



Immigration, Refugees  
and Citizenship Canada

Immigration, Réfugiés  
et Citoyenneté Canada

*Executive summary*

# Evaluation of Temporary Resident Permits

Evaluation Division

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## Executive Summary

The evaluation of Temporary Resident Permits (TRPs) was conducted in fulfillment of requirements under the Treasury Board 2009 *Policy on Evaluation*.<sup>1</sup> Covering the period from 2011 to 2015, the evaluation used multiple lines of evidence to examine the relevance and performance of Temporary Resident Permits and the associated public policies/instructions from the Minister.<sup>2</sup>

TRPs are an instrument that allows a person who is otherwise inadmissible to enter or remain in Canada; issued when circumstances are justified, which can include economic contribution to Canada, personal reasons (e.g., attend a wedding or funeral), political visits, or Ministerial intervention. They can also be issued under humanitarian and compassionate grounds and to victims of human trafficking (VHTs).

## Evaluation Findings

### *Relevance*

There is a continued need to provide TRPs to inadmissible individuals in exceptional and justified circumstances in order to balance the varied objectives of the *Immigration and Refugee Protection Act (IRPA)*. The provision of TRPs is aligned with Federal Government priorities of ensuring the health, safety, and security of Canadians and achieving economic benefits.

### *Performance*

The TRP is effective in managing risks posed by inadmissible travellers, as it requires officers to undertake an assessment, to balance the risk and justification for entry with the potential benefits to Canada, and to impose a validity period for the individual's stay in Canada. While the TRP assessment process is appropriate for cases of minor inadmissibility, the same rigorous process is applied in cases that may not always be considered exceptional circumstances.

The evaluation found that the Instrument of Designation and Delegation is useful in outlining roles and responsibilities of those involved in the processing of TRPs; however, there is some indication that for cancellations of TRPs, the current designation is not practical. In addition, roles and responsibilities, while clear with respect to TRP policy development and operations, were less clear with respect to reporting on the issuance of TRPs to Victims of Human Trafficking. Overall, the existing policies and guidelines are sufficient in ensuring decision-makers understand the TRP instrument and its use; however, instructions are currently not delivered in a way that allows for the most efficient processing of TRPs at Ports of Entry or visa offices. Additionally, in relation to subsequent TRPs to VHTs, the guidance for officers

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<sup>1</sup> Canada, Treasury Board (2009) *Policy on Evaluation*. Treasury Board updated the Policy on July 1st 2016 as the *Policy on Results*, [www.tbs-sct.gc.ca/pol/doc-eng.aspx?id=31300](http://www.tbs-sct.gc.ca/pol/doc-eng.aspx?id=31300)

<sup>2</sup> The public policies and instructions from the Minister in the scope of the evaluation included the *Public Policy for facilitating entry of foreign nationals who are inadmissible on Criminality Grounds*, the *Public Policy for facilitating entry of foreign nationals in the Transit Without Visa Program (TWOV)*, *China Transit Trial (CTT) and Emergency Landing Situations* and the *Instructions from the Minister regarding the issuance of temporary resident permits to victims of human trafficking (VHT)*.

working with VHTs is not clear on how to finalize the cases once the trafficking accusations have been addressed. Evidence indicates that there are limited opportunities for formalized approaches or forums to share TRP knowledge and build expertise within offices and across both the international and domestic networks.

In relation to the associated public policies/instructions from the Minister, while the TRP fee exemption for criminality facilitates entry, providing a fee exemption for this type of inadmissible client group was questioned. The TRP fee exemption to facilitate transit, however, was found to be appropriate given that the situation is beyond the traveller's control. Furthermore, the TRP has been effective in assisting those who may be Victims of Human Trafficking, as it provides immediate protection and the potential to regularize the individual's status when appropriate.

### ***Performance – Demonstration of Efficiency and Economy***

While the total cost of issuing TRPs is significantly higher than the total revenues generated, there is no evidence to indicate a need to change the fee. Lastly, the closure of some IRCC visa offices in the United States contributed to an increase in the inventory of TRPs and applications for criminal rehabilitation, negatively impacting processing times.

## **Conclusions and Recommendations**

Overall, the evaluation found that there is a continued need for the TRP instrument as it provides flexibility in applying inadmissibility provisions, and it is aligned with government priorities related to the protection of health, safety and security of Canadians and the promotion of economic benefits.

For the most part, roles and responsibilities with respect to policy development and operations are clear but could benefit from minor adjustments to the designation of authorities. Given the discretionary and sometimes complex nature of the issuance of TRPs and the need to closely manage the cases of VHTs, avenues that allow for the sharing of knowledge and expertise are needed.

**Recommendation 1. With respect to the Instrument of Designation and Delegation, IRCC should consider broadening the designation related to the cancellation of TRPs.**

**Recommendation 2. IRCC should establish formalized approaches to:**

- **share and transfer knowledge gained through experience for officers in high TRP volume offices**
- **address operational and policy issues and questions related to managing VHT cases following the initial TRP for officers working with VHTs in inland offices.**

The TRP is effective in balancing risks and benefits of facilitating entry of inadmissible individuals; however, it is not being used only for exceptional circumstances.

**Recommendation 3. IRCC should review and update, as needed, TRP functional guidance related to the use of TRPs for administrative purposes, to ensure consistent alignment with legislation.**

While generally the use of TRP fee exemptions was considered to be appropriate, the TRP fee exemption for criminality was felt by some to be too broad in that it did not focus on the justification for entry, but rather on the category of inadmissibility, resulting in the potential for a broad application of the policy to a group of individuals rather than on a case-by-case basis when justified.

**Recommendation 4. IRCC should clarify, through updates to the functional guidance, the rationale for applying the public policy for facilitating entry of foreign nationals who are inadmissible on criminality grounds.**

While applying for criminal rehabilitation is presented as an option to resolve certain criminal inadmissibilities, these applications are not being processed in a timely fashion.

**Recommendation 5. In order to resolve potential inefficiencies in TRP issuance at the border or within visa offices, IRCC should identify and implement improvements to the distribution of criminal rehabilitation application processing across the network.**