principal applicant
- The applicant should consult a lawyer!

Seeking legal advice

# When should you consult a lawyer?

Any time legal advice is needed, including:

- When the rules or normal process are not going to work (for example, when parental consent is going to be a challenge)
- When a procedural fairness letter is received saying that the officer intends to refuse the application
- Whenever things look like they might be problematic in a particular case, consult early – it is always better to put forward the best information and arguments before a decision is made

# Finding a lawyer

- Some organizations have an in-house lawyer or a relationship with a lawyer they can consult
- Some legal clinics may help – check their intake criteria
- In Ontario, many of the community legal clinics can help



Long delays

# Why is processing so slow?

- Because the number of people who can be given permanent residence each year is limited by the immigration levels.
- IRCC will only process the number of applications necessary for the immigration levels target for the year.
- The number of refugee applicants + family members is much, much larger than the levels target.

# Inventory versus levels target

Inventory of applications (end April 2024)	
Protected Persons in Canada	75,879
Family members overseas	41,908
<b>Total</b>	<b>117,787</b>

Immigration levels targets for Protected Persons and dependants abroad	
2024	27,000
2025	20,000

# We need advocacy!

- Join the call for family members overseas to be issued Temporary Resident Permits (TRPs) so they can reunite in Canada while awaiting finalization!
- Use the resources available:  
<https://refugeefamilyreunification.ca/en/advocacy>

# Can the family members apply for a visitor visa while application in process?

- Legally, yes, a person can have both applications in process at the same time.
- In practice, though, it will be refused. Officers can only issue visitor visas when they are sure the person will leave Canada at the end of the visit. Officers will almost always assume that family members of refugees will not leave Canada after a visit.

# Can the family members apply for a Temporary Resident Permit (TRP) while application in process?

- Yes, a family member can apply for a TRP (and there is no application fee when there is a permanent residence application in process).
- But the process is not obvious and detailed submissions must be made.
- Applications for TRPs from DR2 applicants are generally rejected – this is why we are advocating for the Minister to issue instructions.

# Role of NGOs

# How community workers can help

- Administrative and translation support
- Explaining process and answering questions
- Identifying situations when need extra support
- Referring people to receive extra support



# IRPA s. 91 does not apply to NGOs!

- IRCC has recently changed its interpretation of IRPA s. 91
- IRCC [now acknowledges that IRPA s. 91 does not bar NGO workers](#) from advising or representing immigration applicants, as long as there was no direct or indirect payment from the applicant

Question period

# Follow up

- We are creating a refugee family reunification listserv: <https://refugeefamilyreunification.ca/en/rfr-listserv>
- We will convert the content into a resource on the website
- Follow up webinars? Let us know about other topics you would like covered!