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Citizenship Level 1 Delegation for Grants Section 5

Exercises and Answers Workbook

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EXERCISES

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LESSON 6: CALCULATING PHYSICAL PRESENCE

LESSON 6: EXERCISE 1 – VERIFYING PERMANENT RESIDENT STATUS

INSTRUCTIONS

1. **5 minutes** to complete the exercise.
2. Refer to Lesson 6: Answers to Exercise 1 – Verifying Permanent Resident Status to check your work.

1. Who determines that an applicant has lost permanent resident (PR) status?
2. If the applicant has lost permanent resident status and is not under a removal order, what decision can the case processing officer (CPO) make?
3. If a removal order has been issued and it's under appeal, what decision can the case processing officer (CPO) make?
4. In order for a CPO to refuse an application for failing to meet the requirement to be a PR under A5(1)(c), what document is required?
5. Effective June 11, 2015, all applicants for a grant of citizenship must have no _____ relating to their status as a PR. This requirement applies to applications under subsections _____, _____, and 11(1) of the *Act*, including Canadian Armed Forces applicants.
6. What is the main continuous medical condition that you may come across that is not lifted?
7. If an applicant has outstanding medical Ts & Cs can the applicant move on to the next processing step? Explain.

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LESSON 6: EXERCISE 2 – CALCULATING PHYSICAL PRESENCE FOR APPLICATIONS RECEIVED ON OR AFTER OCTOBER 11, 2017

INSTRUCTIONS

1. **10 minutes** to complete the exercise.
2. Refer to Lesson 6: Answers to Exercise 2 – Calculating Physical Presence for Applications Received On or After October 11, 2017 to check your work.

1. If the applicant applied on November 20, 2020, what is the relevant period?
2. In the following example, does the applicant meet the physical presence (PP) requirement of 5(1)(c)(i)?

Write down the number of days present for each line.

- a) Date of application = 2021-03-01
- b) Temporary resident (TR) permit holder = 2016-01-05
- c) Permanent Resident (PR) = 2019-03-01
- d) Use the following chart to do a manual count. This is to check your understanding of how PP is calculated.

Number of days in the months:

Jan = 31 days	Apr = 30 days	Jul = 31 days	Oct = 31 days
Feb = 28/29 days leap (years count = 2016/2020/2024)	May = 31 days	Aug = 31 days	Nov = 30 days
Mar = 31 days	Jun = 30 days	Sep = 30 days	Dec = 31 days

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- Present: 2016-03-01 to 2016-12-31 =
- Present: 2017-03-01 to 2017-08-16 =
- Present: 2018-01-01 to 2018-12-31 =
- Present: 2019-03-01 to 2019-12-31 =
- Present: 2020-01-01 to 2020-12-31 =
- Present: 2021-01-01 to 2021-02-28 =

Physical presence as a PR =

Physical presence as a TR =

Total physical presence (PP) =

3. Applicant entered Canada as an immigrant (PR) on September 1, 2015 and applied for citizenship on February 1, 2021. Absences from Canada are:
- April 13, 2017 to July 12, 2017 – Argentina – visit family =
 - Aug 20, 2018 to Aug 21, 2018 – USA – tourism =
 - October 4, 2019 to December 27, 2019 – Argentina – visit family =
 - October 2, 2020 to November 30, 2020 – Argentina – visit family =

a) Does the applicant meet the 5(1)(c)(i) requirement?

Use the [online physical presence calculator](#) for this exercise.

- Select “NO” when asked if there was any time spent serving a sentence (criminality) within the relevant period

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4. Applicant entered Canada with a Temporary Resident Permit on March 24, 2015 and became a PR on June 20, 2018. He applied for citizenship on January 4, 2021. Absences from Canada are:

- September 1, 2017 to December 31, 2017 – Brazil – visit family =
- September 27, 2020 to December 27, 2020 – Brazil – visit family =

a) Does the applicant meet the 5(1)(c)(i) requirement?

Use the [online physical presence calculator](#) to answer this questions.

- Select “NO” when asked if there was any time spent serving a sentence (criminality) within the relevant period

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LESSON 6: EXERCISE 4 – CROWN SERVANT, CANADIAN ARMED FORCES AND MINORS

INSTRUCTIONS

1. **5 minutes** to complete the exercise.
2. Refer to Lesson 6: Answers to Exercise 4 – Crown Servant, Canadian Armed forces and Minors to check your work.

1. Who is eligible to count time spent outside Canada as time in Canada?
2. Susan Anderson has been a permanent resident (PR) for more than six years. Susan's son, John, has also been a PR for more than six years. Susan's husband, Bill (John's father), became a naturalized Canadian citizen, but Susan and John did not. Bill got a job at a Canadian embassy. Susan and John went overseas with Bill. They are all now back living in Canada. John is now over 18 years of age. Both Susan and John have applied for Canadian citizenship under subsection 5(1).
 - Can Susan count the time spent overseas with Bill towards physical presence (PP)?
 - Can John count the time spent overseas with Bill (John's father) towards PP?
3. How many years of service in or with the Canadian Armed Forces (CAF) must the applicant have completed immediately preceding the date of application?
4. What are the requirements for members of the CAF [5(1.2)]?
5. What is the service requirement for foreign military members attached or seconded with the CAF [5(1.3)]?
6. What is the PR requirement for a minor grant of citizenship prescribed in paragraph 5(2)(b)?

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LESSON 7: EXERCISE 2 – REVIEWING PASSPORTS/TRAVEL DOCUMENTS

INSTRUCTIONS

1. **5 minutes** to complete the exercise.
2. Indicate if the statements below are true or false based on *Appendix N: General Guidelines for Reviewing Passports/Travel Documents*.
3. Refer to Lesson 7: Answers to Exercise 2 – Reviewing Passports/Travel Documents to check your work.

1. The letters ARC next to an American entry stamp (means Antique Registration Card aka Green Card). This means the person no longer has the status of permanent resident (PR) of the USA.
2. Some countries forward passport (PPT) applications submitted through their embassy/consulate in Canada to the home country for processing. It is possible that the place of issue may be listed as the home country, when in fact the applicant submitted their passport application at the embassy/consulate.
3. If the applicant is a protected person (PP)/ Convention refugee (CR), they may hold or have held a Canadian travel document (TD) in addition to a PPT.
4. When assessing foreign entry visas, look at the validity dates and the status under which entry was given (visitor, student, worker, etc.) Only look for foreign entry visas issued **before** the applicant's PR date.
5. Everyone who works in the United Arab Emirates (UAE) (and the other Gulf countries) and who is not simply visiting as a tourist must obtain a residency visa in their PPT and must be sponsored by someone.
6. You do not need to consider the whole picture and other evidence/statements provided by the applicant in addition to the PPT/TD. The PPT/TD is sufficient on its own to establish physical presence.
7. Holders of E-gate cards have to line up to report to an Emirates immigration officer, meaning that the PPT is stamped, when they leave or return to the UAE.

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8. An applicant who is a dual national may have more than one PPT.
9. B1/B2 are working visa codes for the US.

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LESSON 7: EXERCISE 3 – ABSENCES VERIFIED

INSTRUCTIONS

1. **10 minutes** to complete the exercise.
2. Refer to the **Absences verified** section of *Appendix J: Steps in Conducting a PI Interview* as you are reviewing the cases.
3. Identify what steps need to be taken for each scenario.
4. Refer to Lesson 7: Answers to Exercise 3 – Absences Verified to check your work.

1. An applicant submitted an application for citizenship six months ago. During the program integrity (PI) interview, case processing agent (CPA) discovers that a return date listed on the application is incorrect. The applicant originally declared this as a three week trip. It is in fact a two month trip. Taking into account the discrepancy, the CPA calculates the applicant's physical presence and it now falls below 1095 days.
2. An applicant submitted an application for citizenship six months ago. The applicant has applied with 1097 days of physical presence. During the interview, the case processing agent (CPA) uncovers two incorrect departure dates where client actually left two days earlier each time. The cumulative total of the discrepancy is four days of physical presence.
3. The applicant presents a passport covering only half of the relevant period. There are two passport biopages on file covering the entire relevant period. The applicant states they forgot their other passport at home and can come back with it later. You have no concerns.
4. An applicant submitted an application for citizenship six months ago. During the interview, the CPA uncovers on two occasions a discrepancy of two days in the trips the applicant has declared. The applicant's physical presence is 1253 days. No credibility concerns arise during the interview.
5. The applicant has provided a copy of his passport covering the entire relevant period with their application; however, at the interview, they declare it has been stolen. When asked, the applicant says a police report was filed. Applicant shows you a copy of the report. No credibility concerns arise during interview.

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LESSON 7: EXERCISE 4 – CONDUCTING A PI INTERVIEW

INSTRUCTIONS

1. **30 minutes** to complete the exercise.
2. Refer to *Appendix J: Steps in Conducting a PI Interview* as you are reviewing the cases.
3. Identify what steps need to be taken for each scenario and which cases:
 - Are “COMPLEX”
 - Should be referred to a CPO;
 - Are ready for granting step; or
 - Require a hearing and explain why.
4. **Refer** to Lesson 7: Answers to Exercise 4 – Conducting a PI Interview to check your work.

Case #1 Scenario (KATARINA LINATOVA):

Date of Application: December 15, 2020.

Applicant appears for the interview. They provide the following documents:

- Two pieces of identification (ID) that match those submitted with their application.
- Original of language evidence submitted with application.

Signature verified.

They declared on their application three absences totaling 49 days. Their physical presence (PP) is 1777 days.

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Applicant provides you with a valid Russian passport (PPT) 834096753 issued in March 2017 in Toronto. The PPT expires in March 2022. The stamps in the PPT match the declared absences. Applicant also provides you with an expired Russian PPT 065129812 issued in December 2011. Place of issue not indicated. This PPT expired in December 2016. Photocopies of the biopages of these PPTs are on file and originals match. Applicant stated “no”, when you asked if they have any other travel documents (TDs) or PPTs other than the ones presented.

When asked about their marital status, applicant confirms that they are in the process of getting a divorce. Applicant is currently legally separated from their spouse, who is a Canadian Citizen. Applicant has a son who is also a Canadian citizen. Applicant’s son lives with applicant, but visits the father every other weekend. The son is in grade two at Pleasant Public School which is down the street from where the applicant lives.

When you ask about their work/education history, applicant confirms that they have not worked for most of the relevant period. Their spouse was working during the relevant period and continues to provide financial support for the applicant and son since the applicant’s husband moved out in August 2019. Applicant states that they completed their studies at Seneca College, Toronto in the spring of 2019. Applicant is currently working as a Law Clerk in Toronto.

Applicant scored 16/20 on the citizenship test. When asked to describe their job tasks, applicant is able to give you a detailed description. Applicant has a strong accent. Applicant is able to speak in full sentences using correct verb tenses. Applicant uses connecting words to join sentences. Applicant is able to describe what they did on the weekend in detail using adequate vocabulary.

When you ask the applicant if they have had any problems with the police, they tell you that they had an argument with one of their neighbours last month and is currently charged with assault. Their next court date is in a week. Applicant tells you it was a misunderstanding and they expects the charges will be dropped.

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Case #2 Scenario (ANTHONY DE SANTOS):

Date of Application: December 12, 2020.

Applicant appears for the interview. Applicant provides you with the following documents:

- Driver's License that match the one submitted with their application
- Valid Health Insurance Card that match the one submitted with their application
- Philippine passport (PPT) C3126077 issued in October 2017 in Toronto expires in October 2022
- Philippine PPT TS021983567 issued in February 2013 in Toronto expired in February 2018.
- Original of language evidence submitted with application.

Signature verified.

When you ask the applicant whether they have ever had any other TD or PPT since their arrival in Canada (other than the ones presented), they state that they had a PPT that they used when they first arrived in Canada in 2012 as a visitor. They go on to explain that it was retained by the embassy when they applied for renewal in early 2013.

During the interview they confirm that they came to Canada in Sept 2012 as a visitor. They then applied for Permanent Residence from inside Canada, sponsored by their wife who is a Canadian Citizen. They became a Permanent Resident (PR), on April 1st 2017.

On their application they have declared a few trips to the U.S. for short visits. Their absences, as listed on their application, total 12 days and their PP is 1576 days. When asked about their absences from Canada, they say they go to the U.S. to visit family. They say they go there for a few weeks at a time a couple of times a year. They first say that they stay in a house they own there and then later says they stay with relatives. They have never been back to the Philippines since their arrival in Canada. You are able to match several, but not all, PPT stamps. You do not find any undeclared stamps.

They tell you they live in Brampton. They do not own the house. It belongs to the wife. Applicant tells you that they have four children. Two are from a previous relationship and live outside of Canada. These children are now young adults. These children are not

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Canadian and have no status in Canada. The applicant's other two children are from their current marriage and they are both Canadian. One is two years old and the other is 10 years old.

Applicant works as a carpenter. They say they run their own business as a contractor. When you probe for details, they are vague. Concerns arise when discussing their work history due to lack of details.

Applicant scored 19/20 on the citizenship test.

When asked to describe their neighbourhood, applicant is able to give you a detailed description including names of streets and some landmarks. They are able to speak in full sentences using correct verb tenses. They use connecting words to join their sentences. Applicant is able to describe their morning routine in detail using adequate vocabulary.

They do not declare any prohibitions at the interview. No concerns are raised during the interview regarding applicant's tax filing obligations.

Case #3 Scenario (ABDUL OUYABI):

Date of application: December 18, 2020.

Applicant appears for the interview. Applicant is a flooring installer by trade. They have lived in Canada since January 6, 2016. They confirm their marital status as single. They came to Canada as a Government Sponsored Refugee. No credibility concerns arise, when discussing their work/education history.

When asked to describe the route they took to get to your office, they are able to give you a detailed description. They are able to speak in full sentences using correct verb tenses. They use connecting words to join their sentences. They tell you that they are continuing to take LINC classes in the evenings and is in Level 5.

Applicant provides you with the following documents:

- Two pieces of ID that match those submitted with their application
- Original of language evidence submitted with application.

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Signature verified.

Applicant tells you that they have never left Canada since their arrival. Their PP is 1807 days. They state that they never applied for a PPT or for a Canadian TD. They submitted a letter at time of application (which is on file) explaining that because they are a refugee they do not have a PPT from their country of origin and is unable to provide PPT biopages with their application.

