(All references are to page number)

COLLATERAL CONSEQUENCES Education, 5-39 Emerging Trends, 5-49 Employment, 5-34 Housing, 5-45 Immigration Inadmissibility, 5-2 Canadian citizens, 5-29 permanent residents and foreign nationals, 5-2 deemed rehabilitation, 5-18 eligibility for record suspensions, 5-26 eligibility for rehabilitation, 5-18 record suspensions, 5-24 rehabilitation, 5-17 temporary resident permit, 5-27 Insurance, 5-48 Travelling, 5-46

CRIMINAL INADMISSIBILITY — CITIZENS, PERMANENT RESIDENTS AND TEMPORARY RESIDENTS Admissibility hearings, 2-70 decision-making process, 2-71 loss of permanent resident status, 2-74 possible outcomes, 2-72

Case law, 2-98 Criminality and Citizenship, 2-98 Canadian passport order related offences, 2-109 convictions, 2-102 ongoing probation, 2-105 pending criminal charges, 2-98 Equivalency Assessments, 2-140 Fraud and Citizenship Applications, 2-120

misrepresentation and Mens Rea, 2-134 misrepresentation of criminality, 2-120 misrepresentation re residency requirements, 2-129 Procedural Fairness Issues — Citizenship, 2-109 Reports, 2-144 allegations of inadmissibility under A34, 2-154 allegations of inadmissibility under A36, 2-156 procedural fairness, 2-144 section 44(1), 2-148 44(2) reports, 2-150 Serious criminality and permanent residents, 2-135 Temporary residents, 2-159 students, 2-163 visitors, 2-159 workers, 2-162 Criminality and Permanent Residents, 2-36 criminality, 2-38 limit on citizens/permanent residents to sponsor, 2-39 retrospective application of the law, 2-42 serious criminality, 2-37 Emerging trends — Citizenship, 2-24 citizenship amendments, 2-29 Emerging trends, 2-96 Loss of Status and Removal. 2-69 inadmissibility reports, 2-69 Options for Criminally Inadmissible Temporary Residents, 2-91 record suspensions, 2-93 rehabilitation, 2-91 temporary resident permits, 2-94 Port of Entry Considerations, 2-57 arrest and detention at port of entry, 2-66 examinations, 2-58 importance of language, 2-66 obligation upon entry, 2-60 primary examinations, 2-61 secondary examinations, 2-63 valid proof of permanent residency, 2-57

Statutory Framework, 2-83 different referral regime and appellate scheme, 2-89 evidentiary threshold for temporary residents, 2-86 officer's discretion regarding minor violations, 2-89 participatory rights, 2-87 pending criminal charges, 2-88 qualified right of temporary residence, 2-85 refusal/loss of temporary resident status for inadmissibility, 2-83 Statutory Framework — Citizenship, 2-4 Citizenship Act and IRPA: distinctions, 2-21 honest and reasonable mistake, 2-22 effects of criminality on applicants, 2-4 revocation process under section 10 of Citizenship Act, 2-9 costs, 2-15 governor in council process, 2-17 summary judgment hearings, 2-12 waiver by the minister, 2-24 Statutory Framework — Permanent Residents, 2-34 what is criminal inadmissibility, 2-35 who qualifies as a permanent resident, 2-34 Temporary Residents, 2-76 immigration objectives, 2-77 live-in caregivers, 2-81 statutory framework, 2-76 students, 2-80 visitors, 2-78 workers, 2-79

MEDICAL INADMISSIBILITY

Case law, 3-46 medical inadmissibility and economic classes, 3-46 medical inadmissibility and family class, 3-51 medical inadmissibility and H&C considerations, 3-52 Decision-making process, 3-33 assessing the procedural fairness letter response for excessive demand, 3-38 danger to public health or safety, 3-33

