

## **Difference between TRVs and TRPs**

At a recent town hall meeting between Immigration Minister Ahmed Hussen and the Filipino community in Toronto, he reportedly announced that families of caregivers who are affected by the inland permanent residence application backlog under the LCP will (or may?) be granted temporary resident permits (TRPs).

This announcement raised excitement as well as confusion after some have misunderstood the nature of a TRP and even mistook it for a temporary resident visa (TRV).

To help clarify these two types of immigration documents, please find below some basic explanation on the nature of and difference between TRPs and TRVs.

### **Temporary Resident Permit (TRP)**

A temporary resident permit (TRP) is a document that can be issued to those seeking to enter Canada on a temporary basis but who are deemed inadmissible due to a criminal record, medical issue, misrepresentation or inability to meet the requirements for entry under a particular class. An immigration officer, the Minister or his representatives have the discretion to issue a TRP if there are sufficient compelling grounds which outweigh any risk that the individual may impose on Canadian society.

Due to its exceptional and discretionary nature, a TRP application is often treated as a mini-H&C application in that the applicant must prove that there are compelling humanitarian and compassionate factors in his/her favor that will justify the issuance of a TRP.

In the immigration officers' instructional manuals, they are cautioned from issuing TRPs that will last longer than three or five years. The reason for this is that if an individual has resided in Canada continuously on valid TRPs for a period of three years (for health reasons) or for five years (in all other cases except for serious criminality, organized crime, national security or violation of international or human rights), they will become eligible to apply for permanent residence from within Canada under the permit holder class.

Immigration Ministers or their representatives have granted TRPs on a discretionary basis when there were strong H&C factors and/or a need to enter Canada very quickly.

An added benefit of a TRP is that if issued for a period longer than six months, the TRP-holder can also apply for a work permit or study permit that can be issued for the same duration as the TRP.

If the recent pronouncement by Immigration Minister Hussen will truly occur, then it needs to be clarified if the TRP will be automatically granted to all families affected by the LCP PR application backlog or if its issuance would still depend on the individual exercise of discretion by the respective visa officers. If the latter, then there appears to be nothing new with this

announcement as this is already an existing remedy for all, including those affected by the LCP PR application backlog.

### 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, even with a valid TRV.

The TRV can be issued to anyone who is entering Canada on a temporary basis, whether as a visitor, a student or a worker, who have met all the relevant criteria and are not found to be inadmissible.

### Visitor Record, Work or Study Permit

The 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, is the document allowing entry to Canada and is not automatically extended along with the visitor record, work or study permit. A separate application must be made to renew the TRV. 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.

The above are meant for information purposes only and not as legal advice. To seek legal advice about your particular situation, please consult a trusted immigration legal professional.

*The author is a Filipino-Canadian immigration lawyer and may be reached at [deanna@santoslaw.ca](mailto:deanna@santoslaw.ca) or tel. no. 416-901-8497.*