Applicant scored 16/20 on the citizenship test.

Applicant does not declare any prohibitions at the interview. No concerns are raised during the interview regarding applicant's tax filing obligations.

Case #4 Scenario (ASHRAF ALI):

Date of application: January 7, 2021.

Applicant appears for the interview.

Signature verified.

Applicant provides you with the following documents:

- Two pieces of ID that match those submitted with his application
- Pakistani PPT L759713 issued in Toronto March 16, 2012 expires March 15, 2022
- Original of language evidence submitted with application.

During the interview they explain that they became a PR in 2012. However, they did not remain in Canada. They are a citizen of Pakistan, but grew up in the United Arab Emirates (UAE). They returned to Dubai with their parents to continue their studies. They came to Canada to live in June 2015. They completed high school (Grade 11&12) in Canada. They brought their school records to the interview (which is already on file). They are currently attending Ryerson University in Toronto where they are completing their undergraduate degree. They are in their final year of a three year degree. They are also working at CBO Technology Centre on a co-op placement for four months that will end next month. Last year they did a four month co-op placement at Taurus Technologies.

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They confirm their marital status as single. They live with their brother in a Condominium owned by their parents. Their parents are PRs of Canada. The applicant's parents spend half their time in Canada and half their time in UAE. The applicant is supported financially by their parents.

You ask if they have any other TDs or PPTs other than the one presented. They says "no". Their PPT stamps match declared absences. They travelled twice to the UAE during summer breaks to visit their parents. Their PP is 1727 days.

Applicant scored 20/20 on the citizenship test.

Applicant is able to speak in full sentences using correct verb tenses. They use connecting words to join their sentences. They are able to describe their education history in detail using adequate vocabulary.

Applicant does not declare any prohibitions at the interview. No concerns are raised during the interview regarding applicant's tax filing obligations.

Case #5 Scenario (SUKI SINGH):

Date of application: January 3, 2021.

Applicant appears for the interview. Applicant greets you and provides you with documents when requested. However, the applicant has difficulty understanding some of your questions. Applicant also has difficulty in formulating sentences. Applicant mixes up their verb tenses a lot. Applicant responds in isolated words rather than full sentences.

Applicant provides you with the following documents:

- Two pieces of ID that match those submitted with their application
- Indian PPT N513782 issued in Toronto Dec 31, 2010 valid until Dec 30, 2020.
- Original of language evidence submitted with application.

Signature verified.

Applicant scored 7/20 on the citizenship test.

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You ask if they have any other TDs or PPTs other than the one presented. Applicant says “no”. Stamps in their PPT match declared absences. There are no undeclared absences. Applicant’s PP is 1818 days.

The applicant immigrated to Canada in 2009 with their parents. The applicant is married and sponsored their husband. Husband became a PR three years ago. Applicant has two children both born in Canada. They are two years old and six months old. Both the applicant and husband work as packers in a local factory. No credibility concerns arise when discussing their work/education history.

Applicant does not declare any prohibitions at the interview. No concerns are raised during the interview regarding applicant’s tax filing obligations.

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EXERCISES ANSWERS

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LESSON 6: CALCULATING PHYSICAL PRESENCE

LESSON 6: ANSWERS TO EXERCISE 1 – VERIFYING PERMANENT RESIDENT STATUS

1. Who determines that an applicant has lost permanent resident (PR) status?

Immigration officer or Canadian Border Service officer (CBSA).

2. If the applicant has lost permanent resident status and is not under a removal order, what decision can the case processing officer (CPO) make?

CPO can refuse on 5(1)(c).

3. If a removal order has been issued and it's under appeal, what decision can the case processing officer (CPO) make?

The CPO can refuse the application under A5(1)(f). They do not need to wait for the appeal to be finalized before rendering a decision on the application.

4. In order for a CPO to refuse an application for failing to meet the requirement to be a PR under A5(1)(c), what document is required?

Confirmation in writing from immigration/CBSA officer that the applicant is no longer PR of Canada is required.

5. Effective June 11, 2015, all applicants for a grant of citizenship must have no **unfulfilled conditions** relating to their status as a PR. This requirement applies to applications under subsections **5(1)**, **5(2)**, and 11(1) of the *Act*, including Canadian Armed Forces applicants.
6. What is the main continuous medical condition that you may come across that is not lifted?

Inactive tuberculosis

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7. If an applicant has outstanding medical Ts & Cs, can the applicant move on to the next processing step? Explain.

No, if applicant has medical terms and conditions and if immigration has not taken enforcement action, nor is there any indication that immigration might take enforcement action, you must put the application on hold until the Migration Health Branch (MHB) makes a determination.

[To return to exercise press alt + <]

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LESSON 6: ANSWERS TO EXERCISE 2 – CALCULATING PHYSICAL PRESENCE FOR APPLICATIONS RECEIVED ON OR AFTER OCTOBER 11, 2017

1. If the applicant applied on November 20, 2020, what is the relevant period?

Relevant Period = 2015-11-20 to 2020-11-19 (5 years).

2. In the following example, does the applicant meet the physical presence (PP) requirement of 5(1)(c)(i)? **Yes.**

Write down the number of days present for each line.

- a) Date of application = 2021-03-01
- b) Temporary resident (TR) permit holder = 2016-01-05
- c) Permanent Resident (PR) = 2019-03-01
- d) Use the following chart to do a manual count. This is to check your understanding of how PP is calculated.

Number of days in the months:

Jan = 31 days	Apr = 30 days	Jul = 31 days	Oct = 31 days
Feb = 28/29 days leap (years count = 2016/2020/2024)	May = 31 days	Aug = 31 days	Nov = 30 days
Mar = 31 days	Jun = 30 days	Sep = 30 days	Dec = 31 days

- Present: 2016-03-01 to 2016-12-31 = **306 days counts as 153 (days before 2016-03-01 don't count)**
- Present: 2017-03-01 to 2017-08-16 = **169 days counts as 84.5**
- Present: 2018-01-01 to 2018-12-31 = **365 days counts as 127.5 (applicant has reached maximum credit of 365 days for temporary resident status)**

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- Present: 2019-03-01 to 2019-12-31 = **306 days**
- Present: 2020-01-01 to 2020-12-31 = **366 days**
- Present: 2021-01-01 to 2021-02-28 = **59 days**

Physical presence as a PR = 731

Physical presence as a TR = 365

Total physical presence (PP) = 1096

The maximum credit for physical presence in Canada with authorized temporary resident status is 365 days.

Every day where the applicant has been physically present in Canada during the five years prior to applying for citizenship and since becoming a permanent resident counts as one day

3. Applicant entered Canada as an immigrant (PR) on September 1, 2015 and applied for citizenship on February 1, 2021. Absences from Canada are:
- April 13, 2017 to July 12, 2017 – Argentina – visit family = **89 days**
 - Aug 20, 2018 to Aug 21, 2018 – USA – tourism = **0 days**
 - October 4, 2019 to December 27, 2019 – Argentina – visit family = **83 days**
 - October 2, 2020 to November 30, 2020 – Argentina – visit family = **58 days**

a) Does the applicant meet the 5(1)(c)(i) requirement?

Yes. The applicant has accumulated 1,597 days of physical presence in Canada, within the five year period immediately before the date of application.

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According to the information you provided, you meet the requirement to be physically present in Canada for at least:

- 1,095 days in the five (5) years immediately before the date of your application.

Your eligibility period is 2016-02-01 to 2021-01-31, you will need this for your application form.

Permanent residence date	2015-09-01	Application date	2021-02-01	
Physical Presence as a Permanent Resident		Physical Presence as a Temporary Resident or Protected Person		
			Calendar Days	Credit
Days within eligibility period	1,827	Days within eligibility period	0	0
Days spent serving a sentence	0	Days spent serving a sentence	0	0
Days absent	230	Days absent	0	0
Total credit	1,597	Total credit*	0	0
Total Physical Presence	1,597			

*Please note every day of physical presence as a Temporary Resident or Protected Person counts as a 0.5 day credit and you cannot be credited for any more than 365 days of Temporary Residence or time as a Protected Person. Therefore, in order to get the maximum 365 day credit you need to be physically present in Canada as a Temporary Resident or Protected Person for 730 or more days during your eligibility period.

Absences from Canada

From	To	Destination	Reason	# Days
2017-04-13	2017-07-12	Argentina	visit family/ visiter la famille	89.0
2018-08-20	2018-08-21	United States of America	Tourism/ Tourisme	0.0
2018-10-04	2019-12-27	Argentina	visit family/ visiter la famille	83.0
2020-10-02	2020-11-30	Argentina	visit family/ visiter la famille	58.0
Total # Days				230.0

Print and attach this page with your Application for Canadian Citizenship.

4. Applicant entered Canada with a Temporary Resident Permit on March 24, 2015 and became a PR on June 20, 2018. He applied for citizenship on January 4, 2021. Absences from Canada are:

- September 1, 2017 to December 31, 2017 – Brazil – visit family = **60 days**
- September 27, 2020 to December 27, 2020 – Brazil – visit family = **90 days**

a) Does the applicant meet the 5(1)(c)(i) requirement?

Yes. The applicant has accumulated 1,204 days of PP in Canada, within the five year period immediately before the date of application. Every day of physical

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presence in Canada since becoming a PR is credited one full day. The days in Canada as a Temporary Resident were credited as half days to a maximum credit of 365 days.

According to the information you provided, you meet the requirement to be physically present in Canada for at least:

- 1,095 days in the five (5) years immediately before the date of your application.

①

Your eligibility period is 2016-01-04 to 2021-01-03, you will need this for your application form.

Permanent residence date	2018-06-20	Application date	2021-01-04	
Physical Presence as a Permanent Resident		Physical Presence as a Temporary Resident or Protected Person		
			Calendar Days	Credit
Days within eligibility period	929	Days within eligibility period	898	449
Days spent serving a sentence	0	Days spent serving a sentence	0	0
Days absent	90	Days absent	120	60
Total credit	839	Total credit*	778	365
Total Physical Presence			1,204	

②

*Please note every day of physical presence as a Temporary Resident or Protected Person counts as a 0.5 day credit and you cannot be credited for any more than 365 days of Temporary Residence or time as a Protected Person. Therefore, in order to get the maximum 365 day credit you need to be physically present in Canada as a Temporary Resident or Protected Person for 730 or more days during your eligibility period.

List time with Canadian temporary resident or protected person status

From	To	Type	Calendar Days	# Days
2015-03-24	2018-06-19	Temporary Resident Permit Holder	898.0	449.0
Total # Days			898.0	449.0

Absences from Canada

From	To	Destination	Reason	# Days
2017-09-01	2017-12-31	Brazil	visit family	60.0
2020-09-27	2020-12-27	Brazil	visit family	90.0
Total # Days				150.0

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LESSON 6: ANSWERS TO EXERCISE 4 – CROWN SERVANT, CANADIAN ARMED FORCES AND MINORS

1. Who is eligible to count time spent outside Canada as time in Canada?
 - **PRs employed outside Canada in or with the CAF, the federal public administration or the public service of a province, otherwise than as a locally engaged person, can count time spent outside Canada as time in Canada; and**
 - **PRs who were residing with their Canadian citizen spouse or common-law partner and that family member was employed in or with the Canadian Armed Forces, federal public administration, or public service of a province or territory otherwise than as a locally engaged person, can count time spent outside Canada as time in Canada; and**
 - **PRs who were residing with their PR spouse, common-law partner, or parent, and that family member was employed in or with the Canadian Armed Forces, federal public administration, or public service of a province or territory, can count time spent outside Canada as time in Canada.**

2. Susan Anderson has been a permanent resident (PR) for more than six years. Susan's son, John, has also been a PR for more than six years. Susan's husband, Bill (John's father), became a naturalized Canadian citizen, but Susan and John did not. Bill got a job at a Canadian embassy. Susan and John went overseas with Bill. They are all now back living in Canada. John is now over 18 years of age. Both Susan and John have applied for Canadian citizenship under sub-section 5(1).
 - Can Susan count the time spent overseas with Bill towards physical presence (PP)? **Susan – Yes, as per 5(1.01)**
 - Can John count the time spent overseas with Bill (John's father) towards PP? **No.**
 - **A5(1.01) does not refer to a child.**
 - **5(1.02) is only for PR's who were employed outside of Canada in or with the Canadian Armed Forces, the federal public administration or the public service of a province, otherwise than as a locally engaged person.**

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- **John does not fall under 5(1.03) because Bill is a Canadian citizen not a PR.**
3. How many years of service in or with the Canadian Armed Forces (CAF) must the applicant have completed immediately preceding the date of application?

For applications signed on or after June 11, 2015, the applicant must have completed three years of service in or with the CAF in the six years immediately preceding the date of application.

4. What are the requirements for members of the CAF [5(1.2)]?
- **Be a PR;**
 - **Not have unfulfilled conditions attached to their PR status;**
 - **Have three out of six years of service with the CAF; and**
 - **Have met tax filing obligations for three out of six years.**
 - **If released from the CAF, must have been honourably discharged.**
5. What is the service requirement for foreign military members attached or seconded with the CAF [5(1.3)]?
- They need to complete three years of service in the CAF within the six years immediately before applying for citizenship in order to be eligible to apply for the fast track grant of citizenship.**
6. What is the PR requirement for a minor grant of citizenship prescribed in paragraph 5(2)(b)?
- **Be a PR; and**
 - **Not have unfulfilled conditions attached to their PR status.**

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LESSON 7: ANSWERS TO EXERCISE 2 – REVIEWING PASSPORTS/TRAVEL DOCUMENTS

1. The letters ARC next to an American entry stamp (means Antique Registration Card aka Green Card). This means the person no longer has the status of permanent resident (PR) of the USA.

FALSE

2. Some countries forward passport (PPT) applications submitted through their embassy/consulate in Canada to the home country for processing. It is possible that the place of issue may be listed as the home country, when in fact the applicant submitted their passport application at the embassy/consulate.

TRUE

3. If the applicant is a protected person (PP)/ Convention refugee (CR), they may hold or have held a Canadian travel document (TD) in addition to a PPT.

TRUE

4. When assessing foreign entry visas, look at the validity dates and the status under which entry was given (visitor, student, worker, etc.) Only look for foreign entry visas issued **before** the applicant's PR date.

