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Citizenship and Immigration Canada

Operational Bulletin 389 - February 27, 2012

Cost Recovery Fee Exemption for Temporary Resident Permits Issued to Foreign Nationals who are Inadmissible on Criminality Grounds

Summary

A public policy was recently approved with respect to the entry of foreign nationals (FNs) who are inadmissible on A36(2) criminality grounds. Specifically, the policy allows the grant of a one-time fee exemption for a Temporary Resident Permit (TRP) for certain offences, including offences such as driving while impaired (also known as driving under the influence (DUI)).

Issue

The purpose of this Operational Bulletin (OB) is to provide operational guidance on issuing a one-time fee-exempt TRP to a foreign national who is inadmissible on A36(2) criminality grounds and who meets the conditions set out in the public policy (see [Instructions](#)).

Background

Where an officer is of the opinion that it would be justified in the circumstances for an inadmissible FN to become a temporary resident, a TRP may be issued to enable the FN to enter and/or remain in Canada under [section 24\(1\)](#) of the *Immigration and Refugee Protection Act (IRPA)*. [Section 25.2](#) of the IRPA authorizes the Minister or delegated officers to grant an exemption from the payment of applicable fees where the Minister is of the opinion that public policy considerations warrant it.

On January 13, 2012 the Minister of Citizenship, Immigration and Multiculturalism issued the public policy considerations that in his opinion justify the granting of a one-time exemption from the TRP processing fee that is required under [section 298](#) of the *Immigration and Refugee Protection Regulations (IRPR)* for FNs who meet the conditions of this public policy.

These instructions are to be considered an interim measure to facilitate the entry of these FNs until a more permanent measure is established. Additional instructions will be offered once a permanent measure comes into force or this public policy is revoked by the Minister.

Instructions

As of March 1, 2012 the public policy exemption would apply to an FN to whom a TRP is being issued at a port of entry (POE) or a visa office abroad, who is inadmissible solely on the grounds of "criminality" under [section 36\(2\)](#) of IRPA, and who:

1. was convicted of an offence and received no term of imprisonment as part of the sentence imposed; and
2. has had no other convictions or committed any other acts that would render the person inadmissible.

To facilitate these circumstances and overcome the inadmissibility, a delegated authority should consider issuing a TRP. If choosing to issue a TRP, the delegated authority can now exempt the fees associated with the issuance of this document. The delegated authority should counsel the foreign

national that the next time they seek to enter Canada, the fee exemption will not apply and that they should look into potential mechanisms to overcome their inadmissibility.

This authority has been delegated to CIC immigration authorities at visa offices abroad and to Canada Border Services Agency's (CBSA) Border Service Officers, Inland Enforcement Officers and Regional Program Officers in their immigration functions for POE examinations only.

When issuing a TRP in these circumstances, the cost recovery code M31 on the TRP screen in the Field Operations Support System is to be used. This code will automatically generate the following information on the TRP:

ONE-TIME FEE EXEMPTION/CIC.GC.CA

This public policy does not apply to FNs who are already in Canada.

Further information

- [Overcoming criminal inadmissibility](#)

Questions

For further information or questions regarding the changes outlined in this OB, please contact Operational Management and Coordination at OMC-GOC-Immigration@cic.gc.ca.

Date Modified: 2012-02-27