



January 24, 2023

Via email: Daniel.mills@cic.gc.ca

Daniel Mills
Senior Assistant Deputy Minister, Operations Sector
Immigration, Refugees and Citizenship Canada
365 Laurier Avenue West
Ottawa ON K1A 1L1

Dear Mr. Mills:

Re: Processing delays for approved permanent resident applicants

I write on behalf of the Immigration Law Section of the Canadian Bar Association (CBA Section) to share recommendations to improve processing delays in issuing electronic Confirmations of Permanent Residence (eCOPR) and first permanent resident (PR) cards. Delays in eCOPR issuance and receipt of first PR cards jeopardize the ability of approved applicants to travel internationally and their eligibility for certain benefits that are only available to Canadian permanent residents.

The CBA is a national association of 37,000 members, including lawyers, notaries, academics and law students, with a mandate to seek improvements in the law and the administration of justice. The CBA Section has approximately 1,200 members practising all areas of immigration law. CBA Section members deliver professional advice and representation to thousands of clients in Canada and abroad.

Current delays in issuing eCOPRs and the need for established timelines

Since fall 2022, CBA Section members have observed increased delays in the issuance of eCOPR documents. The eCOPR is issued by Immigration, Refugees and Citizenship Canada (IRCC) to approved applicants and represents the culmination of the PR process. The eCOPR was created to facilitate the virtual landing of new permanent residents in the context of the COVID-19 pandemic, when travel and personal interactions were significantly restricted, replacing the original hard-copy Confirmation of Permanent Residence (COPR). On approval of an In-Canada PR application, the applicant or their counsel receives an email inviting them to create their individual PR Confirmation Portal which is used by IRCC to “confirm” their permanent residence. Unfortunately, since the inception of the PR Confirmation Portal, authorized representatives have been excluded from the Portal.¹ This is a denial of the right to counsel as authorized representatives cannot assist clients with completing this all-important step.

Approved applicants must email the designated IRCC Portal email address for their region with the requested details. They receive an email from IRCC, often many days later, with instructions to activate the PR Confirmation Portal. The PR Confirmation Portal requires approved applicants to upload a PR card sized photo,

¹ Exclusion of counsel in immigration and citizenship matters has been addressed in previous CBA letters, e.g.: CBA letter to Daniel Mills, May 7, 2021; CBA President letter to Ministers of Justice and of Immigration, Refugees and Citizenship, Aug 3, 2021; CBA President letter to Minister of Immigration, Refugees and Citizenship, Oct 27, 2022.

and to confirm their presence and residential address in Canada. Once these steps are completed, the PR Portal shows that the case is “Under Review” until a message is received indicating that the eCOPR is available for download or printing.

The status is changed to Canadian Permanent Residence on the date the eCOPR is signed by the Immigration Officer. This process – from the activation of their PR Portal to IRCC’s issuance of the eCOPR – previously took one or two weeks. Recently, CBA Section members have reported issuance delays spanning between one and three months.

When approved applicants attempt to follow up on the PR Confirmation Portal activation delays or eCOPR issuance using the IRCC portal designated email address, the automated response reads that IRCC does not respond to follow-up inquiries. Receiving this boilerplate response at this advanced stage of the PR approval process is highly disconcerting.

Many approved PR applicants eagerly await their eCOPR to travel internationally, as they are required to be in Canada to use the PR Confirmation Portal. The eCOPR must also be issued before IRCC can deliver a PR Card. Inconveniences of delayed eCOPRs include the inability to register or extend provincial healthcare coverage, to apply to programs such as a medical residency, to begin new work, to extend driver’s licences and to access other benefits. The protracted delays in issuing eCOPRs destabilize the plans of approved applicants.

If counsel were integrated in this process, it would help bring delays and issues to the attention of IRCC in a timely manner. Instead, valuable IRCC resources are diverted in reviewing repeat inquiries from applicants who experience protracted delays in receiving their eCOPRs.

The CBA Section urges IRCC to establish processing standards for issuing eCOPRs. Processing standards increase accountability and allow Department managers to follow up with officers when there are delays. For example: 1 – 3 business days to respond to an approved applicant’s email to activate the PR Confirmation Portal and 5 – 10 business days to issue the eCOPR after uploading the PR card photo and residential address in Canada. If an issue is noted with the uploaded PR card photo, we propose that IRCC inform the applicant within 1 – 3 business days.