excessive demand on Health and Social Services, 3-35 Historical Exclusion, 3-42 Individualized Assessments, 3-42 Legislation, 3-5 assessing danger to public health, 3-7 assessing excessive demand, 3-8 Medical Examinations, 3-10 Medical Report, 3-13 Practical Tips, 3-43 Procedural Fairness, 3-16 Refusal and legal remedies, 3-40 Responding to procedural fairness letter, 3-19 danger to public health and safety, 3-20 excessive demand on Health and Social Services, 3-20 ability and intent, 3-22 health care in Canada, 3-23 prescription drugs 3-25 social services in Canada 3-25 **MISREPRESENTATION** Admissibility hearing at Immigration Division, 4-27 disclosure, 4-31 hearing procedures, 4-32 outcomes, 4-33 preparing for hearing, 4-28 witnesses, 4-31 Case Law, 4-54 indirect misrepresentation, 4-55 material misrepresentation, 4-56 misrepresentation and procedural fairness, 4-62 Consequences and Legal Remedies, 4-41 application bars, 4-42 Federal Court, 4-45 misrepresentations in the Labour Market Impact Assessment, 4-49 penal charges, 4-46 removal orders, 4-43

Discovering Misrepresentation, 4-14 Immigration Appeal Division, 4-35 disclosure. 4-37 hearing procedures, 4-39 outcomes, 4-40 preparing for hearing, 4-36 witnesses, 4-37 Investigating Misrepresentation, 4-14 Legislation, 4-2 legislative conclusion, 4-14 subsection 40(1)(a), 4-2 subsection 40(1)(b), 4-9 subsection 40(1)(c), 4-10 subsection 40(1)(d), 4-12 Procedural Fairness, 4-17 procedural fairness letter, 4-18 reports, 4-23 PERMANENT RESIDENTS, see also criminal inadmissibility Admissibility hearings, 2-70 loss of permanent resident status, 2-74 possible outcomes, 2-72 the decision-making process, 2-71 Criminality and Permanent Residents, 2-36 criminality, 2-38 limit on citizens/permanent residents to sponsor, 2-39 retrospective application of the law, 2-42 serious criminality, 2-37 Statutory Framework — Permanent Residents, 2-34 what is criminal inadmissibility, 2-35 who qualifies as a permanent resident, 2-34

REMOVAL ORDERS

Case Law, 1-64 Appeals, 1-72 appellant appeal of refusal, 1-81 consideration of appeal under 64(1), 1-72 INDEX

ministerial appeal, 1-76 Immigration appeal division, issued by, 1-69 Immigration division, issued by, 1-69 Officer's decisions to defer, 1-105 procedural fairness and errors, 1-112 tri-partite test, 1-105 Pending application for leave and judicial review at Federal Court, 1-97 Procedural fairness in execution. 1-64 removal in presence of impediments, 1-69 Stays for pending criminal charges, 1-71 Enforcement, 1-49 assisted voluntary return and reintegration (AVRR) pilot program, 1-58 cost reimbursement, 1-58 deferring, 1-53 in force removal orders — persons found not to be in need of protection, 1-54 no limitation period, 1-50 removal by the minister, 1-52 removals interview — risk of detention, 1-53 removal orders outside Canada, 1-55 voluntary compliance, 1-51 who is subject to, 1-49 Lasting Trends, 1-61 Stay of, 1-9 A(50), 1-9 when does A(50) apply, 1-11 motions at Federal Court. 1-48 regulatory stays, 1-35 detention or imprisonment, 1-43 exception, 1-36 humanitarian and compassionate grounds, 1-42 pending leave applications at Federal Court, 1-35 pending pre-removal risk assessment, 1-37 temporary suspension for generalized risk, 1-35 section 50(b), 1-34

when does a stay not apply, 1-44 probation orders, 1-45 Tips for clients and counsel, 1-62 Types of, 1-2 departure orders, 1-2 deportation orders, 1-4 exclusion orders, 1-3 foreign nationals not subject to a report, 1-9 temporary vs. permanent residents, 1-5

TEMPORARY RESIDENTS, see also criminal inadmissibility

Case law on temporary residents, 2-159 students, 2-163 visitors, 2-159 workers, 2-162
Options for Criminally Inadmissible Temporary Residents, 2-91 record suspensions, 2-93 rehabilitation, 2-91 temporary resident permits, 2-94
Temporary Residents, 2-76 immigration objectives, 2-77 live-in caregivers, 2-81 statutory framework, 2-76 students, 2-80 visitors, 2-78 workers, 2-79