FALSE

5. Everyone who works in the United Arab Emirates (UAE) (and the other Gulf countries) and who is not simply visiting as a tourist must obtain a residency visa in their PPT and must be sponsored by someone.

TRUE

6. You do not need to consider the whole picture and other evidence/statements provided by the applicant in addition to the PPT/TD. The PPT/TD is sufficient on its own to establish physical presence.

FALSE

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7. Holders of E-gate cards have to line up to report to an Emirates immigration officer, meaning that the PPT is stamped, when they leave or return to the UAE.

FALSE

8. An applicant who is a dual national may have more than one PPT.

TRUE

9. B1/B2 are working visa codes for the US.

FALSE

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LESSON 7: ANSWERS TO EXERCISE 3 – ABSENCES VERIFIED

1. An applicant submitted an application for citizenship six months ago. During the program integrity (PI) interview, the case processing agent (CPA) discovers that a return date listed on the application is incorrect. The applicant originally declared this as a three week trip. It is in fact a two month trip. Taking into account the discrepancy, the CPA calculates the applicant's physical presence and it now falls below 1095 days.
 - **Recalculate using the online Physical Presence (PP) calculator;**
 - **Attach the printout to the file;**
 - **Make notes explaining/justifying the change;**
 - **Continue interview; and**
 - **Forward file to a case processing officer (CPO) for immediate second interview – This case is now “complex”.**

2. An applicant submitted an application for citizenship six months ago. The applicant has applied with 1097 days of physical presence. During the interview, the case processing agent (CPA) uncovers two incorrect departure dates where client actually left two days earlier each time. The cumulative total of the discrepancy is four days of physical presence.
 - **Recalculate using the online PP calculator;**
 - **Attach the printout to the file;**
 - **Make notes explaining/justifying the change;**
 - **Continue interview; and**
 - **Forward file to a CPO for immediate second interview – This case is now “complex”.**

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3. The applicant presents a passport covering only half of the relevant period. There are two passport (PPT) biopages on file covering the entire relevant period. The applicant states they forgot their other passport at home and can come back with it later. You have no concerns.

- **Make notes to explain why the PPT was not seen and that the PPT is to be seen later.**
- **Use Notice to Applicant - Request for Supplementary Evidence (CIT 0520) form to request applicant return with original PPT;**
- **Upload form into Global Case Management System (GCMS) outgoing correspondence; and.**
 - **If there are no concerns:**
 - **Make notes indicating there are no concerns; and**
 - **Continue interview.**

When PPT is provided later, note the outcome of this review, and the date of review.

4. An applicant submitted an application for citizenship six months ago. During the interview, the CPA uncovers on two occasions a discrepancy of two days in the trips the applicant has declared. The applicant's physical presence is 1253 days. No credibility concerns arise during the interview.

- **Recalculate using the online PP calculator;**
- **Attach the printout to the file;**
- **Enter case notes in GCMS explaining/justifying the change; and**
- **Continue interview.**

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5. The applicant has provided a copy of his passport covering the entire relevant period with their application; however, at the interview, they declare it has been stolen. When asked, the applicant says a police report was filed. Applicant shows you a copy of the report. No credibility concerns arise during interview.

- **Make notes indicating the reason(s) why PPT was not seen;**
- **Make a note that police report was made and seen (a copy is not needed);**
- **Make notes indicating there are no concerns; and**
- **Continue interview.**

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I'm going to demonstrate using the online physical presence calculator that's available on our IRCC website to calculate an applicant's physical presence in Canada and in this scenario it's for an applicant who has time as a permanent resident as well as time in Canada prior to becoming a permanent resident where they had authorized temporary resident status.

Let's say that I am applying for citizenship and today the date that I'm signing the application is the 19th of April 2021 and let's say I became a permanent resident last year on the 19th of April 2020. I will enter those dates in the calculator and I will click "calculate".

You'll notice that the calculator asks me if I had time in Canada with temporary resident status or as a protected person. So this is any time as a visitor, student, temporary worker, temporary permit holder or as a protected person.

And the dates it is asking me about is the beginning of the relevant period which was 19 April 2016, five years prior to the date of application and it's asking me up until the day before I became a permanent resident because I became a permanent resident on the 19th of April 2020 it's asking me if I had temporary resident status before that date.

I will answer "yes" to this question and click "submit". It then asks me to list the details. So let's say I was an international student and that was from the 19th of April 2017 so I will enter that as the start date. And that I was a student right up until when I became a permanent resident so I will enter 18th of April 2020 as the end date.

So we will add that entry and you will notice it shows the time that I have entered. So the calendar days shows as 1096 days because I was here from 2017 to 2020 so it's like three years of student. You'll notice however that in terms of the credit it's only giving me 548 day credit. And that's because every day as an authorized temporary resident counts only for half days. So it has been cut in half. So I will click "calculate" and now it's going to ask if I spent time serving a sentence.

For this scenario let's answer "no". We'll submit that answer.

To keep this scenario simple, let's reply there were no absences from Canada. So I will submit that answer and continue.

And now, I get to my last page where it gives me information about whether I meet the physical presence requirement or not.

You'll notice that it says according to the information provided you do not need the physical presence of the citizenship act. And it goes on to tell me that assuming nothing else changes I will meet it on the 19th of April 2022.

Let's take a closer look at the calculation. The calculator tells us the eligibility period. It goes back to the 19th of April 2016 which is five years immediately prior to my date of application and

it ends on the day right before my date of application which is the 18th of April 2021, because I applied on the 19th of April 2021. So the eligibility period is accurate.

You'll notice it gives the date that I became a permanent resident which was the 19th of April 2020. However, I was here a student before that. So you'll notice when you look at the right hand side of the chart it shows my physical presence as a temporary resident or protected person.

There were 1096 days where I was in Canada during that five year period as a student. We can only credit each of those days as a half-day. So that is has been reduced in half to 548. But the Citizenship Act says the maximum credit you can get for any time as an authorized temporary resident or protected person is 365 days. So that's why when we look at the total credit we only see 365 days.

On the left hand side of the chart, is the calculation for my time as a permanent resident. I became a permanent resident just last year so I've accumulated 365 days. There was no time deducted for spending time serving a sentence and there were no absences. So my total credit for my permanent resident time remains as 365 days.

So we take the 365 days as a permanent resident, and we add the 365 days as a temporary resident, when I was a student, and my total credit is 730 days. Which is well below the 1095 days required. So I do not meet the physical presence requirement at this time.

As we scroll down below we can see the time credited as my international student and we see that the dates are accurate. I was here that entire time that in calendar days was 1096 days and that the maximum credit I can get is worth 365 days. And it tells me about this 365 day maximum right here in this section.

So for this scenario assuming I have no other absences from Canada I would be eligible to apply for citizenship and meet the physical presence requirement on the 19th of April 2022. So I still have to wait another full year in order to qualify.

I'm going to demonstrate how an applicant uses the online physical presence calculator available on the IRCC website to calculate their physical presence. Let's assume in this scenario that I am an applicant for citizenship and that I'm applying on the 19th of April 2021. The first question on the calculator asks me to enter the date I'll sign the application. So, I would enter 2021 fourth month and 19th day. The next question asks me to enter the date I became a permanent resident of Canada. Let's assume for this scenario that I became a permanent resident in 2018 also on the 19th of April. I'm going to click calculate.

And the question on the next screen is going to be asked me if I had time in Canada with temporary resident status like a visitor, student, or worker or as a protected person. For the purposes of this scenario we will answer "no" to that question and assume that all my time in Canada has been as a permanent resident. I will click submit and continue.

The question on the next screen is asking me if I spent time in Canada serving a sentence. Let's keep this scenario simple and answer "no" that I did not have any time spent serving a sentence and I will click continue.

The next question asks me if I left Canada during the five years prior to my date of application which is the eligibility period also referred to as the relevant period. For this scenario I will answer "no" submit and continue.

Now, I get to the final page of the calculator where it gives me my results. Let's take a look at the results. Well, it says "According to the information you provided you meet the requirement to be physically present in Canada for at least 1095 days in the five years immediately before the date of application. So I meet the requirement.

Let's go through the different things that you can see on this page. First of all, it tells me my eligibility period also known as the relevant period. It says that it's from the 19th of April 2016 to the 18th of April 2021. And so how does it figure out that eligibility period? Well, it takes my date of application which is over here, the 19th of April 2021. That's the date of application and as we know in 5(1)(c)(i) it says that you have to go back five years from your date of application. So that's how we get the 19th of April 2016 as the start of the eligibility period because that's five years prior to 2021.

And 5(1)(c)(i) says that you have to have 1095 days immediately before the date of your application. So that's why it ends on the 18th of April 2021 that's the day immediately before my application which was the 19th of April 2021.

You'll recall that in this scenario we assumed that I didn't have any time as a temporary resident or protected person so that's why on the right hand side all these figures are zero. On the left-hand side of the chart you see my calculation for the period of time as a permanent resident. The calculator figured out that I had 1096 days as a permanent resident within the eligibility period. Again for this scenario we said there was no time spent serving a sentence, no absences. Those figures appear as zeros. Then finally we get our total credit as a permanent

resident. Had I entered absences or time spent serving a sentence, then the total credit would have deducted those days.

Finally the total physical presence appears at the bottom of the chart. This is a combination of any credit as a permanent resident as well as credit of any time as a temporary resident or protected person. So that's how we get the total physical presence of 1096 days.

I'm going to use the physical presence calculator that's available online at the IRCC website to show you a calculation for an applicant for Canadian citizenship who has not only has status as a permanent resident but that also had status as a protected person before they became a permanent resident of Canada.

Let's say for this scenario that the applicant is applying for citizenship on the 19th of April 2021 and that they became a permanent resident two years earlier on the 19 of April so I'll enter that and click "calculate".

The next question on the physical presence calculator is asking about time in Canada with temporary resident status or status as a protected person between 19 April 2016 and 18 April 2019.

The first date here is five years prior to my date of application again remember my date of application is the 19th of April 2021. Five years prior takes us back to the 19th of April 2016.

It asks about my status up until the 18th of April 2019 as that is the day before I became a permanent resident. This applicant became a permanent resident on 19 April 2019 so any time after that they're a permanent resident so the calculator only wants to know about protected person status or temporary resident status before becoming a permanent resident.

The answer to this question is "yes: and I will select and submit that and then it instructs me to list details. Let's assume in this scenario that the person came to Canada on the 19th of April 2016 and that they made a refugee claim at the border. Now, they didn't actually become a protected person until they received a positive decision from the IRB the immigration and refugee board saying that they were found to be a convention refugee that's when they would've been recognized as being a protected person which only occurred on April 19th, 2017. So that's the date that I would have to enter as when I first had protected person status in Canada.

Time as a refugee claimant does not count so I enter the date that they receive their positive decision that was in 2017 and I would've had that status right up until the day before I became a permanent resident of Canada so that would end on 18 April 2019 because I became a permanent resident on 19 April 2019. I add that entry and you'll notice that it shows the dates that I was a protected person.

And that it equals 730 calendar days. However it is only credited as 365 days. That's because according to the Citizenship Act, any time in Canada as an authorized temporary resident or protected person can be credited only as a half day for each day up to a maximum credit of 365 days. Let's continue.

For the purposes of this scenario let's assume that there was no time spent serving a sentence and that there were no absences from Canada either so I'll answer no to those questions.

On the final page it gives me my results. You'll see that in this scenario it says that I do meet the requirement to be physically present in Canada for at least 1095 days in the five years prior to the date of application.

Let's take a closer look at the calculation. You'll notice the eligibility period is indicated here and that it starts on the 19th of April 2016. That is five years prior to my date of application as shown here the 19th of April 2021.

Going back five years that brings us to 19 April 2016 and it ends on the day before I apply so if I applied on the 19th of April 2021 the day before I apply would be the 18th of April 2021. So that's how we figure out the dates for the eligibility period.

Time that has been credited as a temporary resident or protected person is found on the right hand side of the chart. You'll see that in this scenario the time spent as a protected person was 730 days and has been credited as 365 days. That's a half-day credit for every day.

There was no time spent serving a sentence and no absences listed. So my total credit remains as 365 days.

On the left side of the chart, we see my physical presence for time as a permanent resident. I was a permanent resident for 731 days within the five year period. Again I did not have any time spent serving a sentence or any absences so my total credit as a permanent resident remains as 731 days.

So 731 days plus my credit of 365 days as a protected person. Gives me a total physical presence of 1096 days. And we know that the requirement is that I have 1095 days so I meet the requirement.

When can scroll down here to see details of the time that I listed as a protected person again you'll see 730 calendar days credited as 365 days.

That is an example of someone who has calculated their physical presence where they had time both as a protected person and as a permanent resident of Canada during the five year eligibility period.

I'm going to demonstrate how we would use the physical presence calculator that's available on the IRCC website to calculate an applicant's physical presence in Canada in a situation where there are absences from Canada during the five-year period.

So let's assume that I'm applying for citizenship and the date that I'm going to submit my application will be the 19th of April 2021. So I enter that as the date I'm signing the application and let's further assume that I became a permanent resident on the 19th of April 2018. I'll enter that and I will click "calculate".

The calculator is going to ask me about any time that I had with temporary resident status in Canada or as a protected person. Let's say "no" to this in this scenario and we'll submit that and continue. Then, it is going to ask if I had spent any time serving a sentence. Again for the scenario let's just say "no" to this question and we'll continue.

The next question is asking me about my absences from Canada. It's asking me if I left Canada between the 19th of April 2016 and the 18th of April 2021. It instructs me to declare all the times I left for any reason whether it was vacation, work, business, family matters illness etc. And also it tells me that I must also indicate any day trips that I took so anytime that I left Canada and came back on the same day must also be declared.

Let's say that I did leave Canada. I am going to submit that and it's going to ask me now to list my absences. Let's assume I took two trips. The first one was to the United States where I did a day trip. I'll put United States of America as my destination. I'll enter that I left in 2018 and I went on the 2nd of August and came back on the very same day. I just went to Niagara Falls and I decided that I wanted to go to the US side. So go to Niagara Falls, USA to see falls from other side that is my reason for going.

