



Citizenship and  
Immigration Canada

Citoyenneté et  
Immigration Canada

# IP 10

Refusal of National Security Cases /  
Processing of National Interest  
Requests

## IP 10 Refusal of National Security Cases/Processing of National Interest Requests

Updates to chapter .....	2
1. What this chapter is about .....	3
2. Program objectives .....	3
3. The Act and Regulations .....	3
4. Instruments and delegations .....	3
5. Departmental policy .....	3
6. Definitions .....	4
7. Procedure - Procedural fairness .....	4
7.1. General requirements .....	4
7.2. Specific requirements .....	4
8. Procedure - Adverse information .....	5
8.1. File transfer from CPC .....	5
8.2. Role of inland CIC .....	5
8.3. Guidance to officers .....	5
8.4. Interview required .....	6
8.5. Preparation for interview .....	6
8.6. Conduct of interview .....	6
8.7. Exceptions to interview .....	7
8.8. Rendering a decision .....	7
8.9. Suspending the application for investigative purposes .....	8
9. Procedure - Requests for relief .....	8
9.1. Principles .....	8
9.2. Processing the request .....	9
9.3. Disclosure to client .....	9
9.4. After disclosure .....	10
9.5. After issuance of Minister's decision .....	10
10. Procedure - Cases under enforcement action .....	10
Appendix A Interview convocation letter .....	11
Appendix B National interest information sheet .....	12
Appendix C Disclosure letter in lieu of interview .....	13
Appendix D Preparing the request for relief report .....	14
Appendix E Final disclosure letter .....	17
Appendix F Refusal letter (Application for permanent residence refused based on A34, A35 or A37; request for ministerial relief denied) .....	18
Appendix G Contacts at the National Security Division, CBSA .....	19

# **IP 10 Refusal of National Security Cases/Processing of National Interest Requests**

## **Updates to chapter**

### **Listing by date**

**Date: 2005-10-24**

Among the many changes to this chapter, the highlights include:

- Section 8.3 “Procedures at inland CIC” was renamed “Guidance to officers” to provide more accurate information on information sources where officers may consult when processing these types of cases.
- Section 8.4 was updated to reflect updated information for officers regarding the purpose of security interviews
- Section 8.7 “Exceptions to interview” was added.
- Section 8.8 was clarified to include additional information for officers relying on a previous finding of inadmissibility or exclusion by an independent tribunal as a conclusive finding of fact.
- Section 8.9 “Suspending the application for investigative purposes” was added to clarify procedures for CIC officers who are not in a position to render a decision on a case due to lack of open source information or require further investigation. In such instances, the file may have to be transferred to the CBSA for further research and investigation.
- Sections 9.2 and 9.4 were amended to include the new address for the CIC officer’s report to the CBSA.

## IP 10 Refusal of National Security Cases/Processing of National Interest Requests

---

### 1. What this chapter is about

In addition to the general procedures for processing applications for permanent residence in Canada this chapter outlines procedures to be applied in cases involving possible inadmissibility on grounds of national security. It describes the process to be followed when an applicant requests relief under the national interest provisions. These guidelines are issued to ensure consistency in the application of procedural fairness requirements.

---

### 2. Program objectives

The program objectives addressed by these procedures are:

- to protect the safety and security of Canadians;
- to deny access to Canada to persons who are security risks or involved in organized crime;
- to ensure that Canada does not become a safe haven for persons who have been involved in war crimes or crimes against humanity.

---

### 3. The Act and Regulations

<b>For information about:</b>	<b>Refer to:</b>
Inadmissibility on security grounds	A34
Inadmissibility on grounds of human or international rights violations	A35
Inadmissibility on grounds of organized criminality	A37
Report on inadmissibility	A44(1)

---

### 4. Instruments and delegations

CIC officers with the delegated authority to process an application for permanent residence have the authority to make a finding of inadmissibility and refuse an application if an applicant is described in A34(1), A35(1) and A37(1). See IL 3, Module 1, items 20, 32 and 34.

Only the Minister of Public Safety and Emergency Preparedness has the authority to grant relief pursuant to A34(2), A35(2) and A37(2). Pursuant to A6, this authority cannot be delegated.

