

Permanent Resident (Maple Leaf) Card

Before leaving Canada, it's mandatory for Canadian permanent residents (landed immigrants) to have a permanent resident (maple leaf) card to re-enter to Canada by commercial airplane, train, bus, and rental car. You must renew your permanent resident (maple leaf) card every five years if you are not yet a Canadian citizen.

Residency Obligation:

A Canadian permanent resident (landed immigrant) needs to satisfy the residency obligation by being physically present in Canada at least 730 days out of the five-year period or:

- is outside of Canada accompanying a Canadian citizen who is their spouse or common-law partner or is a child accompanying a parent;
- is outside of Canada employed on a full-time basis by a Canadian business or in the public service of Canada or of a province;
- is an accompanying spouse, common-law partner or child of a permanent resident who is outside of Canada and is employed on a full-time basis by a Canadian business or in the public service of Canada or of a province.

Determining whether a permanent resident meets the residency obligation:

- if you have been a permanent resident for less than five years, you will be able to meet the residency obligation during the five-year period immediately following your becoming a permanent resident.
- if you have been a permanent resident for five years or more, you have met the residency obligation during the five-year period immediately before the examination of your residency status by a visa offer.
- a determination by an officer that Humanitarian and Compassionate (H&C) considerations relating to a permanent resident justify the retention of permanent resident status overcomes any breach of the residency obligation. You need to demonstrate that the hardship which resulted in not meeting the residency obligation is unusual and undeserved or disproportionate.

Leaving Canada without a PR Card

If you plan on leaving Canada after landing, you need to make sure that you are fulfilling your residency requirement.

If you are unable to get the PR card, you must apply for a Travel Document through the overseas embassy/consulate. The application for a Travel Document is below:

<http://www.cic.gc.ca/english/information/applications/travel.asp>

According to Citizenship and Immigration Canada, you may travel outside Canada after you arrive. However, you must meet certain residency obligations to maintain your status as a Permanent Resident.

You can meet these residency obligations if you spend 730 days (two years) of physical presence in Canada in every five-year period.

While this means that you can spend a total of up to 3 years outside of Canada during a 5-year period, if you leave the country for an extended period of time, it is up to YOU to prove to Citizenship and Immigration Canada that you plan to continue to live in Canada

To renew your PR card, you should consult with the following website for application guide . <http://www.cic.gc.ca/english/information/applications/prcard.asp>

Check the document checklist for a list of required documents. Please note that you cannot apply to renew your PR card while outside Canada. You must be in Canada.

Application for PR card renewal is taking 57 days to complete, according to the latest processing times posted on CIC's website:

http://www.cic.gc.ca/english/department/times/process-in.html#pr_card

You will need to complete the application form which will include verification that you have met your residency obligations for maintaining your PR status.

If your PR card expires while you are outside Canada, you must apply for a Travel Document at the nearest Canadian consulate/embassy which will allow you to return to Canada on a commercial carrier (e.g. plane). To apply for a Travel Document, see the following link:

<http://www.cic.gc.ca/english/information/applications/travel.asp>

If you are coming back to Canada from the U.S. by private vehicle, you can enter Canada with just your Confirmation of Permanent Residence (COPR/IMM5292) and valid travel document (e.g. passport).

Each time you enter Canada, Citizenship and Immigration may calculate 5 years back from the date you have re-entered Canada to see if you have fulfilled your residency obligation.

It is your responsibility to ensure that you are fulfilling your residency obligation.

In terms of proofs either to prove that you were in Canada or that you were outside of Canada you may want to keep:

- Airplane tickets/boarding passes
- Bus tickets/boarding passes
- Accommodation/Apartment information such as Lease,
- Rent Receipts for the time that you are in Canada
- Hotel receipts

And any other documents that can prove the time you were present in Canada in the event that you were questioned by an immigration officer and asked to provide proof of your time in/outside of Canada.

If you have any concerns and are out of the country, you may want to try contacting the nearest Visa Office to see if they can help you determine this. You can find the nearest office here:

<http://www.cic.gc.ca/english/information/offices/missions.asp>

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Longer absences from Canada, under the new Act, permanent residents may be outside of Canada for three years in every five-year period. This allows permanent residents and accompanying family members to be absent from Canada for longer periods of time without the risk of losing their status.

Under the new Act, there has been an elimination of Returning Resident Permit. Such permits will no longer be issued. Under the transitional provisions, a permanent resident in possession of a Returning Resident Permit will be able to count time spent outside Canada for the purpose of satisfying residency obligations.

The rules of evidence are flexible and the Immigration Appeal can consider any evidence that it believes is credible and trustworthy.

When making a decision, its members consider questions of law and fact and, in some situations, humanitarian and compassionate concerns.

According to Citizenship and Immigration, the process starts when a permanent resident does not meet residency obligations while abroad. Then Immigration officers may inform that person in writing that they have failed to meet their residency obligations.

Permanent residency status will be lost if an appeal is not received within 60 days of a permanent resident receiving the written non-compliance notification.

You can find additional information on Appeals in the CIC Enforcement Manual - IAD Appeal Hearings <http://www.cic.gc.ca/english/resources/manuals/enf/index.asp>