So I will add that absence. You'll notice that it shows a table with the dates, my destination, the reason I went, and you will notice that it says "zero" days absent and that is accurate because even though I'm required to declare any trips where I left Canada and came back on the same day, it doesn't actually count as an absence because I was physically present for part of that day. I get credit as being physically present for that day and nothing has to be deducted.

Now let's say I took another trip. This time I went to Australia and let's say I also did this in 2018 and that I went in October.

Let's say I went on October the 2nd. Let's say that I accidentally enter that I came back in 2019 instead of 2018. I returned on the 25th and I've accidentally entered 2019 as the year of return and let's say the reason for my trip was to visit friends. I will add that absence.

Then I notice when I'm looking here at my list of absences that the absence shows that I was gone for 387 days. I realise that it's wrong. I wasn't gone that long and now realise that I put in the wrong year of return. So what I do is I modify that. What I do is I click "modify" and I am going to correct the year. I change the year to 2018. I click "modify". And now I see that it now

has updated the trip as a 22 day absence. Let's assume that I did not have any other trips. So I'll click "calculate" where it brings me to the final page with my results..

Here it explains to me that according to the information I provided I do not meet the physical presence requirement. And then it goes on to say that assuming nothing else changes, and that I remain in Canada that I will meet the requirement on the 10th of May 2021. So I have applied a little too early. If I apply now I will not meet the physical presence requirement. So I need to wait until the 10th of May 2021. Assuming nothing else changes, meaning that I don't go on any further trips I'll be able to apply on that date.

Let's just take a closer look at the calculation. You'll see that the calculator indicates the eligibility period. It's from the 19th of April 2016 to the 18th of April 2021. So again, this is the five years immediately prior to my date of application. Because the date of my application was the 19th of April 2021. And so the calculator figures out five years prior to this date and that's the 19th of April 2016. That's the start of the eligibility period and then it goes up to the 18th of April 2021 which is the day immediately prior to my applying for citizenship.

You'll recall that in this scenario we didn't have any time in Canada as a temporary resident or protected person so you'll notice here on the right hand side that all the figures so zero. That is correct for this scenario.

On the left-hand side you'll see my physical presence as a permanent resident. First of all you'll see that I have 1096 days within the eligibility period where I was a permanent resident. Although the start of the eligibility period is 2016-04-19, I do not get credit until I became a permanent resident on the 19th of April 2018. You'll notice that there were zero days spent serving a sentence. However, I did have 22 days of absence so that's my total of all my absences, because I wasn't actually here, those days are subtracted. My total credit as a Permanent Resident is reduced to 1074 days.

Had I accumulated any time in Canada with temporary resident status or as a protected person that would show here on the right and would be added to my credit as a permanent resident to get my Total Physical Presence. However, in this scenario I didn't have any time in Canada before becoming a permanent resident so my total physical presence is 1074 which is below the required 1095 days.

When I scroll down, there is a table that shows the absences I entered. This allows me to verify that I entered the information accurately. I did. So I do not meet the requirement and must wait to apply. As long as I don't leave Canada, I'll be able to apply on the 10th of May 2021.

That's how you calculate physical presence when someone has absences from Canada.

We are going to look at physical presence less time served which is the topic of this lesson.

Let's start by reviewing the physical presence requirements described in paragraph 5 (1)(c)(i) of the Citizenship Act.

Here it says that the Minister shall grant citizenship to any person who has been physically present in Canada for at least 1,095 days during the five years immediately before his or her application.

So, we look at the date of the application and according to what we have just read in 5(1)(c)(i) we must go back 5 years. And, we are looking to see that the person has accumulated 1095 days of physical presence during that five-year period.

So 1095 days of physical presence. We'll abbreviate physical presence by the letters PP.

Now, we are going to take a look at another section of the Citizenship Act - section 21. Section 21 deals with periods not counted as physical presence.

So it says in section 21 that despite anything in this Act, no period may be counted as a period of physical presence for the purpose of this Act during which a person, under any enactment in force in Canada,

- (a) has been under a probation order;
- (b) has been a paroled inmate;
- (c) has served a term of imprisonment.

Time spent on probation, parole and imprisonment is commonly referred to as time served.

So what we're saying is that if you look at section 21, it says that time served does not count, so when you are trying to calculate someone's physical presence, you look at that 5 year period. And what you are doing is you're going to see if during that period of time there was any time served and if there was, you're going to have to deduct it from the physical presence. If it turns out that the person still has 1095 days, then they're fine, they would meet the physical presence requirement.

But, if once you have deducted the time served if it is below 1095 days, it means that citizenship cannot be granted because the person does not meet the requirements of subparagraph 5 (1)(c)(i), which says that you must have 1095 days of physical presence.

Translated with www.DeepL.com/Translator (free version)

Hey hey everybody welcome to the animation world. Folks by now you are likely familiar with the physical presence requirements of the citizenship act and you may be even have an idea about how to calculate it, but before we assign you work and you start plugging numbers into the online residence calculator.

I think it's a good idea for you to understand how we calculate physical presence using a visual example. Some people like math others like me felt calculus in high school, but regardless of your strengths or weaknesses. Experience has shown us that citizenship officers seem to get a better understanding about how to calculate physical presence once they have had an opportunity to manually work through a couple examples and see that information presented a couple different ways visually and for that reason over the next couple minutes that's exactly what we're going to do.

On the right side of your screen you'll see that we presented a physical presence example to you graphically or visually. All the information you need to know in order to determine whether or not this person would meet the physical presence requirement is right there on the right side of your screen, but before I ask you whether or not this person could be granted citizenship, I think it's a really good idea to transcribe that information on the right over to the simple timeline on the left so that you have an alternative way to see the same information. In the end, it doesn't matter which method you prefer you might even have your own way which works better for you but having options is always good.

As citizenship officers one of the first things we should do when we get a citizenship application, or when we're working on scenarios in our inter-session assignment, is look at the data of application. In this case, it's September 21st 2020 that's important because it tells us what legislation we're working with.

We know that it's a newer file and we know that the residents would see requirements is three out of five years. So we know that we can go back five years and add September 21st 2015 to the top of our timeline.

Another critical piece of information that we need to know in order to determine residency is a permanent resident time and/or non-permanent resident time. In this particular example, there's no indication of NPR times. So we're going to go ahead. Add and add date of permanent residency to our timeline.

In this case may first 2016. Since we know that this particular person did not enter Canada until May of 2016 and since we also know the date of application was September 21st 2020, we can go ahead and compress this timeline just a little bit by labeling the eligibility period, also sometimes referred to as RTF or relevant time

frame.

I've also gone ahead and highlighted it because it is such a critical piece of the puzzle.

Now that we're getting somewhere the last thing to do is to label the vacation time that this person spent in Italy, if you take a look at the green box on the right graphic, you'll notice that they were away in Italy for 21 days in July of 2019, so I've gone ahead and marked that on the timeline as well. Specifically you'll notice that I highlighted or scratched out in red, let's put X's there to make it clear that we do not want to count this period of time as physical presence. Because as you know, time away from Canada does not count towards the physical presence requirement, so let's make that clear on the timeline as well.

Time for some fun. Time for some simple math. By asking yourself the five questions that I'm writing on the flip chart you'll be able to manually determine whether or not the person meets the physical presence requirement. Now in reality, you'll likely be using the online residence calculator most of the time but if you're an ever in a situation where your answer that the calculator gives you doesn't make sense or you'd like to double check your work. I encourage you to give it a shot manually.

Let's answer these five questions now using either image on the left or the right whichever one you prefer.

First question we asked to ask ourselves is "how many days are within this person's eligibility period?" Now, we can visually see the answer to this question by looking at the timeline on the left in particular the area that we've highlighted in yellow, but we do need to come up with a number since I told you for this scenario that we're not using our res calculators, there's a couple different ways to do this if your old school you can try counting on your fingers or using a calendar, but if your tech savvy you can simply try asking your phone whether its Google Alexa or Siri how many days between May 1st 2016 and September 21st 2020. Google tells me there's one 1,600 four days. I trust Google and so I'm gonna go with that.

The next question we have to answer is "how much time has this person spent in jail, parole or on probation?" since we cannot count that time against residence in this simple example, there's no indication that this person has any trouble with the law and so we're gonna go ahead and indicate zero. Since this person has not served any time, we know that physical presence less time served is not going to change in other words, it's going to stay at 1604 days.

Question number four asks "how many days away within the eligibility period?" We know that this person took a three week trip to Italy and so we're going to go ahead and answer question number four by entering the number 21. Finally, we need to determine whether or not this person meets the total physical presence requirement, and what is their total physical presence in order to do this we simply subtract 21 from 1604 and we come up with 1583. Didn't even need to ask Google that one! So, assuming this person has met all the other requirements for citizenship, including the income tax requirement, we know that they can go ahead and be granted citizenship since they meet the physical presence requirement. They have well over the required amount of time which is three out of five years and I know this because I went ahead and double checked my work.

I plugged those numbers into the online residence calculator and luckily lo and behold I came up with the same numbers. Well, that's all for now, folks. I hope that you gain something from this mini lesson regardless of your whether or not you're a visual learner or not and I'll see you soon.

Hello again! Let's chat for a couple minutes about court docs.

While RCMP conviction reports are helpful in telling us whether someone might be prohibited from acquiring citizenship or not, court documents go even a step further in confirming the information on those RCMP reports so that we can accurately determine the prohibition, if it exists, and any impact that it might have on a person's physical presence.

Court docs also provide us with some additional important details that are not always present on RCMP reports. Such as, whether the crown proceeded summarily or by indictment for example. In this lesson, I'll give you some tips about court documents.

I'll start with a caveat. It's going to take practice. Quite a bit of practice actually to master reading court documents. Unlike RCMP reports which are standard across Canada court documents vary from province to province and present the relevant information differently. That's just one of the reasons why you will likely need a second or even a third set of eyes when reviewing real court documents in the field. It is perfectly normal and in fact expected that you may need to case conference with experienced colleagues until you get the hang of it.

By now your facilitator has likely shared with you a document containing samples of RCMP reports and court documents. You'll want to hit the pause button right now and take out that package so you can follow along.

In addition, to RCMP conviction reports this document also contains samples of various court docs from multiple provinces. On your screen, you see samples from British Columbia. Let's start here. A lot of new officers are taken aback at first that the fact that many court documents are handwritten or even a bit messy. This is all the more reason why a second set of eyes has helped. A good place to start, is by looking at the RCMP report on file after all the RCMP report is most likely what led to the request for court documents in the first place. In this case, there's an RCMP conviction report on file.

The RCMP conviction report appears to have last been updated May 23rd 2018 and gives us a good idea about what to expect. But as you'll see in a moment, the court documents will help fill in any missing blanks. The next page, although interesting, is not necessarily what we are looking for. From this page, we can learn what the person was arrested for or charged for but, it doesn't tell us the final outcome or the disposition.

The next two pages, pages six and seven are mostly administrative. In this case it is a record of the applicant's court appearances. It's not uncommon to see numerous court appearances spanning weeks or even months for a charge.

Again, while interesting these pages don't tell us what ultimately happened with the case. Eight pages in though we can find the pot of gold at the end of the rainbow. In British Columbia, the court disposition is recorded on a page that looks like this. A reminder just because it looks like this in BC does not mean it is going to look like this in Alberta or any other province for that matter. But when you find what you're looking for, you're going to want to read it very carefully. For example, your first impression might be to say that this person was found to be not guilty on January 4th 2017, but look again. What this actually tells us is that this person pleaded not guilty on January 4th 2017. The final disposition is actually over here. It wasn't until February 21st 2017 that the court made their decision which resulted in a stay of proceedings in this case.

Let's try another one. Let's take a look at an example from Ontario on page 42 for comparison. Remember to hit the pause button if you need a moment.

Let's take a close look at this one. We can get all the information we need in order to make a prohibition decision, but sometimes it's almost like finding Easter eggs. The first Easter egg is here. We can see in this case that the count crown preceded by indictment. We can also see that the applicant in this case pleaded not guilty to counts one and two.

Since it's not spelled out if you wanted to know what counts one and two are you're going to need to flip through the document a little more. Nonetheless we can tell in this example that the court disagreed with the applicant and actually ended up finding them guilty on both counts on August 1st 2016.

Handwritten here at the bottom of this sheet is the sentence that was given. A three months conditional sentence and 12 months of probation to be served concurrently for both counts. That also, was to go along with a weapons ban.

Okay, that's it for now. Thanks for joining me today. I hope this information boosted your confidence a little bit.

Now, it's time for you to practice. Good luck.

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Citizenship Level 2 Delegation for Grants Sections 5 and 11 – Blended Delivery Course Workbook

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LESSON 3: MAKING A DECISION ON PHYSICAL PRESENCE

3.0 Introduction

In this lesson you will learn about making a decision on physical presence (PP).

3.1 Lesson Objectives

At the end of this lesson, you will be able to:

- Grant cases where the applicant meets the physical presence requirement (PPR) for citizenship; or
- Refer the case to a citizenship judge for consideration if you are unable to grant.

3.2 Lesson Outline

This lesson will cover the following topics:

- CPO's Role with Respect to Deciding on Physical Presence
 - What are my options?
- Administrative law
- Review of Citizenship Application
 - Lesson 3: Exercise 1 - Reviewing the Citizenship Application
 - Lesson 3: Exercise 2 - Reviewing Citizenship Application (SHAZHAD)
- Review of Documentary Evidence
 - Lesson 3: Exercise 3 - Reviewing Documentary Evidence
- Review of the Physical Presence Questionnaire (PPQ)
 - Lesson 3: Exercise 4 - Reviewing Physical Presence Questionnaire (SHAZHAD)
- Review of Passports/Travel Documents
 - Lesson 3: Exercise 5 - Reviewing Passport (Shazhad)
- Review of School Records, Medical Records and Social Ties
 - Lesson 3: Exercise 6 - Reviewing School Records, Medical Records and Social Ties (Shazhad)
- Review of Tax Documents
 - Lesson 3: Exercise 7 - Reviewing Tax Documents (Shazhad)

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- Review of Bank/Credit Card Statements
 - Lesson 3: Exercise 8 - Reviewing Bank/Credit Card Statements (Shazhad)
- Decision Writing Guidelines for Physical Presence Case
 - Lesson 3: Exercise 9 - Making a Decision on Physical Presence (Shazhad)
- How to Complete File Preparation Analysis Templates (FPATs)
 - FPAT – Long
 - FPAT – Short
- Lesson 3: Exercise 10 - Recording Your Decision (Takk)

3.3 Estimated Lesson Duration

This lesson will take approximately 9 ½ hours to complete.