---

### 5. Departmental policy

An officer must be satisfied that a foreign national is not inadmissible before granting an application for permanent residence. One of the objectives of IRPA is to deny access to Canadian territory to persons who are criminals and security risks. In keeping with this objective, officers must refuse an application for permanent residence if the applicant is inadmissible on grounds of security [A34], human or international rights violations [A35], and organized criminality [A37]. This chapter applies to all applications for permanent residence in Canada. When the Minister of Public Safety and Emergency Preparedness is satisfied that a person's presence in Canada would not be detrimental to the national

## **IP 10 Refusal of National Security Cases/Processing of National Interest Requests**

interest, ministerial relief may be granted. In such cases, the person is no longer inadmissible based on the above-mentioned grounds of inadmissibility.

---

### **6. Definitions**

#### **National security**

Refers to grounds of inadmissibility which pertain to the above program objectives. These are contained in sections A34, A35, and A37.

#### **National interest**

The consideration of national interest involves the assessment and balancing of all factors pertaining to the applicant's admission against the stated objectives of the Act as well as Canada's domestic and international interests and obligations.

#### **Ministerial relief**

There are exceptional situations where individuals may fall within the above grounds of inadmissibility but it would not be contrary to the program objectives mentioned in section 2 above to grant their admission to Canada. In such instances, the Minister can grant relief where the Minister is of the opinion that the person's presence in Canada would not be detrimental to the national interest. Once the Minister has made this determination, the person is no longer inadmissible on that ground.

Relief provisions are found in A34(2) (security), A35(2) (designated regimes or persons whose entry is restricted pursuant to international sanctions), and A37(2) (organized crime). The relief provisions do not apply to persons who have committed or have been complicit in human rights violations as described in A35(1)(a).

---

### **7. Procedure - Procedural fairness**

#### **7.1. General requirements**

Procedural fairness is a broad concept which applies in various ways to all facets of processing. A general overview of procedural fairness may be found in OP 1, section 8. Applications for permanent residence are normally decided on the basis of the information provided by the applicant, not on extrinsic or third party information.

However, if the finding of inadmissibility is based on extrinsic information, the applicant is entitled to be made aware of this information and to present evidence and submissions in response to this information.

Classified information must never be disclosed to the applicant. In cases involving classified information, officers are required to contact the National Security Division, Intelligence Directorate, CBSA for guidance. Refer to Appendix G for contact information.

---

#### **7.2. Specific requirements**

The procedural fairness requirements when assessing inadmissibility and processing requests for ministerial relief are as follows:

- The decision-maker must make the decision on complete information. All documents provided by the applicant must be considered by the decision-maker. It is not acceptable that the contents of such documentation be summarized for the decision maker without attaching the primary documentation.

## IP 10 Refusal of National Security Cases/Processing of National Interest Requests

- The applicant is entitled to be provided with all the relevant information that will be considered by the decision-maker to challenge the information and to present evidence and submissions. This entitlement is limited where disclosure of the information would be injurious to national security or to the safety of any person.
- The applicant is entitled to be made aware of concerns raised by the officer and to respond to those concerns.

---

### 8. Procedure - Adverse information

---

#### 8.1. File transfer from CPC

Protected persons and other prescribed classes of foreign nationals can apply to become permanent residents from within Canada. They must meet the requirements of the Act and Regulations and not be inadmissible.

Foreign nationals may also apply to become permanent residents from within Canada based on humanitarian and compassionate considerations pursuant to A25. These guidelines must be read in conjunction with IP 5 when making a decision on the applicant's admissibility.

Applications for permanent residence will normally be processed by the CPC unless there are known or suspected grounds of inadmissibility such as serious criminality or national security reasons. In these cases, the file is transferred to the local CIC for continued processing.

---

#### 8.2. Role of inland CIC

The officer at the inland CIC office must review the available information, obtain any further information that may be required and make a determination on admissibility. If the officer determines that the person is not inadmissible, the officer will conclude the case to the granting of permanent residence. If the officer determines that the person is inadmissible, the application for permanent residence will be refused and the file transferred to the appropriate CBSA enforcement unit. The A44(1) report will be prepared after the file transfer in cases of national security.

