

### ***Visas and Permits – Some Clarifications***

By Maria Deanna P. Santos

*\*Please note that this and all other legal articles that I have written in this column are strictly meant for legal information purposes only and not intended to serve as specific legal advice. If you have related concerns, it is strongly advised that you consult with a lawyer or paralegal licensed by the relevant provincial law society to discuss your particular situation.\**

A previous article that I wrote on this topic almost three years ago was published on the web without my permission. Incidentally, I made an inaccurate statement in that article which I would like to clarify here. Contrary to what I wrote then, a single entry visa to Canada will not prevent the visa holder from re-entering Canada if the visa-holder has traveled solely to the United States (or to St. Pierre and Miquelon) as long as the person returns to Canada prior to the expiry date on his or her visitor record. The immigration regulations state that even if one's temporary resident visa has expired but there is still a valid work permit, study permit or visitor record, the person traveling solely to the United States (or SP & M) can re-enter Canada within the validity period of the study permit, work permit or visitor record. For greater clarity, I am reproducing the rest of my previous article 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 records, 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 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". There is also the permanent resident (PR) visa 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. for having committed a crime or made any type of misrepresentation to Canadian immigration authorities.

There, in a nutshell are the basic differences between the various documents issued by Canadian immigration authorities. Meanwhile, we 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 sufficiently informing those concerned.

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