3.4 CPO's Role with Respect to Deciding on Physical Presence

All 5(1) grant applicants must meet the PPR as per paragraph 5(1)(c)(i) of the *Act*.

A Case Processing Officer (CPO) or Case Processing Agent (CPA), as the Minister's delegate, must be satisfied that an applicant meets the requirements for a grant of citizenship, including the PPR, in order to grant an application for citizenship.

CPOs do not have the authority to not grant an applicant who does not appear to meet the PPR. Instead these cases are either approved or non-approved by a citizenship judge.

What are my options?

The CPO:

- a) Evaluates the documentation and information gathered.
- b) Grants applications if satisfied that the applicant meets the PPR. Prepares the File Preparation Analysis Template – Short (CIT 0544) (FPAT – Short).
- c) Prepares the Citizenship Judge Review Template (CIT 0510) for the judge if not satisfied that applicant meets the PPR due to a **clear shortfall**.
- d) Prepares the File Preparation Analysis Template – Long (CIT 0509) (FPAT- Long version) for the judge if not satisfied that applicant meets the PPR due to **credibility concerns** and misrepresentation is not warranted.

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- e) Reviews the judge's decision if approved and either grants or recommends judicial review.

The CPAs and CPOs have the same role of evaluating the documentation and information they've gathered and recorded and by others (Case Processing Centre in Sydney (CPC – Sydney, Immigration, etc.). The file must contain any relevant information gathered by Immigration, Refugee and Citizenship Canada (IRCC) in its investigations such as records of conversations with port of entry officials regarding an applicant's immigration status or PP in Canada. CPAs have this responsibility for routine and streamlined cases and CPOs have this responsibility for complex cases.

There are two versions of the FPAT (FPAT - Short and FPAT – Long). The long template requires a more detailed documentation of the analysis done by the CPO than the short version. In this lesson you will learn about both. You will also learn valuable tips to keep-in-mind when you review files for possible PP concerns. These tips will be reinforced by exercises throughout this lesson.

Appendix E is a flowchart on deciding if physical presence requirement is met.

3.5 Administrative Law

Refer to Lesson 1: Conducting a Language Hearing (1.5).

3.6 Review of the Citizenship Application

The citizenship application is a key document to review when assessing compliance with the PPR and it is one of the first documents reviewed.

Before you look at the citizenship application, you should first look at the File Requirement Checklist (CIT 0508) (FRC) and the Case Notes in GCMS. Also, look at, for cases received prior to November 6, 2020, the Citizenship Application Record of Decision – Subsection 5(1) (CIT 0065) (CARD) that is on file to determine if any PP concerns have been identified at any point in the process. This will help you identify areas of the application where you may want to pay particular attention when reviewing the application to determine if further inquiry into the applicant's PP may be required. As of November 6, 2020, the CARD was replaced by the CARD Digitization procedure. Program Delivery Instructions (PDI's) will be updated in the near future to reflect this change.

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Appendix E – 1 has some pointers to consider when reviewing the citizenship application.



To practice what you have learned complete Lesson 3: Exercise 1 – Reviewing the Citizenship Application.



To practice what you have learned complete Lesson 3: Exercise 2 – Reviewing Citizenship Application (SHAZHAD).

3.7 Review of Documentary Evidence

Recall in Appendix E that when the CPA is not satisfied the person meets the PPR, the file is passed on to the CPO who will choose to either request supplemental documents or approve the case.

If additional documents are requested, received and reviewed and the specific documents that were requested still do not resolve the applicant's PP issues, the CPO can interview the applicant by phone or in person to resolve any concerns or clear up any discrepancies before a PPQ is issued by the local office if credibility concerns remain.

CPOs and CPAs must exercise sound judgment when evaluating information and identifying situations that may call into question the validity of an applicant's declared PP.

If PP concerns arise at the local office, staff must make every effort to resolve the issues without using the PPQ. Staff may request specific documents from applicants using the Notice to Applicant Request for Supplementary Evidence (CIT 0520) or Final Notice – Request for Supplementary Evidence (CIT 0519). Each and every citizenship application is unique, and so the types of documents that are requested will vary from one case to the next.

Best practice is for staff to list all necessary documents when using the CIT 0520 to avoid additional delays. If necessary, in certain situations, officials can send a subsequent request for supplementary documents.

IRCC officials will indicate whether additional documents have been requested using standardized case notes. Once documentary evidence has been requested, a CPO must review and analyze all additional documents provided.

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CPO must complete an FPAT – short version once additional docs come back from the applicant and issues have been resolved before granting. Exception: if the only documents requested were Integrated Customs Enforcement System (ICES) and or passport (PPT) copies and no adverse info was noticed, do not complete FPAT – short. Use Note to File (CIT 0136) at test interview.

Documents you might want to request will depend on the scenario, but include:

Passports

You discover that the applicant has a PPT or travel document (TD) that has not been provided at the “interview”.

Rental agreements, leases, or mortgages

In cases where there are discrepancies or concerns and where applicant has listed that they rent an apartment or own a home/condo during the relevant period, having proof of domicile might resolve the “concern”.

77Employment Records

In cases where there are discrepancies or concerns and where applicant has listed employment during the relevant period, having proof of employment might resolve the concerns. You would not ask for employment records if client states they never worked during the relevant period, but you might ask for other documents.

School Transcripts

In cases where there are discrepancies or concerns and where applicant has listed studies during the relevant period, having a school transcript might resolve the concerns. You would not ask for school records if client states they never studied during the relevant period, but you might ask for other documents.

Notices of Assessment

As a last resort, if applicant is unable to provide employment records to corroborate declared income with bank account statements (i.e. when there are discrepancies between salary stated on employment records and bank account statements), it might be useful to request the applicant

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obtain a Canada Revenue Agency (CRA) Income and Deduction Printout of the Notice of Assessment (Option C printout). This document provides a breakdown of the income declared.

Provincial/Territorial Personal Health Claim Summary

When someone does not have any or limited work or study history (i.e. stay at home parent) during the relevant period and some evidence of presence in Canada is required, records of movement can be requested for the applicant and their children.

Records of Movement

- Applicant declared having lost their PPT or not in possession of an expired PPT
- Applicant is in possession of a photocopy of an expired PPT
- Applicant is suspected of holding two PPTs from the same country
- Illegible PPT stamps (either not clear or too many on top of each other)
- Missing PPT stamps

Other

CPAs and CPOs can request any document that they feel will help resolve concerns about PP.



To practice what you have learned complete Lesson 3: Exercise 3 – Reviewing Documentary Evidence.

3.8 Review of the Physical Presence Questionnaire (PPQ)

The PPQ is used in gathering information if the CPO is not satisfied that the PPR has been met and the issue could not be resolved through other documentary evidence.

In the PPQ the applicant makes some declarations. The CPO who reviews the PPQ must identify the facts that must be proven based on these declarations.

Appendix E – 2: has some pointers to consider when reviewing the PPQ.



To practice what you have learned complete Lesson 3: Exercise 4 – Reviewing Physical Presence Questionnaire (SHAZHAD).

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3.9 Review of Passport/Travel Document

The PPT/TD is a key document to review when assessing compliance with the PPR.

Appendix E – 3 has some pointers to consider when reviewing the PPT/TD.



To practice what you have learned complete Lesson 3: Exercise 5 – Reviewing Passport (SHAZHAD).

3.10 Review of School Records, Medical Records and Social Ties

Applicants need to list their educational history both inside and outside Canada during the relevant period (including language classes). They also need to list if their spouse or children attend school and provide details.

Proof of education for themselves, their spouses and their children are required as applicable.

Appendix E – 4 has some pointers to consider when reviewing school and medical records and social ties.



To practice what you have learned complete Lesson 3: Exercise 6 – Reviewing School Records, Medical Records and Social Ties (SHAZHAD).

3.11 Review of Tax Documents

Applicants are required to provide various tax documents as applicable to their situation in support of their PPQ. Tax documents are listed in different sections as outlined below:

Home and Family Information (Proof of PP)

- Property tax assessments

Employment Information (Proof of employment)

- Canada Revenue Agency (CRA) complete Notice of Assessment
- CRA - Income and Deduction Printout of Notice of Assessment (Option C printout).

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- CRA - T4 Statement of Remuneration Paid
- CRA - T5 Return of Investment Income

Property and Businesses Inside and Outside Canada

- Corporate income tax documents

Appendix E – 5 has some pointers to consider when reviewing tax documents.



To practice what you have learned complete Lesson 3: Exercise 7 – Reviewing Tax Documents (SHAZHAD).

3.12 Review of Bank/Credit Card Statements Tips

Along with their PPQ, applicants need to submit supporting documentation that applies to their situation. Bank/credit card statements are listed under both the Employment Information and the Property and Businesses Inside and Outside Canada sections of the PPQ.

Appendix E – 6 has some pointers to consider when reviewing bank/credit card statements.



To practice what you have learned complete Lesson 3: Exercise 8 – Reviewing Bank/Credit Card Statements (SHAZHAD).

3.13 Decision Writing Guidelines for Physical Presence Case

Recall that in general, a CPO has four options that they can take after reviewing a PP case:

1. Prepare a report for an allegation of misrepresentation;
2. Prepare FPAT- Long version and refer to citizenship judge (credibility);
3. Prepare Citizenship Judge Review Template and refer to citizenship judge (clear shortfall); or
4. Grant using a FPAT – Short version.

In all cases it is very important that notes reflect that the totality of evidence has been considered and that any concerns previously identified have been resolved.

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In a decision, a standard opening would be to say: **“I have reviewed the case and the submissions and evidence presented by the applicant in their entirety.”** This opening clearly states that all evidence has been examined. It is now up to the decision-maker to reference specifics that are essential to the decision they are making. It is the obligation of the decision-maker to cite relevant evidence to support their decision.

It is also important that the process the decision-maker completed in their head is reflected in their written decision. It must be recorded in a way that allows anyone who reviews the case, to come to the conclusion that their process of decision making was fair.

Depending on the complexity of the case, a CPO must:

- Provide a global assessment of all factors that led to a **positive decision**, or, if the case is more complex in nature that requires a more in-depth analysis, indicate all factors considered in the decision making, both positive and negative, in simple, straight-forward and dispassionate language.
- In more complex cases indicate that all factors have been analysed and explain the weight given to each of these factors and why. This may be as simple as acknowledging some discrepancies and presenting positive factors that indicate that applicant meets the physical presence requirement.
- In simpler decisions, to indicate that they have conducted a balancing exercise between the positive factors identified and the facts that weigh against granting the application, the following statement can be applied **“Following a review of all documents on file and based on the balance of probabilities, I am satisfied that the applicant has met the physical presence requirement of 5(1)(c) of the Act.”**
- Explain the thought process behind the decision and demonstrate that assumptions have not been made (i.e. CPO must not use conjecture (opinion, inference) to fill in the gap between the facts listed and the decision made). If someone unfamiliar with the case reads the decision, they must be able to follow the logical progression between the facts of the case and the decision rendered. The reader does not have to agree – they only have to follow a progression that is logical and based upon facts.
- As decision-makers, your decision to grant an applicant will not be challenged in federal court. However, there is ongoing Quality Assurance monitoring of decisions; for that reason, amongst others, your thinking must be recorded.

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LESSON 4: CALCULATING PHYSICAL PRESENCE TAKING INTO ACCOUNT TIME SERVED

4.0 Introduction

In this lesson you will learn how to calculate physical presence (PP), using the online Physical Presence Calculator, for applicants who have spent time serving a sentence.

4.1 Lesson Objectives

At the end of this lesson, you will be able to calculate PP taking into account time spent on probation, parole, or serving a term of imprisonment.

4.2 Lesson Outline

This lesson will cover the following topics:

- Review of Physical Presence Requirement
- Introduction – Section A21
- Calculating PP for Applicants Subject to Section A21
- Lesson 4: Exercise – Calculating Physical Presence Taking into Account Time Served

4.3 Estimated Lesson Duration

This lesson will take approximately 3 ½ hours to complete.

4.4 Review of Physical Presence Requirement

The physical presence requirement (PPR) and how to calculate physical presence was covered in the Level 1 Workbook.

Subsection 5(1)(c) of the *Citizenship Act* describes the PPR.

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Refer to the [PDI](#)s on how to calculate PP.

- Read the following subtopics, but do not the hyperlinks:
 - Calculating physical presence for applications received on or after October 11, 2017.
 - Counting Physical presence before becoming a permanent resident of Canada
Note: Absences are listed in the breakdown calculations for examples 2, 4 and 6, but not stated in the scenario.

Although refugee claimants receive work or study permits while they are waiting for their refugee claim to be processed, these permits do not give them authorization to enter or remain in Canada. Therefore, time spent in Canada as a refugee claimant does not count towards meeting the physical presence requirement for Citizenship.

The maximum credit for physical presence in Canada with authorized temporary resident status or as protected person is 365 days.

In the Level 1 Workbook, you also learned how to calculate PP taking absences into account.



Download and watch this [video](#) as a refresher on how PP is calculated.

[Show me a transcript of this video](#)

4.5 Introduction - Section A21

Section [21](#) of the *Citizenship Act* describe periods not cannot as [PP](#).



Download and watch this [video](#) for a brief explanation of section 21.

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Refer to [PDI](#)s on assessing whether section 21 is applicable.

- Read the following subtopics, but do **not** read the hyperlinks:
 - Assessment
 - Conditional discharge
 - Pre-trial custody
 - Conditional sentence orders
 - Disposition of not criminally responsible (formerly Lieutenant Governor's order)



Download and watch this [video](#) for a brief explanation of difference between a [CD](#) and a [CSO](#).

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Probation as the result of a CD will NOT be deducted from the [PPR](#) if the person has successfully completed their probation on the day that the file is being REVIEWED (after the date of application) by a [CPO](#). In this case, you would not enter the probation period in the online calculator.

4.6 Calculating Physical Presence for Applicants Subject to Section A21

Refer to [PDI](#)s on how to calculate [PP](#) for applicants subject to section 21.

- Read the following subtopic, but do not read the hyperlinks:
 - Calculating physical presence for applicants subject to section 21 (applications received on or after October 11, 2017).

