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## Refugee Law and Policy: Canada



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### Summary

*Canada's refugee system is regulated mainly by the Immigration and Refugee Protection Act and consists of the Refugee and Humanitarian Resettlement Program, for refugees seeking protection from outside of Canada, and the In-Canada Asylum Program for person who make their claims from inside the country. Most quotas or allocations of refugees are supported by the Government Assisted Refugee program where either the Government of Canada or Province of Quebec provide the initial support and assistance to refugees being resettled in Canada. In addition, Canada allows private organizations or persons to identify and sponsor individuals who meet the admissibility and eligibility requirements under Canadian law. Canada works closely with the UNHCR along with private sponsors to identify refugees for resettlement.*

*According to the Canada-US Safe Third Country Agreement, which came into effect on December 29, 2004, unless certain exceptions apply, a person is ineligible to make a refugee claim at the Canada-United States border because the US is considered a "Safe Third Country."*

*Canada describes the refugee screening process or procedure as "thorough," rigorous, and multi-staged. It includes requirements for criminal, security, and medical screening.*

### I. General Background

Canada is a party to the United Nations 1951 Convention Relating to the Status of Refugees and its 1967 Protocol.<sup>[1]</sup> Its refugee system is regulated mainly by the Immigration and Refugee Protection Act,<sup>[2]</sup> which implements the Convention. The refugee resettlement program is administered by Citizenship and Immigration Canada (CIC), which manages both the processing of applications and resettlement assistance.<sup>[3]</sup> On December 15, 2012, major changes were introduced to Canada's refugee status determination system as a result of the Balanced Refugee Reform Act<sup>[4]</sup> and the Protecting Canada's Immigration System Act,<sup>[5]</sup> "the latter of which amends both the Immigration and Refugee Protection Act and the Balanced Refugee Reform Act."<sup>[6]</sup>

Section 3(2) of the Immigration and Refugee Protection Act stipulates the following objectives of the Act in respect to refugees:

- (a) to recognize that the refugee program is in the first instance about saving lives and offering protection to the displaced and persecuted;
- (b) to fulfil Canada's international legal obligations with respect to refugees and affirm Canada's commitment to international efforts to provide assistance to those in need of resettlement;
- (c) to grant, as a fundamental expression of Canada's humanitarian ideals, fair consideration to those who come to Canada claiming persecution;
- (d) to offer safe haven to persons with a well-founded fear of persecution based on race, religion, nationality, political opinion or membership in a particular social group, as well as those at risk of torture or cruel and unusual treatment or punishment;
- (e) to establish fair and efficient procedures that will maintain the integrity of the Canadian refugee protection system, while upholding Canada's respect for the human rights and fundamental freedoms of all human beings;
- (f) to support the self-sufficiency and the social and economic well-being of refugees by facilitating reunification with their family members in Canada;
- (g) to protect the health and safety of Canadians and to maintain the security of Canadian society; and
- (h) to promote international justice and security by denying access to Canadian territory to persons, including refugee claimants, who are security risks or serious criminals.[\[7\]](#)

Section 12(3) of the Act stipulates that a foreign national, inside or outside Canada, may be selected as a "Convention refugee" or "a person in similar circumstances" eligible for permanent residence.[\[8\]](#)

Canada's refugee system primarily consists of two programs: the Refugee and Humanitarian Resettlement Program for people seeking protection from outside Canada, and the In-Canada Asylum Program for people making refugee protection claims from within Canada.[\[9\]](#)

Canada considers applications for refugee resettlement from persons outside of Canada under the following categories:

- A Government-Assisted Refugee (GAR) referred by the United Nations High Commissioner for Refugees (UNHCR) or another designated referral organization. GARs receive government funding for their first year in Canada;
- A Privately-Sponsored Refugee (PSR), who are sponsored by an organization or private persons during their first year; or
- A person sponsored under a Joint-Assistance Sponsorship Program (JAS), where both the government and a private sponsor share responsibility for the refugee.[\[10\]](#)