---

#### 8.3. Guidance to officers

These cases are usually complex and often require the input of an Intelligence Analyst, in particular, where adverse information is received from another agency. For functional direction and guidance in applying the inadmissibility provisions of the *Immigration and Refugee Protection Act (IRPA)*, consult ENF 1 Inadmissibility. It is a requirement that the CIC officer contact the National Security Division Intelligence Directorate, CBSA. An analyst will be assigned as a resource person to assist the officer.

The CBSA analyst will provide the following assistance:

- suggestions and guidance for processing of the case;
- development of a strategy for interview and assistance in developing interview questions;
- clarification of the adverse information and whether it could result in a finding of inadmissibility on national security grounds;

## **IP 10 Refusal of National Security Cases/Processing of National Interest Requests**

- request for additional information from sources that may not be available to the officer;
- guidance on disclosure where the information could be injurious to national security or to the safety of any person.

When appropriate, CIC officers may also seek guidance from Regional Intelligence and Enforcement Units, CBSA.

For additional information on processing individuals alleged to have committed war crimes and/or crimes against humanity, consult ENF 18 War crimes and crimes against humanity.

---

### **8.4. Interview required**

Where it appears that information may render the applicant inadmissible on national security grounds, the applicant should be invited by letter to attend an interview with CIC. The content of the letter may be discussed with the CBSA NHQ analyst, but should always include section A34, A35, or A37 in their entirety. (Refer to Appendix A for a sample invitation letter). The purpose of the interview is:

- to apprise the applicant of the extrinsic information that will be taken into account in rendering a decision on admissibility;
- to apprise the applicant of concerns about their admissibility to Canada;
- to allow the applicant to address concerns regarding fraud or misrepresentation, if applicable;
- to provide the applicant with an opportunity to address the extrinsic information as well as the officer's concerns and to provide any additional information or submissions relating to their admissibility;
- to enable the officer to obtain sufficient information from the applicant for the purpose of assessing potential inadmissibility.

Note: It is important that officers inform applicants prior to the commencement of the interview that it is not an admissibility hearing, where immediate enforcement action may follow, but rather, it is for fact-finding purposes to enable the officer to assess the client's application for permanent residence.

---

### **8.5. Preparation for interview**

Preparation is critical for a successful interview. It is essential that all extrinsic information and concerns are presented to the applicant in a structured manner without revealing classified information or third party sources. Interview strategy and interview questions should be developed in consultation with the CBSA NHQ analyst assigned to the case. The issue of what information can be disclosed and how it may be presented should be developed in consultation with the NHQ analyst. If the applicant provided misleading information or omitted relevant information on the application, the issue of misrepresentation should be addressed. It is recommended that such interviews be conducted by experienced officers or officers specialized in national security cases.

---

### **8.6. Conduct of interview**

The applicant must be advised that the purpose of the interview is to discuss the concerns relating to admissibility and to provide the applicant with an opportunity to address these concerns.

## **IP 10 Refusal of National Security Cases/Processing of National Interest Requests**

The officer must advise the applicant of any additional information of which they may not be aware that will be considered in rendering a decision on admissibility. The exact content of what can be disclosed and how it should be presented will have been predetermined through consultation with the CBSA NHQ. If the officer has additional concerns that will be used in rendering a decision, they must also be disclosed to the client. The client must be permitted to respond to all of the information and concerns. The officer should not encourage or discourage discussion about the national interest provisions. See section 9 below for guidelines on processing relief requests.

It is important that detailed notes be placed on file documenting what was disclosed at the interview and the applicant's responses. These notes will constitute the record of what transpired at the interview and will assist the officer in rendering a final decision. If the decision is to refuse the application, the notes will be of assistance when preparing the letter of refusal. The notes will also be of assistance in any future litigation to demonstrate that procedural fairness was provided to the applicant. Upon completion of the interview, the applicant should be informed that a letter will be issued advising of the decision.

Where the applicant requests additional time to prepare a written submission, they should be provided with a reasonable time (e.g., 15 days) to do so. It should be made clear that, if written submissions are not received by that time, a final decision will then be rendered.