In addition, we recommend that IRCC consider implementing a scheduling system for approved PR applicants to schedule their virtual landing appointment in advance to meet with the Immigration Officer and promptly receive their eCOPR. Authorized representatives help streamline this scheduling process and conserve IRCC resources. This would help move from an aleatory PR Confirmation process to a predictable, streamlined virtual landing.

Delays in issuing first PR cards and proposal to implement a new ePRTD measure

New permanent residents don’t need to apply for their first PR card. Pursuant to paragraph 53(1)(a) of the *Immigration and Refugee Protection Regulations*,² the Department must issue a PR card to a person who has met the requirements. Only when approved applicants fail to give their address in Canada and a photo satisfying the photo specifications within 180 days is a formal application required for a first PR card.

Permanent residents must show a valid PR Card or permanent resident travel document (PRTD) to re-enter Canada by commercial carrier.

As of January 13, 2023, the announced IRCC processing time for a first PR card is listed as 120 days.³ In our view, 120 days is too long. New permanent residents are effectively “grounded” and cannot easily travel internationally in the interim period between eCOPR issuance and receipt of their PR card. Requests to expedite

² Immigration and Refugee Protection Regulations (SOR/2002-227), 53(1)(a).

³ IRCC, Check processing times, online.

processing of a PR card by web form are rarely granted by IRCC. Permanent residents who must travel internationally before receiving their first PR card – for example, to care for an ill family member or for professional obligations – have no choice but to apply for a PRTD via the local Canadian Visa Application Centre which, depending on the region, can take several weeks to process. In these cases, new permanent residents risk being stranded abroad. The need to apply for and obtain a PRTD to facilitate travel before receiving the initial PR Card also creates additional work for the department and diverts resources from dealing with other pressing applications, further contributing to delays and backlogs.

Authorized representatives are required to provide a signed Use of a Representative (IMM 5476) form to follow up with IRCC by web form on the first PR card issuance. This requirement is burdensome and creates further delays, considering that it is a continuation of the authorized representatives' initial mandate to see applicants through to the final stages of the process.

We recommend that IRCC consider a short-term (183-day), multiple-entry electronic PRTD (ePRTD) automatically to all new permanent residents. Subsection 31(3) of the *Immigration and Refugee Protection Act*⁴ currently provides for the issuance of a PRTD only to permanent residents outside of Canada. However, the significant processing delays for first PR cards justify the limited use of Ministerial instructions to override the requirement that the permanent residents be outside of Canada to receive a PRTD. We recommend that the temporary measure be in place until the processing timeline for first PR cards is reduced to a reasonable period of 30 business days or less.

Additionally, we recommend that the ePRTD be issued by IRCC and available in the PR Confirmation portal on the same day that new permanent residents can download their eCOPR. New permanent residents could then travel internationally freely without fear that they will be prevented from returning to Canada. Issuing the automatic ePRTD as part of the virtual landing process would be more efficient and require fewer departmental resources than applying for a PRTD via the local Canadian Visa Application Centre outside of Canada. The latter requires a formal application and full adjudication by a different immigration officer at the Visa Office abroad who is not already familiar with the recently approved PR application.

Conclusion

We appreciate that IRCC has modernized procedures to create the eCOPR and is constantly re-evaluating operational standards and innovating. We believe this is particularly important considering the ambitious three-year immigration levels targets announced on November 1, 2022, by the Government of Canada. We share these recommendations to ensure that the pathway to permanent residence remains a positive experience for applicants up until latter stages. We also trust that the right to counsel will be integrated in the final stages of these PR processes.

We would be pleased to discuss these issues and proposed solutions in greater detail at our upcoming meeting on January 27, 2023.

The CBA Section continues to be eager to work with IRCC to evaluate processing methods and to share constructive feedback throughout.

Yours truly,

(original letter signed by Véronique Morissette for Lisa Middlemiss)

Lisa Middlemiss
Chair, CBA Immigration Law Section

⁴ Immigration and Refugee Protection Act (S.C. 2001, c. 27), [31\(3\)](#).