According to the Government of Canada, countries with refugee resettlement programs take in around 100,000 refugees from abroad each year. Of that number, Canada annually takes in roughly one out of every ten refugees through its refugee programs.[\[11\]](#) In 2008 and 2009, Canada was "the second and third highest destination country for refugee claimants among the group of 44 industrialized countries."[\[12\]](#) In 2010, the Government committed "to increase the number of refugees resettled each year from abroad by 20% (2,500 people)."[\[13\]](#) In 2011, Canada was among the world's top ten refugee destinations, receiving 25,000 asylum applications.[\[14\]](#) In 2012, this trend began to change when Canada "resettled 26% fewer refugees than in 2011."[\[15\]](#)

Refugee claimants declined nearly half from almost 20,500 in 2012 to 10,380 in 2013.[\[16\]](#) In 2013, Canada dropped to sixteenth place as a destination for refugee claimants.[\[17\]](#) In 2014, Canada registered 13,500 new applications, about one-third more than in 2013,[\[18\]](#) and moved to fifteenth place.[\[19\]](#) The UNHCR has noted that Canada was one of the countries that "featured among the top-10 recipient countries a few years ago but have registered significantly lower numbers of asylum-seekers in recent years. This can potentially be the result of reforms of law and asylum policies."[\[20\]](#)

For 2015, the government has agreed to accept up to "14,500 resettled refugees, out of a total of 285,000 new immigrants."[\[21\]](#) Canada works closely with the UNHCR along with private sponsors to identify refugees for resettlement.[\[22\]](#)

## II. Canada's Refugee System

### A. Refugee and Humanitarian Resettlement Program

Canada's Refugee and Humanitarian Resettlement Program is for refugees requiring protection who are outside their home country and also outside of Canada.<sup>[23]</sup> According to Section 99(2) of the Immigration and Refugee Protection Act, "[a] claim for refugee protection made by a person outside Canada must be made by making an application for a visa as a Convention refugee or a person in similar circumstances."<sup>[24]</sup> This section refers to two classes of eligible refugees who can be resettled from outside of Canada: (1) the "Convention Refugee Abroad Class,"<sup>[25]</sup> comprising those who meet the definition of "refugee" in the 1951 Refugee Convention, or (2) the "Country of Asylum Class," which "covers those who are outside their home country or the country where they normally live and have been, and continue to be, seriously and personally affected by civil war or armed conflict, or have suffered massive violations of human rights."<sup>[26]</sup>

#### 1. Convention Refugee Abroad Class

Persons in the Convention Refugee Abroad Class must be

- . . . outside [their] home country; and
- cannot return there due to a well-founded fear of persecution based on:
  - race,
  - religion,
  - political opinion,
  - nationality, or
  - membership in a particular social group, such as women or people with a particular sexual orientation.<sup>[27]</sup>

The definition of "Convention refugee" is "forward-looking" and therefore, the fear of persecution is reviewed at the time of the examination of the refugee application.<sup>[28]</sup> The office must determine if the applicant has a "well-founded fear of persecution" after assessing the reasons provided by the applicant. A decision is made based on whether the applicant was persecuted or has a well-founded fear of persecution.<sup>[29]</sup> The applicant must establish that the fear is reasonable<sup>[30]</sup> and, if the applicant provides more than one ground of persecution, "it is the duty of the officer, not the applicant, to identify the reasons for the persecution."<sup>[31]</sup> These are also the criteria established under the *Refugee Convention*.

To be eligible for resettlement applicants must also have "no reasonable prospect, within a reasonable period, of another durable solution," such as

- voluntary repatriation or resettlement in their country of nationality or habitual residence;
- resettlement in their country of asylum; or
- resettlement to a third country.<sup>[32]</sup>

Under this class a person must also be referred by the UNHCR or another referral organization, or be sponsored by a private sponsorship group. In terms of funding, a person must also be selected as either a government-assisted or privately sponsored refugee.<sup>[33]</sup> or have the funds needed to support him/herself and any dependents after arrival in Canada.<sup>[34]</sup>

#### 2. Country of Asylum Class

Persons in the Country of Asylum Class have left their home because they are seriously or personally affected by civil war, armed conflict, or massive human rights violations. A person falling within the Country of Asylum Class is statutorily referred to as "a person in similar circumstances" to a Convention refugee.<sup>[35]</sup> Section 147 of the Immigration and Refugee Protection Regulations stipulates that