---

### **8.7. Exceptions to interview**

An interview is always considered preferable to an exchange of documents. It allows the officer to observe the non-verbal behaviour of the applicant, which may provide insights into credibility, and provides an opportunity for continuous exchange and clarification. It also allows an opportunity for the applicant to ask additional questions and seek clarification.

There will be situations where an interview is not practical due to distance, security, or other considerations. In such situations, the disclosure may be done in writing. This will require that the additional extrinsic information that would otherwise be given at an interview be provided to the applicant in writing, subject to the limits on disclosure mentioned above. The letter should be prepared in consultation with the CBSA NHQ analyst, as required, and be delivered by courier. The person should sign the acknowledgment of receipt. See Appendix C for a sample disclosure letter.

---

### **8.8. Rendering a decision**

The results of the interview may be discussed with the CBSA NHQ analyst. However, the analyst must exercise caution in providing information and advice to the officer to ensure that their decision is not fettered. Notwithstanding any advice that may be provided, officers are expected to exercise their independent judgement in deciding whether a person is inadmissible.

It should be noted that officers processing an application for permanent residence may rely on a previous finding of inadmissibility or exclusion by an independent tribunal such as the IRB or the Federal Court as a conclusive finding of fact. However, an A44(1) report, which was not the subject of an admissibility hearing, does not constitute, in itself, a conclusive finding of fact concerning the person's inadmissibility.

Procedural fairness requires that the officer must render a decision in a timely manner. Where the officer determines that the person is not inadmissible on grounds of national security, the person should be advised accordingly and informed that the processing of the application will continue. Subject to section 9 below (Requests for relief), where the officer determines that the person is inadmissible, a letter refusing the application for permanent residence should be sent to the applicant. While it is not necessary to provide



## **IP 10 Refusal of National Security Cases/Processing of National Interest Requests**

detailed reasons to the client, the officer must record the reasons for their decision in notes on the file. The content of the letter may be discussed with the CBSA NHQ analyst. See Appendix F for a sample refusal letter.

After the application for permanent residence has been refused, the file should be transferred to the appropriate CBSA enforcement unit. The enforcement unit will determine the appropriate action to take, including whether to prepare an A44(1) report and refer it to the Immigration Division for an admissibility hearing.

---

### **8.9. Suspending the application for investigative purposes**

Following the interview, there may be some instances where the CIC officer is not in a position to make a determination on the applicant's admissibility due to the lack of open source information and/or the requirement for further investigation. The CIC officer, with concurrence of their supervisor, may hold processing of the application for permanent residence in abeyance and transfer the file to the CBSA.

The CBSA will complete the investigation as required and determine whether it is appropriate to prepare a section 44 report and proceed with an admissibility hearing. The CIC officer will resume processing of the application for permanent residence if the CBSA determines that the case does not require referral to the Immigration Division or when a decision has been made by the Immigration Division concerning the applicant's admissibility. For further information in this regard, refer to section 10 entitled "Cases under enforcement action" .

As the application for permanent residence cannot remain in abeyance indefinitely, CIC and the CBSA should remain in regular contact throughout this process until the case has been finalized.

The circumstances of the case will dictate the appropriate course of action. It is expected that the CIC officer will refuse the application for permanent residence where there is evidence supporting the inadmissibility. Examples include senior officials (described in R16) in a designated regime, persons previously determined to be inadmissible by the Immigration Division or excluded pursuant to Article 1 F of the 1951 *Convention Relating to the Status of Refugees* (<http://www.ufsia.ac.be/~dvanheul/migration/genconv.html>) by the Refugee Protection Division, persons who come forward and admit membership in terrorist organizations, etc. In such instances, referral to the CBSA for further investigation or an admissibility hearing will only prolong processing needlessly and may trigger litigation and court costs.

---

## **9. Procedure - Requests for relief**

At the interview with CIC, the applicant may request information about the national interest provision or apply for ministerial relief. The officer should be guided by the following principles and guidelines.