When using the online calculator, select “Yes” when asked if applicant spent any time serving a sentence for an offence in Canada (criminality within the relevant period). To deduct time spent serving a sentence, input the start and end date of the probation.

For example, if the probation is for one year and it starts on August 5th, probation ends the following year on August 4th, not August 5th. Even if part of the probation period falls outside of the relevant period (before the five year period or after the date of application (DOA)), still input the start and end date of the probation. The calculator will not deduct any time spent serving a sentence outside of the relevant period.

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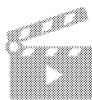
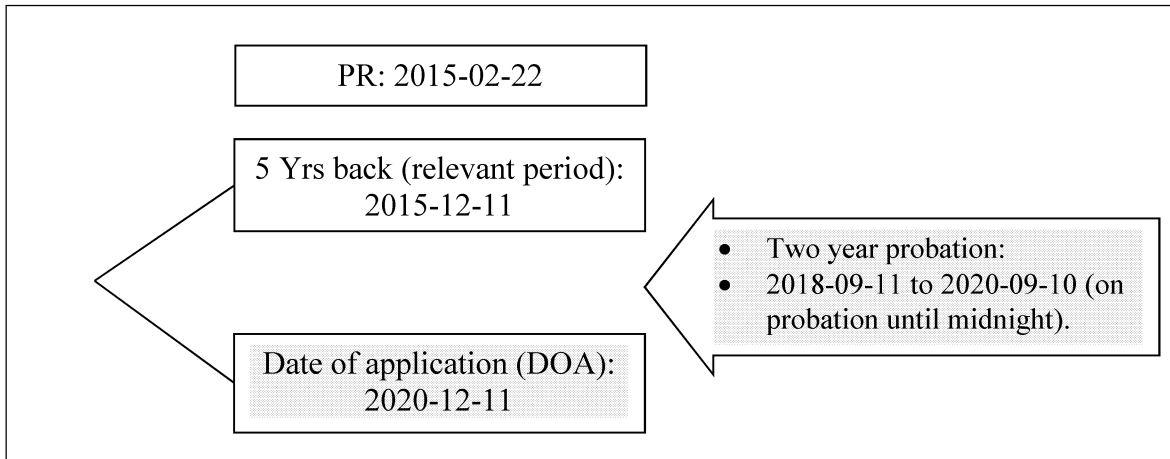
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Examples of A21:

FOR APPLICATIONS ON/AFTER OCTOBER 11, 2017

Example 1

Applicant became a PR on February 22, 2015. Applicant applied for citizenship on December 11, 2020. Applicant was on probation for two years (September 11, 2018 to September 10, 2020) during the five year period which must be deducted, leaving the applicant with PP of 1095 days. Applicant meets the PPR of 1095 days.



Download and watch this [video](#) for a demonstration of calculating the above example using the online physical presence calculator.

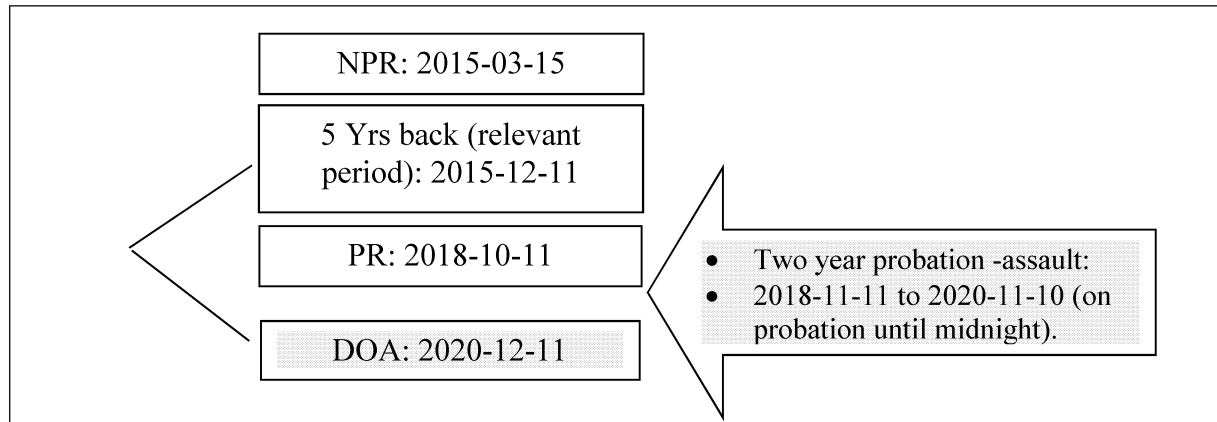
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Example 2

In this next example, the applicant arrived in Canada as a student on March 15, 2015 and became a PR on October 11, 2018. Applicant applied for citizenship on December 11, 2020. Even though they get credit for their time in Canada as an authorised temporary resident that falls within the five years before the DOA, the applicant does not meet the PPR of 1095 days due to the two years they spent on probation (November 11, 2018 to November 10, 2020). Applicant will meet the requirement on October 11, 2023.

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Download and watch this [video](#) for a demonstration of calculating the above example using the online physical presence calculator.



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When an applicant has been given multiple sentences, it is important to know if they are **concurrent** or **consecutive** sentences.



Download and watch this [video](#) for an explanation of these terms.



[Show me a transcript of this video](#)



To practice what you have learned complete [Lesson 4: Exercise – Calculating Physical Presence Taking into Account Time Served](#).

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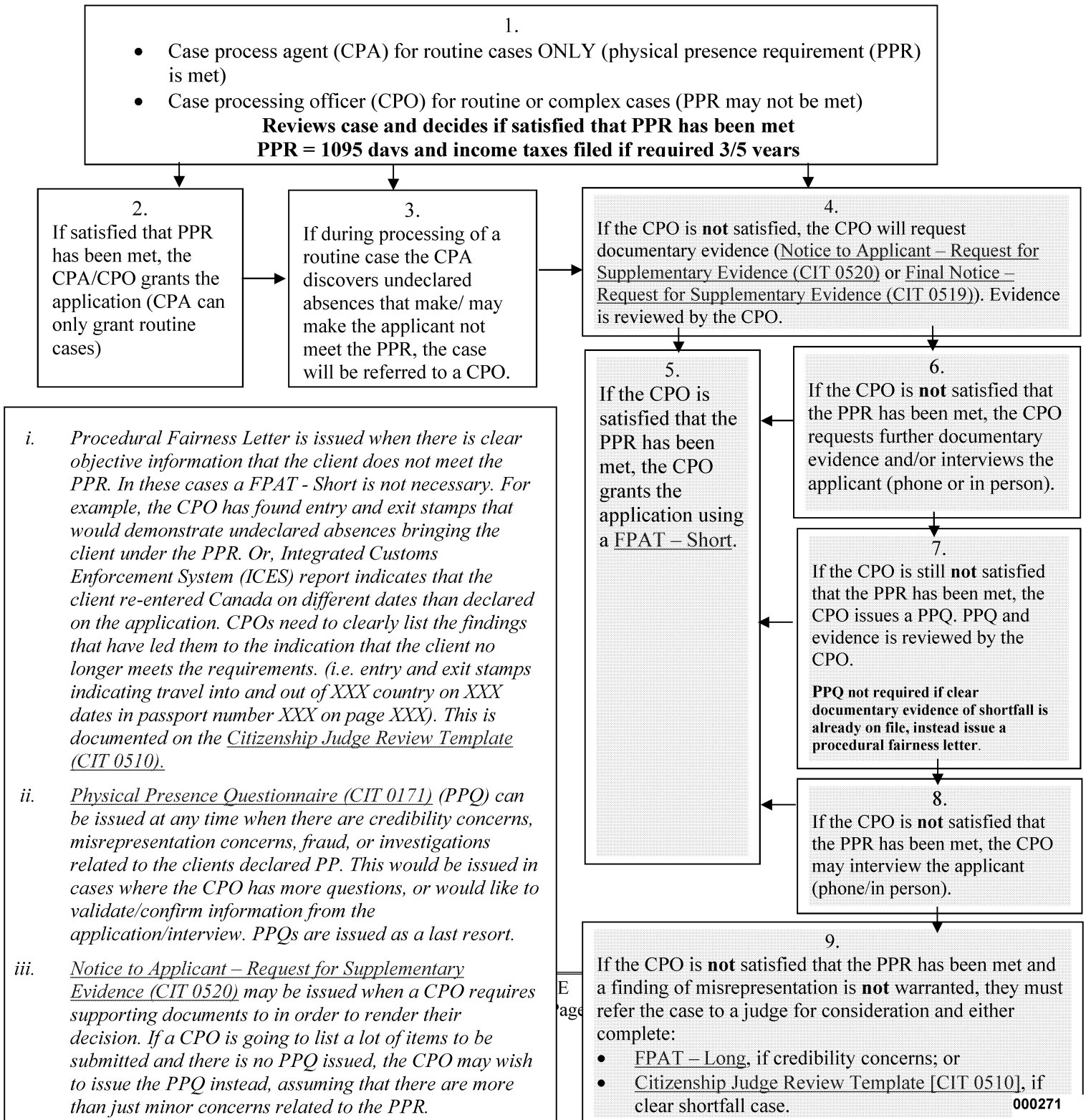
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Appendix E: Flowchart on Deciding if Physical Presence Requirement is Met



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Time spent serving a sentence: Section 21

If it appears that the applicant does not meet the PPR due to time spent serving a sentence, the CPO must send a **Procedural Fairness Letter**.

1. If the applicant provides evidence that results in a positive decision, the CPO:
 - i. Notes the evidence on the Decision of the Minister's Delegate – Section 5 [CIT 0524];
 - ii. Completes the applicable section(s) in Part 1;
 - iii. Provides additional comments in Part III if necessary; and
 - iv. Grants the application in Part III.

2. If the applicant provides submissions and they do not refute the evidence (or the applicant does not respond) on file, the CPO:
 - i. Completes Citizenship Judge Review Template [CIT0510]; and
 - ii. Refers the application to a citizenship judge for a decision.

CIT 0510 was adapted in November 2018 to incorporate a section for shortfall cases. This is section to be used for clear shortfall cases not arising from misrepresentation or credibility issues. Previous guidance and PDIs recommended the use of the FPAT – Long for such cases based on Pre C-24 procedures.

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Section 9: Physical Presence Information

Applicant must attach either a PP calculation printout or form with their application.

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Section 14: Travel document/Passport History Information

Information and documents are used to help assess whether the applicant has met the PPR.

Consent to disclose travel history

History of entries into Canada can be obtained from CBSA. CPC-S will automatically run an Integrated Customs Enforcement System (ICES) report for some cases, where a Negative Triage Criteria was identified (when the application was reviewed by a CPA in the Grant Production Team).

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The ICES report is reviewed at the pre-interview stage, at the local office. Any discrepancies or undeclared absences are noted using standardized case notes. These discrepancies or undeclared absences are reviewed with the applicant at the test/interview.

Even though there is no legal requirement for a person to be in Canada in order to apply for citizenship, if they are applying from outside, it would remain an element to discuss at test/interview.

The fact that an applicant would have signed their application form overseas, just on its own, would not be sufficient to cause alarm. IRCC officials have to look at all elements on file in order to get the “big picture” to better assess the PPR.

For example

In the case where an applicant declared being in Canada at the time of signature and it is then discovered that they were actually outside of Canada, IRCC officials should ask subsequent questions in order to better assess other declarations and/or submitted documents. E.g. which city did the applicant declare at the time of signature? Was the application sent from inside or outside Canada?

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Appendix E – 2: Tips on Reviewing Physical Presence Questionnaire

When you are reviewing the Physical Presence Questionnaire (CIT 0171) (PPQ) you are comparing information on the PPQ against what the applicant declared on their application. You are comparing to either confirm the information the applicant has declared or checking to see if there are inconsistencies. You will need to identify inconsistencies and issues that need to be further explored when reviewing the supporting documents.

Background Information: Boxes 1 to 5

Box 1 and 3 = section 13 of the application

Box 2 = section 11 of the application

Box 4 = The intent is to know if they may be a resident of a different country. Some countries require that the candidate live there prior to making an application for a permanent status, which means that if they have entered such a process, they may not be residing in Canada.

Boxes 4 and 5

Things to look out for:

Example

1
2
3

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Absences from Canada: Box 6

This section is also similar to section 9 of the application

Compare the dates of the absences, the length, where the applicant stayed while they were outside of the country and the reasons for the absences against the declared absences on the application. Are they consistent or are there discrepancies?

History of entries into Canada can be obtained.

CPC-Sydney (CPC – S) will automatically run an Integrated Customs Enforcement System (ICES) report for all cases where a Triage Criteria/ Risk Indicator was identified when the application was reviewed by a case processing agent (CPA) in the Grant Production Team.

If an ICES report is not on file, local offices can request a report from CPC-S.

Home and Family Information: Boxes 7 and 8

This section is also similar to section 10 of application.

Factors to keep in mind when assessing applicant's physical presence (PP) in Canada:

- Where are the members of the immediate family?
- Are most of them still in the country of origin?
- Does applicant have family members in Canada?

Things to look out for:

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class sponsorship? If not, this is a concern.

Education Information: Box 9

This section is also similar to section 11 of application.

If the applicant is responsible for dependent children, they should be able to list the education history. If they are not attending school, they must provide a reasonable explanation for gaps in education history.

Usually if the children are consistently attending school one or both parents are physically present in Canada to look after the children. Applicant should be able to provide report cards or records of attendance. Although this in itself does not confirm that the applicant is physically present in Canada, however, the records can be used to support their physical presence in Canada unless there is contrary evidence.

If the applicant is attending school on a regular basis, this is a good indication that the applicant is physically present in Canada.

Are the dependent children attending school inside or outside Canada?

Things to look out for:

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Employment Information: Boxes 10 and 11

This section is also similar to section 11 of application.

Property and Business Inside and Outside Canada: Boxes 12 and 13

This section is also similar to section 10 of application.

Do they own business in or outside Canada? This would be a factor in determining physical presence in the country.

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Other: Box 14

Things to look out for:

Declaration

By completing the “Declaration” the applicant is declaring that the statements in the application are true. If they intentionally make a false statement in a declaration, they can be charged under the *Citizenship Act* and be liable to a fine or to imprisonment or both.

