Volume 12, Issue 1
January 2016

ImmQuest

"Qui bene interrogat bene docet" "He who questions well teaches well"

Editors-in-chief: Cecil L. Rotenberg Q.C. and Mario D. Bellissimo LL.B., C.S.

How to Privately Sponsor a Refugee in Canada

Patti Kemp[1] & Edward C. Corrigan[2]

Justin Trudeau and his newly elected Liberal government has pledged to bring 25,000 refugees to Canada by 1 March 2016. However, millions of refugees remain vulnerable and displaced, living in camps in Jordan, Lebanon, and Turkey. The horror stories about the Syrian civil war and the resulting refugee crisis caused many Canadians to wonder how they can help.

Canada is the only country in the world[3] that allows private individuals to sponsor refugee applicants to relocate permanently. This program is one significant way that individuals can help by sponsoring a refugee family to Canada, and then helping them settle into their new home.

The Law

Canada is unique in offering individual citizens the opportunity to participate in humanitarian-type immigration by providing them with a mechanism for sponsoring refugees. Colloquially referred to as "Group of Five" sponsorship, five or more individuals can apply together to sponsor a refugee. These individuals, or "sponsors", must be either Canadian citizens or permanent

1 Patti Kemp is a member of the Law Society of England and Wales and the Law Society of Upper Canada. She trained and practised at Birnberg Peirce & Partners in London, England. She works part-time time at Ed Corrigan Law Office in London, Ontario. She can be reached at pattikemp@edcorrigan.ca.

2 Edward Corrigan is certified as a specialist by the Law Society of Upper Canada in Citizenship, Immigration and Immigration and Refugee Law. His office is located in London, Ontario at 383 Richmond Street, Suite 902, tel. 519-439-4015. He can be reached at corriganlaw@edcorrigan.ca.

3 http://ccrweb.ca/en/private-sponsorship-refugees.

Full Story on page 2

INSIDE

Focus—The Canadian Refugee Protection System

- **How to Privately Sponsor a Refugee in Canada 1**
  — *Patti Kemp & Edward C. Corrigan*
- **Quick Bites**

Resettlement for Syrian Refugees Underway, but not without Challenges 4
— *Joanna Mennie, B.A. (Hons.), LL.B.*

Supreme Court Strengthens "Best Interests of a Child" Analysis in H&C Applications 4
— *Mirella Cherny , B.A. (Hons.), LL.B., LL.M.*

- **Case Tracker: Cases You Should Know! . . . 6**
  — *Mario D. Bellissimo, LL.B., C.S.*

CARSWELL®

How to Privately Sponsor a Refugee in Canada

continued from page 1

residents, they must be over 18 years of age, and they must either live in the area where the refugee will settle or have representatives there.[4] They must agree to support the refugee both emotionally and financially for the sponsorship period, which is usually for one year.

There are two ways the applicant can be granted refugee status[5]: 1) they have been recognized as a refugee by the United Nations High Commissioner for Refugees (UNHCR), or 2) the government of the foreign state where the asylum seeker currently lives must certify that they are a refugee (respectively referred to as "Convention Refugees Abroad Class"[6] and "Country of Asylum Class").[7]

Note that, due to the current refugee crisis in the Middle East, the Government of Canada released a statement outlining its waiver of the requirement that individuals who are sponsored to come to Canada as refugees who are originally from either Iraq or Syria have to be recognized by the UNHCR. The waiver is good for one year and expires on September 19, 2016.[8] Quebec, however, continues to maintain its own refugee selection process. To quote the release from The Minister of Citizenship and Immigration:

> Applicants intending to reside in Quebec are subject to the Province of Quebec's selection criteria further to subsection 25.2 (3) of the *Act*, and cannot be granted permanent residence unless Quebec determines that they meet the applicable selection criteria of the province.
>
> This public policy comes into force on the date of my signature and ends one year after it is signed.[9]

4 http://www.cic.gc.ca/english/refugees/sponsor/groups.asp.
5 *Ibid.*
6 According to Citizenship and Immigration Canada's Guide to Private Sponsorship of Refugees Program, as a "Convention Refugee Abroad", the applicant must be outside of Canada, seeking to resettle here, have no prospect of a durable solution within a reasonable period of time (i.e., they cannot return to their country or stay in their current country of refuge), and they must either receive adequate assistance from their sponsors or have enough resources to support themselves and their dependents.
7 http://www.cic.gc.ca/ENGLISH/refugees/outside/index.asp.
8 "Temporary public policy to facilitate the sponsorship of Syrian and Iraqi refugees by Groups of Five and Community Sponsors", September 19, 2015. Online: http://www.cic.gc.ca/english/department/laws-policy/syria-iraq.asp.
9 *Ibid.*

Finally, in order to qualify to come to Canada, applicants must pass medical, criminal, and security admissibility checks. With some exceptions, they are also assessed on their ability to establish themselves successfully in Canada. If they are in urgent need of protection, or are vulnerable, they may not be assessed on this last point.[10]