---

### **9.1. Principles**

The national interest provisions are intended to be exceptional. A6(3) precludes any delegation from the Minister. The following principles apply:

- The decision to grant relief is entirely within the discretion of the Minister. The role of the officer is primarily to ensure that accurate and complete information is placed before the Minister so that the Minister can make an informed decision.
- The officer should not encourage or discourage the applicant from applying for relief, nor should the officer provide an opinion regarding the merits of the application.

## **IP 10 Refusal of National Security Cases/Processing of National Interest Requests**

The request for relief under the national interest provisions must be initiated by the applicant. The request for relief is usually made after the applicant has been informed that they may be inadmissible to Canada on grounds of national security. Officers are not required to notify or advise the applicant of the possibility of requesting ministerial relief. The relief provisions do not apply to persons who have committed or been complicit in human rights violations as described in A35(1)(a).

---

### **9.2. Processing the request**

The request for relief must be processed only if the officer is satisfied that the applicant is inadmissible on grounds of national security.

After having reviewed all the information, if the officer determines that the person is not inadmissible on grounds of national security, processing of the application for permanent residence will continue.

Following the receipt of an application for relief, the officer should provide the applicant with a copy of the *National Interest Information Sheet* (Appendix B). The applicant should normally be given 15 days (excluding mailing time) to send their submission to the local CIC office.

Upon receipt of the applicant's submission, the officer should prepare a report, which consists of the following:

- the applicant's current situation regarding the ground of inadmissibility (refer to Appendix D for an outline of the questions and considerations that must be addressed in preparing this information);
- the details of the application and any personal or exceptional circumstances to be taken into consideration; this would include:
  - ◆ details of immigration application;
  - ◆ basis for refugee protection, if applicable;
  - ◆ other grounds of inadmissibility, if applicable;
  - ◆ activities while in Canada;
  - ◆ details of family in Canada or abroad;
  - ◆ any Canadian interest.

This report should be signed by the officer and forwarded to the National Security Division, Intelligence Directorate, CBSA, with the applicant's submission and all supporting documents. A recommendation should not be provided at this stage as the CBSA NHQ may conduct further investigations and acquire additional information before the matter is put before the Minister. For this reason, the recommendation to the Minister will be made by the National Security Division, Intelligence Directorate, CBSA at that time.

---

### **9.3. Disclosure to client**

The CBSA NHQ analyst will conduct any further inquiries that may be necessary and then prepare a recommendation to the Minister. The recommendation will include all supporting documentation. At this juncture, a copy of the recommendation to the Minister and all the supporting documentation (except classified information) will be returned to the CIC for disclosure to the client.

## **IP 10 Refusal of National Security Cases/Processing of National Interest Requests**

The CIC will deliver these documents by courier with a covering letter as provided in Appendix E. The person must sign the acknowledgment of receipt.

---

### **9.4. After disclosure**

The CIC should return the following documents to the National Security Division, Intelligence Directorate, CBSA:.

- a copy of the letter sent to the client;
- any additional submissions or documents received from the client.

---

### **9.5. After issuance of Minister's decision**

A faxed copy of the Minister's decision will be forwarded to the CIC. Where the decision is positive, the client should be informed that they are not inadmissible on grounds of national security and processing of the application for permanent residence should continue.

Where the decision is negative, the client should be issued a refusal letter and action taken pursuant to section 8.8 above. The refusal letter (see Appendix F) should indicate that the application for permanent residence is refused as the applicant was determined to be inadmissible and the Minister did not grant relief.

---

## **10. Procedure - Cases under enforcement action**

A person making an application for permanent residence may also be the subject of enforcement action. To ensure a coordinated approach, there should be regular communication between the inland CIC office processing the application for permanent residence and the CBSA office pursuing enforcement action. The ministerial relief decision has consequences for both processes.

A44 reports include a reference to the relief provision in IRPA, where applicable. Where a person who is the subject of an A44 report referred to the Immigration Division requests information on how to apply for relief, the National Interest Information Sheet (see Appendix B) will be issued to that person. The CBSA officer will follow the procedure described in section 9.2 above.