Individual, firm or organization that assisted in the completion of this application, if applicable

s.16(1)(b)

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Appendix E – 3: Tips on Reviewing Passport/Travel Document

Many officers recommend taking notes as you go through the passports/travel documents (PPTs/TDs). This will help you organize your thoughts and identify the facts of the case that you will want to highlight. As you are reviewing the PPTs/TDs consider the following:

List Passport/ Travel Document (PPT/TD)

The PPT number is shown on the applicant's immigration document. Look at Global Case Management System (GCMS) notes and list any other PPTs/TDs listed. Now look at all the PPTs/TDs the applicant has provided and note those numbers. Look at the numbers carefully. Note that some countries have a passport number, a booklet number and or a national ID number showing on the passport.

A handy resource to consult to find information about specific country travel documents is the [Country Information Library](#).

Look at the PPT/TD copies provided by applicant. Have all pages including blank ones been provided? Some PPTs indicate the number of pages in the PPT. Check if there appears to be any tampering (i.e. did applicant provide pages that belong to another PPT/TD). If the PPT doesn't have numbers (or numbers perforated on the side) you won't know if the pages are from another PPT/TD or from another person's PPT/TD - that should be noted.

Biographical page/Renewal page

Where was the PPT/TD issued? When was it issued?

Some PPT/TD will have the biographical page showing an expired PPT/TD, with a renewal page found on another page within the PPT/TD.

In the PPT/TD section of the File Preparation Analysis Template ([FPAT – Long](#)) version, you must enter the issue date, expiry date and place of issue/ renewal for each PPT/TD provided by the applicant.

Look at the tombstone data on the biographical page, does it match?

Are there any kids travelling on this PPT/TD? If so, the PPT may have been used by the children as well as the applicant.

s.16(1)(b)

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Are there any special notations?

Is applicant's residence listed as Canada? Document any information/circumstances that you have discovered during the review of the PPT/TD.

Issues that will require further clarification and that need to be documented in your analysis are if the:

Note: Some countries forward PPT/TD applications submitted through their embassy/consulate in Canada to the home country for processing. It is possible that the place of issue may be listed as the home country, when in fact the applicant submitted their passport application at the embassy/consulate.

Relevant Period

One important element to consider is if the PPTs/TDs cover the relevant period.

Identify any part of the relevant period not covered by PPTs/TDs. If applicant has provided an explanation, notate the explanation.

Also document any information/circumstances that you have discovered during the review of the PPTs/TDs that are noteworthy.

Identify if translation of non-English/French stamps have been provided.

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Dual National or Holder of another PPT/TD

If the applicant is a dual national (i.e. their country of birth is different than their declared nationality), they might have more than one PPT/TD. Clarification of the existence of other PPTs/TDs is needed.

Note if it appears that the applicant may have other PPTs/TDs which were not presented or if there are concerns about the validity of the PPT/TD or any exit/entry stamps contained in it. Also note if the applicant's PPT/TD has been lost or stolen.

Visas/Permits

Is there a Canadian Visa in the PPT/TD issued after applicant's Permanent Resident (PR) Date? Visas coded with an R indicate that a Permanent Resident Determination (PRD) was done at a mission. The *Immigration and Refugee Protection Act* (IRPA) establishes residency requirements and obligations with respect to each five-year period after the granting of permanent residency status.

If there is any information in IRCCs records to indicate that an applicant applied to relinquish their status you must find out if a residency determination was done and what was the outcome in order to confirm loss of Permanent Resident (PR) status.

Identify if applicant required a visa to re-enter Canada after their Permanent Resident Card (PRC) expired/interview conducted to assess PR status abroad. If yes, provide details in your analysis.

Foreign Entry Visas

When assessing foreign entry visas, look at the validity dates and the status under which entry was given (visitor, student, worker, etc.). Look for foreign entry visas issued **after** the applicant's PR date.

B1 / B2 are visitor visa codes for the USA.

Look at where the visa was issued. Was it issued outside of Canada when applicant states they were inside Canada?

Look for visas from other countries that may indicate status in another country.

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Did the applicant declare that they were working, studying or had resident status outside of Canada? Is it possible that applicant's PR status in Canada has been affected?

UAE Resident Visa

It is important to note that everyone who works in the United Arab Emirates (UAE) (and the other Gulf countries) and who is not simply visiting as a tourist must obtain a residency visa in their PPT and must be sponsored by someone. The sponsor may be a company, but it may also be a spouse, for someone who is not working, or a parent, in the case of children. To maintain their UAE resident status, expatriates must be in the UAE for at least one day every six months or the visa will become invalid. Furthermore, there is a process for requesting a visa to be cancelled when a UAE resident plans to no longer live in the UAE. An applicant that has a new UAE residence visa after becoming a PR of Canada is attempting to maintain status in UAE. This is of concern.

eGate Card (UAE and Gulf Countries)

Another option for residents of the UAE and Other Gulf Countries is to obtain an eGate Card for UAE airports and for other Gulf countries. The card can be obtained by all UAE residents for a minimal fee and it is valid for two years. This means that they do not have to line up to report to an immigration officer, meaning that the PPT is not stamped when they leave or return to the country. On the other hand, the people using this system can obtain a report of their entries and exits to the Emirates from the Department of Immigration for a small fee.

American Citizens – Passport Card

Production of the USA PPT Card began on July 14, 2008.

The USA PPT Card can be used to enter the United States of America (USA) from Canada, Mexico, the Caribbean, and Bermuda at land border crossings or sea ports-of-entry and is more convenient and less expensive than a passport book. *The PPT Card cannot be used for international travel by air.*

See this link for more details:

<https://travel.state.gov/content/travel/en/passports/need-passport/card.html>

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Permanent Residents of the USA (Green Card Holders)

Look for the letters ARC next to an American entry stamp (means Alien Registration Card aka Green Card). This means the person has the status of PR of the USA. This needs to be clarified.

Under provisions of American immigration law, to qualify for returning resident status, residents of the USA must meet the following requirements:

- Had the status of a lawful resident at the time of departure from the USA;
- Departed from the USA with the intention of returning and have not abandoned this intention; and
- Are returning to the USA from a temporary visit abroad and, if the stay abroad was protracted, this was caused by reasons beyond your control and for which you were not responsible.

For Green Card Holders, look for re-entry permits. A re-entry permit is issued to residents of the USA who plan to be outside of the USA for a prolonged period, but who upon application declare they intend to live permanently in the USA. This is a contradiction if they are also PRs of Canada. *This discrepancy must be flagged for clarification.*

NEXUS Card

The NEXUS program is designed to expedite the border clearance process for low-risk, pre-approved travellers into Canada and the USA. It can be used for land, air and marine travel between Canada and USA. To be eligible for the NEXUS program, you must be a citizen or PR of Canada or resident of the USA. American Citizens can travel back and forth on a Nexus Card without a PPT. Nexus card holders who are PRs of Canada (other than American Citizens) need to have a PPT in addition to the Nexus Card. PPTs of Nexus Card holders will likely not be stamped when entering and exiting between USA/Canada. However, a Nexus Card holder's entries to Canada will appear on the ICES report.

Protected Persons/Refugees

If the applicant is a protected person, they may hold a Canadian TD in addition to a PPT.

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A Protected Person is a person who is determined by the Immigration and Refugee Board of Canada (IRB) to be in need of protection or a Convention refugee. A Protected Person is also a person who received a positive decision on their Pre-Removal Risk Assessment (PRRA) from Immigration, Refugees and Citizenship Canada (IRCC).

In any cases where the applicant for citizenship has returned to the country of persecution, and where the CPO feels that sufficient grounds for an inadmissibility investigation exists and they can provide a strong rationale to support their findings, they may consider referring the file to CBSA for possible cessation/vacation by following the steps found under CBSA referrals in the PDIs on information sharing between IRCC and CBSA for individuals applying for citizenship.

One example may be that the officer suspects based on the discovered derogatory information that the person may still be permanently residing in that country.

Although generally, one-off or even short trips back to the country where the applicant claimed needing protection from may not be sufficient to justify an inadmissibility investigation, it remains extremely important to continually track these returns so that CBSA is aware and can collect evidence at the POE.

More information can be found in the PDIs entitled When to refer cases to the CBSA for cessation or vacation.

Canada issues two types of TDs: the **Travel Document** and the **Certificate of Identity**.

These TDs are issued to residents of Canada who are:

- Convention Refugees ;
- Protected Persons ;
- Stateless Persons ; or
- PRs for less than three years who are unable to obtain a national PPT for a valid reason.

Travel Document

Refugee TDs are issued to people in Canada with protected-person status, including Convention refugees and persons in need of protection.

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A refugee TD is not valid for travel to the bearer's country of citizenship.

Applicants who are issued a Canadian TD and who later obtain a PPT/TD issued by their country of citizenship **must** return the Canadian TD to Passport Canada.

Certificate of identity

Certificates of identity are issued to PRs of Canada who are not yet Canadian citizens, and who, although not considered to have refugee status in Canada, are otherwise stateless or unable, for a valid reason, to obtain a national PPT/TD from any source.

A certificate of identity is not valid for travel to the bearer's country of citizenship.

Absences/Reading Entry Exit Stamps

Citizenship officials must review PPT stamps in all PPTs issued during the relevant time period and compare the absences with those declared on the application and on the PPQ.

When assessing stamps in PPTs, it is important to look at entry stamps to Canada. The Canadian border official should have indicated returning resident (RR) for any PRs returning to Canada. If a V is written it means that the applicant was admitted as a visitor, if this occurred after date of PR, this is a concern and needs to be clarified.

- Many countries have both Entry and Exit stamps. Look at the stamp carefully to see if it indicates whether it is an entry or an exit.
- Some countries have an arrow facing right to indicate entry into the country and left to indicate exit
- Some countries use different colour ink to indicate entry vs. exit stamps
- Some use different shapes for entry vs. exit stamps
- Some countries show a plane landing or taking off to indicate entry vs. exit
- Many countries will use English text on their stamp: Exit, Departed, Arrival, Entry, Arrived, Admitted

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- *Leave to Enter* is the technical term for someone granted entry to the United Kingdom by British immigration officers
- Many countries use an airplane symbol, car symbol, train or boat to indicate the method of entry into and out of the country. In some other countries the colour or shape of the stamps is different if the person arrived in a car as opposed to bus/boat/train/airplane.
- Countries can vary the shape of their stamps to indicate the length of stay, like Singapore where a perfectly rectangular stamp indicates a 14-day stay, rounded rectangular a 30-day stay, or hexagonal a 90-day stay.

If there are any concerns about the validity of any exit/entry stamps indicate this in the FPAT – Long version in section 1.4 (Comments).

Entry/Exit Program

The Entry/Exit Program is a joint initiative, from the Beyond the Border Action Plan, between Canada and the USA that establishes a coordinated Entry/Exit Information System to facilitate the exchange of travelers' biographic information (such as their name and date of birth) collected upon entry at the common land border, so a record of entry into one country can be considered a record of exit from the other.

In addition to the exchange of data with the USA at the land border, Canadian Border Services Agency (CBSA) will collect directly from airlines exit data on all travelers leaving Canada by air.

While the implementation of the Entry/Exit system means that citizenship agents and officers will be able to query the CBSA's Entry/Exit Information System directly in order to verify physical presence requirements (PPRs) to process an ongoing application, agents and officers should take note of timelines for availability of information based on the mode of travel. Until full data availability, agents and officers should continue to rely on ICES reports for historical travel information for current processing.

You will only be able to completely assess, with certainty, the complete five (5) year eligibility period for all transportation modes in GCMS for clients submitting their applications in March 2028 onwards.

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Passport/Travel Document doesn't tell the whole story

Although a PPT/TD is a key document, when assessing physical presence (PP), having a PPT/TD on file that shows few absences is not enough in itself to determine that an applicant meets the Physical Presence Requirement (PPR) for Citizenship. Many countries do not stamp PPTs of their own nationals when entering and exiting their country. For example, member states of the European Union are not permitted to place a stamp in the PPT of a person who is not subject to immigration control, such as a national of that country, or a national of another EU member state. Furthermore, some countries allow, under specified circumstances, the holding of more than one PPT by a citizen at a given time. One circumstance is a disqualifying stamp in a PPT/TD, such as a stamp which shows travel to Israel and the citizen intends travel to a country which does not recognize Israel. Another circumstance is frequent international travel including two countries with protracted visa application process. While awaiting a visa for a particular country, a person with two PPTs may travel to other countries with the second PPT.

Some countries issue restricted PPTs valid only for travel to one or more neighbouring countries. Therefore, a person may hold at the same time a restricted PPT for frequent travels to neighbouring countries and an ordinary international PPT for travels to other countries.

Because of the circumstances described above, the PPT/TD, while a key document, is insufficient to establish physical presence. When preparing an analysis of a person's PP in Canada, you need to consider the whole picture and other evidence/statements provided by the applicant in addition to the PPT/TD.

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LESSON 6: CALCULATING PHYSICAL PRESENCE

6.0 Introduction

In this lesson you will learn about the physical presence requirements and how to calculate physical presence.

6.1 Lesson Objectives

At the end of this lesson, you will be able to:

- Explain how a person can maintain or lose permanent resident status;
- Calculate physical presence for applications received on or after October 11, 2017 using the Physical Presence Calculator (Online Tool);
- Determine if a person meets the physical presence requirements for A5(1) applications received on or after October 11, 2017
- Determine if a person meets the tax filing requirement for A5(1) applications received on or after October 11, 2017
- Determine if a person is eligible to count time spent outside Canada as time in Canada for the purpose of meeting the physical presence requirements.
- Explain how a member of the Canadian Armed Forces is exempt from having to meet the physical presence requirement.

