

Filipiniana News – Rhyme and Reason
7 May 2007

Visas and Permits – What's the difference?

By Maria Deanna P. Santos

Sometime ago, I received a call from someone asking if his mother who has been granted a single-entry visa to Canada can go to the US and then return to Canada using the same visa. He was also wondering whether the extension of her mother's stay as a visitor beyond six months will be adequate to allow her to travel to the US for a few days and then re-enter Canada.

The answer is yes. However, this seems to be a common source of bewilderment for many. I believe that the confusion partly arises from the failure to realize the crucial distinctions between the various types of immigration documents. So I will try to explain some of these distinctions below.

Temporary Resident Visa (TRV)

Under Canadian immigration law, the document issued to allow a person (from a non-visa exempt country such as the Philippines) to enter Canada is called a temporary resident visa or a TRV. This is the document that is stuck on a page of one's passport. The TRV could be issued for a single entry or for multiple entries. If it is a single entry TRV, then it expires soon after it is used to enter Canada, even if the expiry date indicated on the document has not passed. If it is a multiple-entry TRV on the other hand, the person may enter and re-enter Canada until the expiry date indicated on the visa.

However, the issuance of a TRV by a Canadian consulate or visa office abroad (please note that only consulate offices abroad may issue TRVs) is not a guarantee that a person will be allowed to enter Canada. The TRV holder would still have to satisfy the immigration officer at the Canadian port of entry that he or she will leave Canada at the end of the authorized period of stay. Once the port of entry officer is satisfied, the usual maximum stay that is granted to a temporary resident is six months, unless a longer period is justified, such as a longer period of study or work. If the officer is not satisfied that the person will leave Canada after the temporary period of stay or deems the person inadmissible on medical or security grounds, then the person may still be refused entry to Canada. Yes, even with a valid TRV.

The TRV is issued to anyone who is entering Canada on a temporary basis, whether as a visitor, a student or a worker.

Visitor Record, Work or Study Permit

The additional document that is issued by the immigration officer at the port of entry is called the visitor record, work permit or study permit, depending on the purpose of one's

temporary stay in Canada. This is the piece of paper with the annotation: “This document is not valid for re-entry.”

An extension of any of these types of permits may be applied for from within Canada with the caveat that it is only a permit to stay, work or study in Canada. The TRV on the other hand, which is the document allowing entry to Canada, is not automatically extended along with the visitor record, work or study permit. This then results in people having valid visitor record, work or study permits but whose TRVs have expired. Once they leave Canada, they will have to re-apply for a TRV to re-enter Canada even if their study or work permits are still valid.

Other permits and visas

There are of course other types of immigration documents which could even add to the confusion. For instance, there is the temporary resident permit (TRP) which is a permit issued to temporary residents who are deemed inadmissible but are allowed entry based on “compelling reasons”. Then there is the permanent resident visa (PRV) which is issued to people who are granted permanent residence in Canada. Once the person “lands” as a permanent resident in Canada, the permanent resident visa expires and the person is issued a Record of Landing or Confirmation of Permanent Residence document. The Permanent Resident (PR) card then takes the place of a TRV when a permanent resident leaves and wishes to re-enter Canada. The possession of a PR card however, does not guarantee the retention of one’s PR status. The validity of one’s PR status will depend on whether one has satisfied the residency requirements and/or is found inadmissible for some reason, e.g. having made any type of misrepresentation to Canadian immigration authorities.

One can only hope that Citizenship and Immigration Canada will eventually come up with a less confusing system. Or will at least devise better and more accessible ways of informing those concerned.

The author is lawyer (barrister, solicitor and notary public) in Toronto and may be reached at mdsantos@osgoode.yorku.ca.