Enforcement proceedings are not automatically held in abeyance due to a request for ministerial relief. This would include the writing of the A44(1) report, the review of the report, and the admissibility hearing. However, when deciding whether or not to refer the report immediately to the Immigration Division pursuant to A44(2), the Minister's delegate should consider all the circumstances of the case, including the request for relief. If positive relief recommendation is being considered, further enforcement action may be suspended.

In cases where the A44(1) report has been referred to the Immigration Division for an admissibility hearing, hearing officers will normally oppose adjournment requests, which are based on the outstanding request for relief. The application for relief will continue to be processed after the removal order has been issued.

The position to be taken by the hearings officer in such cases may be developed in consultation with the appropriate tactical division of the Intelligence Directorate, CBSA NHQ. (See Appendix G for contact information.) Where processing of the application for permanent residence has been held in abeyance pending the outcome of the admissibility hearing, the hearings officer is to inform CIC of the outcome of the admissibility hearing as soon as possible.

## **IP 10 Refusal of National Security Cases/Processing of National Interest Requests**

### **Appendix A** Interview convocation letter

(Insert letterhead)

Our Ref:

(Insert address)

Dear:

This refers to your application for permanent residence in Canada.

Information available suggests that your application for permanent residence may have to be refused as it appears you may be inadmissible to Canada, pursuant to section \_\_\_\_ of the Immigration and Refugee Protection Act. Therefore, we are requesting that you attend an interview at our office on (insert date) at (insert time).

The purpose of the interview will be to discuss our concerns and to provide you with an opportunity to respond. The information that we have obtained indicates that you \_\_\_\_\_ (exact content to be developed in consultation with NHQ). Please note that under Canadian immigration legislation it is your responsibility to demonstrate that you are not a member of an inadmissible class. A copy of some inadmissible classes is attached. (The attachment will include sections A33-A37 in their entirety.)

Should you not attend this interview, your application for permanent residence may be considered to have been abandoned.

Sincerely,

## IP 10 Refusal of National Security Cases/Processing of National Interest Requests

### Appendix B National interest information sheet

You have asked to be considered by the Minister of Public Safety and Emergency Preparedness for relief under paragraph \_\_\_\_\_ of Canada's *Immigration and Refugee Protection Act* which reads as follows: (*Insert appropriate paragraph*)

You may be exempted from this ground of inadmissibility if the Minister decides that your presence in Canada would not be detrimental to Canada's national interest. The consideration of national interest involves the assessment and balancing of all factors pertaining to your admission to Canada against the stated objectives in Canada's *Immigration and Refugee Protection Act*, as well as Canada's domestic and international interests and obligations.

If you wish to be considered for this exemption, you must prepare a submission along with any supporting documentation that you deem relevant. To assist you in preparing your submission, it is suggested that you address the following:

- Why are you seeking admission to Canada?
- Are there any special circumstances surrounding your application?
- Provide evidence that you do not constitute a danger to the public.
- Explain current activities you are involved in (employment, education, family situation, involvement in the community, etc.).

If the ground of inadmissibility involves membership in a regime or organization, explain the purpose of the organization, your role in the organization and activities in which you were involved. You must provide extensive detail and be very thorough in explaining this, including dates, locations and impact of these activities. When and for how long were you a member? Did these activities involve violence? If you are claiming to no longer be a member of this regime or organization, you must provide evidence. Explain when and why you disassociated yourself from the regime/organization and whether you are still involved with persons who are members of the regime/organization.

Lastly, explain your current attitude towards this regime/organization, its goals and objectives and how you feel about the means it has chosen to achieve its objectives.

Your submission need not be restricted to the above. You may provide any information and documents that you think may strengthen your request for an exemption. Your submission, in English or French, should be provided to the local immigration office within 15 days. If we do not receive your submissions, your request for relief may be considered abandoned.

An officer will review your request, seek any required clarification and forward it to our National Headquarters with a report. National Headquarters will review the matter and make a recommendation to the Minister. You will be provided an opportunity to review the recommendation for any errors or omissions prior to it being referred to the Minister.

## IP 10 Refusal of National Security Cases/Processing of National Interest Requests

### Appendix C Disclosure letter in lieu of interview

(To be used when an interview is not practical)

*(Insert letterhead)*

Our Ref:

*(Insert address)*

Dear:

This is further to your application for permanent residence in Canada.