6.2 Lesson Outline

This lesson will cover the following topics:

- Introduction to the Physical Presence Requirements – A5(1)(c)(i) and (iii)
- Verifying Permanent Resident (PR) Status - 5(1)(c)
 - Acceptable documents to establish permanent residence
 - Voluntary relinquishment or renunciation of PR status
 - Maintaining PR status
 - Removal Order and stay of removal
 - Conditional permanent residence
 - Medical conditions
 - Inquiry/info exchange with Immigration/Canadian Border Services Agency (CBSA)
 - Suspending application for outstanding Ts & Cs
 - Lesson 6: Exercise 1 – Verifying Permanent Resident Status

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- How Physical Presence is Calculated for Applications On or After October 11, 2017 – A5(1)(c)(i)
 - Length of admission as a temporary resident (TR)
 - Maintained Status (previously called implied status)
 - Refugee claimants
 - Lesson 6: Exercise 2 – Calculating Physical Presence for Applications Received On or After October 11, 2017
- Time Spent Serving a Sentence Does Not Count as Physical Presence – A21
- Physical Presence Requirements: Income Tax Requirement for Applications Received On or After October 11, 2017 – A5(1)(c)(iii)
 - Lesson 6: Exercise 3 – Income Tax Requirement
- Time Spent Outside Canada: Crown Servant – A5(1.01) to (1.03)
 - Period of physical presence – spouse or common-law partner of citizen – A5(1.01)
 - Period of physical presence – permanent residents – A5(1.02)
 - Period of physical presence – residing with permanent residents – A5(1.03)
- Canadian Armed Forces – A5(1.2) and (1.3)
 - Canadian Armed Forces – permanent resident – A5(1.2)
 - Canadian Armed Forces – person attached or seconded – A5(1.3)
 - Summary of requirements that must be met for Canadian Armed Forces
- Permanent Resident Requirement for Minors (Applications Made under Subsection A5(2))
- Lesson 6: Exercise 4 – Crown Servant, Canadian Armed Forces and Minors

6.3 Estimated Lesson Duration

This lesson is expected to take approximately 3.5 hours to complete.

6.4 Introduction to the Physical Presence Requirements - 5(1)(c)(i) and (iii)

Paragraphs 5(1)(c)(i) to (iii) of the *Citizenship Act* set the “physical presence requirements” for citizenship applicants made under subsection 5(1). For applications received on or after October 11, 2017 the applicant must:

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- Be a permanent resident (PR);
- Not have unfulfilled conditions attached to their PR status;
- Have 1095 days of physical presence (PP) in Canada (PR/non-permanent resident (NPR)) during the five years immediately before the date of application;
- Have filed income tax returns (PR/NPR) for three of the taxation (calendar) years that fall fully or partially within the five-year period if required to do so by the *Income Tax Act*.

One of the provisions of C-6 that took effect upon Royal Assent (June 19, 2017) is the removal of the age requirement for the subsection 5(1) grant of citizenship therefore allowing an application under 5(1) to be submitted on behalf of a person under 18 years of age. For applications made on behalf of a minor under 5(1) dated as received on or after October 11, 2017, the minor must meet the physical presence requirements prescribed in subparagraphs 5(1)(c)(i) and (iii) above.

6.5 Verifying Permanent Resident (PR) Status - 5(1)(c)

The *Citizenship Act* under paragraph 5(1)(c) requires that applicants be admitted to Canada as a PR and maintain their PR status throughout the qualifying period, up until taking the Oath. This provision applies to all applicants who apply under subsection 5(1) on or after June 11, 2015. C-6 did not change this requirement.

Acceptable documents to establish permanent residence

Refer to [PDIs](#) on acceptable documents to establish permanent residence. Do **not** read the hyperlinks.

A Certificate of Indian Status (CIS), also called a status card, or a Secure Certificate of Indian Status (SCIS) are also acceptable documents to establish permanent residence.

Voluntary relinquishment or renunciation of PR status

A person could also lose their PR status by voluntarily relinquishing or renouncing their PR status. If there is a voluntary relinquishment form completed by the applicant, it is to be assumed that the person is no longer a permanent resident. Immigration and border services use different procedures regarding voluntary relinquishment or renunciation for PR status.

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Refer to [PDI](#)s on voluntary relinquishment or renunciation of permanent resident status. Do **not** read the hyperlinks.

Maintaining PR status

Refer to [PDI](#)s on maintaining permanent resident status; effect on the citizenship application (available internally only).

- Read the following subtopics:
 - Clarify the applicant's immigration status:
 - If the applicant has lost permanent resident status and is under a removal order. Do **not** read the hyperlink.
 - If the applicant has lost permanent resident status and is not under a removal order.
 - If the applicant lost and subsequently regained permanent resident status.
 - If the applicant loses permanent resident status between grant and Oath. Do **not** read the hyperlink.

Removal order and stay of removal

Paragraph [5\(1\)\(f\)](#) of the *Citizenship Act* states that a person cannot become a Canadian citizen if they are under a removal order. A removal order is issued when someone is convicted of breaching the *Immigration and Refugee Protection Act* (IRPA) in Canada. If someone has committed a crime or are in Canada fraudulently, they could be issued a removal order.

The Canada Border Services Agency (CBSA) is responsible for carrying out removal orders. A citizenship case processing officer (CPO) can refuse an application under [A5\(1\)\(f\)](#) if the applicant has a removal order issued against them.

Refer to [PDI](#)s on removal order and stay of removal (available internally only). Do **not** read the hyperlinks.

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6.6 How Physical Presence is Calculated for Applications On or After October 11, 2017 – A5(1)(c)(i)

Under paragraph 5(1)(c)(i) of the *Act* all applicants applying under A5(1) on or after October 11, 2017 must be physically present in Canada for 1095 days in the five years immediately prior to the application. The day the applicant applies does not count.

How physical presence (PP) is calculated is described under subsection 5(1.001) of the *Act*.

To help you determine if an applicant for citizenship under subsection 5(1), applying on or after October 11, 2017, meets the PP requirements, you can use the online physical presence calculator from the IRCC external website, to calculate their PP.

Applications must be referred to a citizenship judge where a CPO is not satisfied that the applicant meets the PP requirements of 5(1)(c)(i), assuming all other requirements for citizenship have been met.

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Refer to [PDIs](#) on what to do if you suspect an applicant's residence/physical presence is in question or an applicant has absences from Canada that they have not declared (available internally only). Do **not** read the hyperlinks within the subtopics.

Refer to [PDIs](#) on how residence/physical presence is calculated.

- Read the following subtopic:
 - Calculating physical presence for applications received on or after October 11, 2017. Do **not** read the hyperlinks.



Download and watch this [video](#) for an explanation on how to calculate physical presence for time spent in Canada as a PR without absences.



[Show me a transcript of this video](#)



Download and watch this [video](#) for an explanation on how to calculate physical presence for time spent in Canada as a PR with absences.



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6.7 Time Spent Serving a Sentence Does Not Count as Physical Presence - A21

Section 21 of the *Act* stipulates that no period may be counted as physical presence where the applicant has been, serving a sentence under any enactment in force in Canada. This provision is applicable to all 5(1) applicants. A CPA will not need to calculate physical presence taking time spent serving a sentence into account. Applicants with criminality will need to be referred to a CPO.

6.8 Physical Presence Requirements: Income Tax Requirement for Applications Received On or After October 11, 2017 – A5(1)(c)(iii)

The *Act* requires citizenship applicants to file an income tax return, if required under the *Income Tax Act*, for three of the taxation years (same as calendar years) that fall fully or partially within the five years immediately before the date of application. This is consistent with the requirement for PR applicants to be physically present for 1095 days (three years) in the five years immediately before the date of application (DOA) (5(1)(c)(iii)).

When looking at taxation years:

- First, determine the eligibility period. For applications received on or after October 11, 2017, this is the five year period immediately before the date of the application;
- Then, determine the taxation years that fall fully or partially within the eligibility period; and
- Finally, the possible taxation years that income taxes could be filed to be eligible for citizenship.

For example:

Application date	June 1, 2021
Eligibility period	June 1, 2016 to May 31, 2021
The taxation years that fall partially or fully within the eligibility period include:	2016 (June – Dec 2016) - partially 2017 (Jan – Dec 2017) - fully 2018 (Jan – Dec 2018) - fully 2019 (Jan – Dec 2019) - fully 2020 (Jan – Dec 2020) - fully 2021 (Jan – June 2021) - partially

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6.9 Time Spent Outside Canada: Crown Servant – A5(1.01) to (1.03)

The exceptions to the physical presence requirements are limited to those who were employed outside Canada by the federal public administration, or the public service of a province, or the Canadian Armed Forces, or who resided with certain family members who are so employed.

Subsections 5(1.01) to (1.03) describe persons who are eligible to count time spent outside Canada as time in Canada for the purpose of meeting the PP requirements.

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Period of physical presence – spouse or common-law partner of citizen – A5(1.01)

Under subsection [5\(1.01\)](#) of the *Act*, a citizenship applicant can count time residing with their Canadian citizen spouse or common-law partner as time spent residing in Canada under certain conditions for the purpose of meeting the PP requirements.

Period of physical presence – permanent residents – A5(1.02)

Under subsection [5\(1.02\)](#) of the *Act*, a citizenship applicant who is a PR can count time outside Canada as time spent residing in Canada under certain conditions for the purpose of meeting the PP requirements.

Period of physical presence – residing with permanent residents – A5(1.03)

Under subsection [5\(1.03\)](#) of the *Act*, a citizenship applicant can count time residing with their permanent resident spouse, common-law partner, or parent as time spent residing in Canada under certain conditions for the purpose of meeting the PP requirements.

5(1.03) refers to permanent residents as described in 5(1.02). This does not mean that the applicant under 5(1.03) must be the family member of a permanent resident *who is also* an applicant for citizenship. The condition is only that the Crown servant be a permanent resident as described in 5(1.02) and that the family member resided with that Crown servant. This means that family members can count this time abroad even if the Crown servant PR does not apply for citizenship themselves.

Refer to [PDI](#)s on calculating residence/physical presence for certain family members of a Canadian citizen or permanent resident living abroad.

- Do not read “Calculation for applications received before June 11, 2015”.
- Do **not** read “For applications received between June 11, 2015 and October 10, 2017”.
- Do **not** read the following hyperlinks:
 - *How residence/physical presence is calculated*;and
 - *Manual Chapter OP2*.

The applicant [for 5(1.02)] or family member [for 5(1.01) and (1.03)] must be a party to an employer-employee relationship; this excludes the case where a person is engaged by a government as an independent contractor (locally engaged).

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For 5(1.01) and 5(1.03), the citizenship applicant can be a locally engaged person. The applicant's employment status has no bearing on these subsections.

The applicant must submit with their application a completed Residence Outside Canada form (CIT 0177) and proof of employment that confirms the applicant [for 5(1.02)] or family member (for 5(1.01) or 5(1.03)] was not a locally engaged person.

During the relevant period, if the applicant travelled outside the country of residence for their employment [for 5(1.02)], or their family member's employment [for 5(1.01) or 5(1.03)] with the Canadian Armed Forces, the federal public administration or the public service of a province, this time can be counted as physical presence. If the applicant travelled outside the country of residence (other than to Canada) for any other reason (e.g., vacation) this time is counted as an absence. Some of these employers require applicants to take official leave or rest and relaxation as part of their jobs (e.g., members of the CAF working in a difficult area); this does not count as vacation and can be counted as physical presence.

6.10 Canadian Armed Forces – A5(1.2) and (1.3)

A member of the Canadian Armed Forces (CAF) or a foreign military member who is/was attached or seconded to the CAF, can apply for citizenship under a **fast-track citizenship process**. These cases must be processed on a priority basis.

CAF applicants applying through the fast-track provision do not have to meet the PP requirement. All other applicable requirements of the *Act* would still have to be met, including that the individual is not prohibited from becoming a citizen.

Subsections 5(1.2) to (1.3) exempts members of CAF or a foreign military member who is/was attached or seconded to the CAF from the PP requirement.

Canadian Armed Forces – permanent resident – A5(1.2)

Under subsection 5(1.2), members of the CAF applying through the fast-track provision applicant must be a PR and not have any unfulfilled conditions attached to their PR status.

Canadian Armed Forces – person attached or seconded – A5(1.3)

Subsection 5(1.3) legislates a specific requirement that foreign military members attached or seconded with the CAF even if they are not permanent residents demonstrate service with the CAF for the requisite number of years.

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There is no requirement to be a PR or requirement related to PR conditions.

There is no tax requirement given that individuals on exchange with the CAF do not have to file income tax returns in Canada and they also do not have to meet the requirement to be physically present in any specified amount of time. All other applicable requirements of the *Act* would still have to be met.

Refer to PDIs on citizenship grants: Canadian Armed Forces.

- Read the following subtopics, but do **not** read the hyperlinks:
 - General requirements
 - Service requirement
 - Applicant released other than honourably
 - Prohibitions
 - Requirement to file income taxes

Summary of requirements that must be met for Canadian Armed Forces (CAF):

Requirements	5(1.2)	5(1.3)
Must be a PR	Yes	No
Must have no unfulfilled conditions as a PR	Yes	No
Service Requirement (3 out of 6 years)	Yes	Yes
Honourably discharged	Yes	No
Must file income taxes (3 out of 6 years)	Yes	No
Must meet Language and Knowledge Requirement 5(1)(d) and (e)	Yes	Yes
Cannot be prohibited & not under removal order	Yes	Yes
Oath of Citizenship	Yes	Yes
Decision-maker	<u>CPO</u> can render positive and negative decisions	<u>CPO</u> can render positive and negative decisions

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6.11 Permanent Resident Requirements for Minors (Applications Made under Subsection A5(2))

Although there is no PP requirement for applications made on behalf of minors under subsection 5(2) of the Act, however, paragraph 5(2)(b) specifies that permanent residents who are minor children of Canadian citizens are not eligible for citizenship if they have unfulfilled conditions attached to their PR status.

This provision mirrors the requirement prescribed in 5(1)(c) for applicants under 5(1) to not have unfulfilled conditions on their permanent resident status. Minors could have the same conditions as an adult (mostly medicals). The Ts & Cs are assessed in the same way as an adult. The other possibility is a parent with outstanding conditions, and who is applying concurrent with their kids. The officer would need to wait for an outcome on the parent's conditions because it could have an effect on the minors PR status as well.

Appendix I is a summary of who the decision-maker is for various requirements under the Act.



To practice what you have learned complete Lesson 6: Exercise 4 – Crown Servant, Canadian Armed Forces and Minors.

**Pages 460 to / à 504
are not relevant
sont non pertinentes**

**Pages 505 to / à 541
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**Pages 556 to / à 581
are not relevant
sont non pertinentes**

**Pages 582 to / à 591
are duplicates
sont des duplicatas**