In addition to private group-sponsored refugees, there are two other programs under which refugees can come to Canada. The first is called the *Government-Assisted Refugees* (GARs) program. Under this program, refugees are referred for resettlement by either the UNHCR or another referral organization. These are Convention refugees whose initial settlement (for up to one year) is entirely supported by the Government of Canada or by the province of Quebec.[11]

The second is called the *Blended Visa Office-Referred refugees* (BVORs). These are Convention refugees referred by the UNHCR who are matched with a private sponsor in Canada. There is a blended support system for these refugees. The Government of Canada provides up to six months of income support through the Resettlement Assistance Program (RAP). This is combined with financial support from private sponsors for an additional six months, and up to a year of social and emotional support.[12]

There also is a program where various organizations (i.e., religious, ethnic, community, or service) who are registered with the Canadian Government as Sponsorship Agreement Holders can sponsor refugees into Canada.[13]

The Application Process

To initiate the application process, the sponsors must submit a sponsorship application to the Centralized Processing Office in Winnipeg (CPO-W). For Group of Five sponsors, this application must include a settlement plan and financial assessment for the whole group, and personal financial profile forms for each member.[14] It should also include the document issued by either the UNHCR or the foreign state certifying that the principal

10 *Ibid.*
11 *Supra*, note 5.
12 *Ibid.*
13 "Sponsorship Agreement Holders – Sponsoring refugees", Online: http://www.cic.gc.ca/english/refugees/sponsor/sah.asp.
14 http://www.cic.gc.ca/english/refugees/sponsor/groups-how.asp.

applicant is a refugee. As noted above, refugees from Syria and Iraq are temporarily exempt from this requirement.

The Group of Five sponsors should be able to provide an amount that is roughly equivalent to the local social assistance rate. The Sponsorship Cost Table provides a guideline for estimating the costs of sponsoring a refugee for 12 months. At the time of writing, for a family of four, 12 months of income support would be roughly $20,000 plus estimated start-up costs of $7,000 for a total estimated annual settlement cost of $27,000.[15] The cost is dependent on the city of settlement. Note that the refugee is expected to contribute funds if they have them, and to take reasonable employment offers, but they cannot be forced to do employment, particularly if it is unsuitable for them.[16]

At the same time that the sponsors submit their application, the applicant must also submit an application for permanent residence. This may be either enclosed with the Group of Five's application to the CPO-W or sent directly to the applicant's nearest visa office overseas.

When the CPO-W receives the application, it reviews the file for completeness, makes a decision on the sponsorship undertaking, and if positive, forwards the file to the overseas visa office where the decision on the application for permanent residence is made.

Groups of Five can choose to sponsor a particular refugee and their family. This is called a "sponsor-referred" refugee. Alternatively, they can ask for a match to be made from the inventory of "Visa office-referred" refugees who have already been preselected. This aspect of the program allows for great flexibility because it means that refugees who already have relatives or friends in Canada can be sponsored or, alternatively, it allows groups of individuals to offer assistance to those already identified as being in need.

In practical terms, Groups of Five can submit their sponsorship application to CPO-W without providing a copy of the document that proves the applicant's refugee status. However, the principal applicant must still have refugee status as the private sponsorship program still only accepts recognized refugees. The long wait-times for Syrian and Iraqi refugees have been drastically reduced, due to the waiver of the requirement of recognition by the UNHCR as a Convention refugee. The process of sponsoring individuals from these regions has also been expedited by the Canadian government, who sent a processing team to various areas to interview and screen potential candidates for resettlement in Canada.

After Arrival

Sponsors take on significant responsibilities when they apply to bring a refugee and their family to Canada. The sponsors are responsible for providing the group with care, lodging, settlement assistance, and support for either the sponsorship period (usually 12 months) or until the refugee is self-sufficient. The Government lists what sponsors normally provide. That list includes food, rent, utilities, clothing, furniture, help finding a family doctor and dentist, help applying for healthcare and enrolling children in school, and help finding language training. They should also help with introducing newcomers to people with similar interests, help them become oriented to their communities and help with their employment search.[17] Essentially, the Group of Five are taking on the responsibility of resettling the refugee and their family and helping to ensure their success of establishing themselves in their new Canadian home.

The reasons for wanting to bring a refugee and their family to Canada are many. The sponsors could be relatives or friends of the refugees. The sponsors could have ethnic or cultural connections to the refugees. They could simply be a group of individuals with a shared sense of humanity and wishing to help vulnerable people. Whatever the reason, Canada offers a unique opportunity to take direct action. As with all types of immigration applications, it can be useful to have guidance and assistance throughout the process from a legally trained professional.

15 http://www.cic.gc.ca/english/information/applications/guides/5413ETOC.asp.
16 *Ibid.*
17 *Supra*, note 5.