Information available suggests that your application for permanent residence may have to be refused as it appears you may be inadmissible to Canada, pursuant to section \_\_\_\_ of the *Immigration and Refugee Protection Act*. Before rendering a final decision in this matter, we wish to provide you with an opportunity to respond to this information and to address our concerns.

The information that we have obtained indicates that you *(exact content to be developed in consultation with NHQ)*. Please note that under Canadian immigration legislation it is your responsibility to demonstrate that you are not a member of an inadmissible class. A copy some inadmissible classes is attached. *(The attachment will include sections A33 to A37 in their entirety.)*

Should you wish to address these matters, we must receive your submissions by *(enter date - 30 days suggested)*. If we receive nothing from you by then, your application for permanent residence may be considered abandoned.

Sincerely,

# IP 10 Refusal of National Security Cases/Processing of National Interest Requests

## Appendix D Preparing the request for relief report

A request to the Minister should consist of three parts:

1. The client's submission and all supporting documentation;  
 2. A report prepared by the officer addressing the applicant's current situation with respect to the ground of inadmissibility and any exceptional circumstances to be taken into account. This includes:

- details of the immigration application;
- basis for refugee protection, if applicable;
- other grounds of inadmissibility, if applicable;
- activities while in Canada;
- details of family in Canada or abroad;
- any Canadian interest;
- any personal or exceptional circumstances to be considered.

3. A recommendation to the Minister prepared by the CBSA, NHQ. In order to assess the current situation regarding the ground of inadmissibility, evidence must be produced to address the questions stated in the following table:

**Question Details**

Question	Details
<p>Will the applicant's presence in Canada be offensive to the Canadian public?</p>	<ul style="list-style-type: none"> <li>• Is there satisfactory evidence that the person does not represent a danger to the public?</li> <li>• Was the activity an isolated event? If not, over what period of time did it occur?</li> <li>• When did the activity occur?</li> <li>• Was violence involved?</li> <li>• Was the person personally involved or complicit in the activities of the regime/organization?</li> <li>• Is the regime/organization internationally recognized as one that uses violence to achieve its goals? If so, what is the degree of violence shown by the organization?</li> <li>• What was the length of time that the applicant was a member of the</li> </ul>

**IP 10 Refusal of National Security Cases/Processing of National Interest Requests**

	<p>regime/organization?</p> <ul style="list-style-type: none"> <li>• Is the organization still involved in criminal or violent activities?</li> <li>• What was the role or position of the person within the regime/organization?</li> <li>• Did the person benefit from their membership or from the activities of the organization?</li> <li>• Is there evidence to indicate that the person was not aware of the atrocities/criminal/terrorist activities committed by the regime/organization?</li> </ul>
<p>Have all ties with the regime/organization been completely severed?</p>	<ul style="list-style-type: none"> <li>• Has the applicant been credible, forthright, and candid concerning the activities/membership that have barred admission or has the applicant tried to minimize their role?</li> <li>• What evidence exists to demonstrate that ties have been severed?</li> <li>• What are the details concerning disassociation from the regime/organization? Did the applicant disassociate from the regime/organization at the first opportunity? Why?</li> <li>• Is the applicant currently associated with any individuals still involved in the regime/organization?</li> <li>• Does the applicant's lifestyle demonstrate stability or is there a pattern of activity likely associated with a criminal lifestyle?</li> </ul>
<p>Is there any indication that the applicant might be benefiting from assets obtained while a member of the organization?</p>	<ul style="list-style-type: none"> <li>• Is the applicant's lifestyle consistent with Personal Net Worth (PNW) and current employment?</li> <li>• If not, provide evidence to establish that the applicant's PNW did not come from criminal activities.</li> </ul>
<p>Is there any indication that the applicant may be benefiting from previous membership in the regime/organization?</p>	<ul style="list-style-type: none"> <li>• Does the applicant's lifestyle demonstrate any possible benefits from former membership in the regime/organization?</li> </ul>



## IP 10 Refusal of National Security Cases/Processing of National Interest Requests

	<ul style="list-style-type: none"> <li>• Does the applicant's status in the community demonstrate any special treatment due to former membership in the regime/organization?</li> </ul>
<p>Has the person adopted the democratic values of Canadian society?</p>	<ul style="list-style-type: none"> <li>• What is the applicant's current attitude towards the regime/organization, their membership, and their activities on behalf of the regime/organization?</li> <li>• Does the applicant still share the values and lifestyle known to be associated with the organization?</li> <li>• Does the applicant show any remorse for their membership or activities?</li> <li>• What is the applicant's current attitude towards violence to achieve political change?</li> <li>• What is the applicant's attitude towards the rule of law and democratic institutions, as they are understood in Canada?</li> </ul>

The submission, with all supporting documents, should be submitted by mail to the National Security Division, CBSA, as follows:

### **A34 cases:**

Director, Security Review  
 Intelligence Directorate  
 300 Slater Street  
 Ottawa, Ontario  
 K1A 1L1

### **A35 cases:**

Director, Modern War Crimes  
 Intelligence Directorate  
 300 Slater Street  
 Ottawa, Ontario  
 K1A 1L1

### **A37 cases:**

Director, Organized Crime  
 Intelligence Directorate  
 300 Slater Street  
 Ottawa, Ontario  
 K1A 1L1

## IP 10 Refusal of National Security Cases/Processing of National Interest Requests

### Appendix E Final disclosure letter

*(Insert letterhead)*

Our ref:

*(Insert address)*

Dear:

This is further your request to seek relief under the national interest provisions of Canada's immigration legislation.

You will find attached a copy of releasable information\* on this matter that will be presented to the Minister. This consists of:

- a report with relevant documents from the immigration office handling your file;
- a recommendation from the President, Canada Border Services Agency, to the Minister of Public Safety and Emergency Preparedness;
- *(other documents as applicable)*.

Your original submission and supporting documentation, which are not attached to this letter, will also be presented to the Minister. The Canada Border Services Agency is prepared to present this matter to the Minister for a decision. However, before doing so, we invite you to review these documents and provide us with any further comments you deem necessary. These comments will be included for consideration by the Minister.

We would request that your comments be provided to this office within 15 days. Should we not receive any comments from you by that time, we will proceed to put the matter before the Minister.

Sincerely,

\* Confidential information cannot be disclosed if the disclosure would be injurious to national security or to the safety of any person.

## IP 10 Refusal of National Security Cases/Processing of National Interest Requests

### Appendix F Refusal letter (Application for permanent residence refused based on A34, A35 or A37; request for ministerial relief denied)

*(Insert letterhead)*

Our ref:

*(Insert address)*

Dear:

This refers to your application for permanent residence. A letter dated *(insert date)* was sent to you inviting you to respond to concerns about your admissibility. The information you provided *(in your letter of \_\_\_ or at the interview on \_\_\_)* has been carefully reviewed together with all other information in your application.

It appears that you are a person described in section *(34, 35 or 37)* of the *Immigration and Refugee Protection Act*. I have come to the conclusion that you are inadmissible to Canada based on *(provide details concerning individual circumstances as they relate to the finding of inadmissibility. Exact content may be developed in consultation with NHQ)*.

*When client has requested ministerial relief and the Minister has not granted relief, officers should insert the following paragraph:*

Furthermore, you have not satisfied the Minister of Public Safety and Emergency Preparedness that your presence in Canada would not be detrimental to the national interest. As a result, your application for permanent residence is refused.

Sincerely,

## **IP 10 Refusal of National Security Cases/Processing of National Interest Requests**

### **Appendix G** Contacts at the National Security Division, CBSA

For persons described in A34(1) contact:

Security Review Division by e-mail at [Nat-Security-Review@cic.gc.ca](mailto:Nat-Security-Review@cic.gc.ca)

For persons described in A35(1) contact:

Modern War Crimes Division by e-mail at [Nat-WarCrimes@cic.gc.ca](mailto:Nat-WarCrimes@cic.gc.ca)

For persons described in A37(1) contact:

Organized Crime Division by e-mail at [Nat-Organized-Crime@cic.gc.ca](mailto:Nat-Organized-Crime@cic.gc.ca)