[a] foreign national is a member of the country of asylum class if they have been determined by an officer to be in need of resettlement because

(a) they are outside all of their countries of nationality and habitual residence; and

(b) they have been, and continue to be, seriously and personally affected by civil war, armed conflict or massive violation of human rights in each of those countries.<sup>[36]</sup>

They must also be referred by the UNHCR or another referral organization.<sup>[37]</sup> This class is not eligible for government-funded resettlement; they must be either privately sponsored or demonstrate that they have the funds needed to support themselves and any dependents after they have arrived in Canada.<sup>[38]</sup> They can also qualify for Joint Assistance Sponsorship (JAS) under the definition of “special needs.”<sup>[39]</sup>

According to the CIC, an officer must determine whether a person is “[s]eriously and personally affected,” meaning that “the applicant has been, and continues to be, personally subjected to sustained and effective denial of a basic human right,”<sup>[40]</sup> by an armed conflict, civil war, or a massive violation of human rights. They must also determine “whether an armed conflict, civil war, or massive violation of human rights has taken place using human rights reports or country condition information sources.”<sup>[41]</sup>

Both eligibility and admissibility requirements must be met before an application can be accepted.

### **B. Government-Assisted Refugees (GAR) Program**

Government-assisted refugees are Convention Refugees Abroad whose initial resettlement in Canada is entirely supported by the Government of Canada or the Province of Quebec. Canada allocates a target each year for the resettlement of Convention refugees who are eligible to receive financial assistance from the Government of Canada.<sup>[42]</sup> The number of refugees to be allowed into Canada annually is determined by the Minister of Immigration, Refugees and Citizenship.<sup>[43]</sup>

Under the Government-Assisted Refugees (GAR) Program, refugees are referred to Canada for resettlement by the UNHCR or another referral organization. Individuals cannot apply directly. A person must register for refugee status with the UNHCR or state authorities to be considered by a referral organization.<sup>[44]</sup>

A GAR’s initial resettlement in Canada “is entirely supported by the Government of Canada or the province of Quebec.”<sup>[45]</sup> This support is provided by nongovernmental agencies called “service provider organizations,” which are funded by the CIC.<sup>[46]</sup>

### **C. Urgent Protection Program (UPP)**

The Urgent Protection Program (UPP)<sup>[47]</sup> was established to respond to urgent requests to help government-assisted refugees (or those identified as JAS cases) that face threats of being “returned home, of expulsion or of facing direct threats to their lives.”<sup>[48]</sup> One hundred places are allocated under the UPP annually.

UPP cases may have needs that require specialized assistance in Canada and therefore procedures for processing these types of cases may be slightly different.<sup>[49]</sup>

### **D. Private Sponsorship of Refugees Program**

Private organizations or persons can identify and sponsor individuals who meet the admissibility and eligibility requirements under Canadian law. According to the CIC, “[t]he Government of Canada encourages involvement of the Canadian public in the resettlement from abroad of Convention refugees and members of the Humanitarian Protected Persons Abroad Class.”<sup>[50]</sup> Private sponsors can be

- incorporated groups with an on-going agreement with CIC to sponsor refugees (Sponsorship Agreement Holders);
- five Canadians or permanent residents (Groups of Five); and
- community sponsors.<sup>[51]</sup>

Around two-thirds of private sponsorships are provided by “organizations that hold agreements with the government for this purpose, termed sponsorship agreement holders (SAHs).”<sup>[52]</sup> Overall, sponsors can consist of faith-based organizations, nongovernmental organizations (NGOs), community organizations, or groups of individuals.<sup>[53]</sup> Private sponsors can identify or “name” a refugee they wish to assist themselves or may ask to be matched with a refugee put forward for resettlement by the UNHCR or recommended by a Canadian visa office.<sup>[54]</sup>

Sponsoring groups agree to provide the refugees with care, lodging, settlement assistance, and support for the duration of the sponsorship period.<sup>[55]</sup> According to the Canadian Council of Refugees,

private sponsorship is **additional to** government assisted refugees. Each year the government makes its commitment, on behalf of Canadians, to resettle a certain number of refugees. Anything that Canadians do through private

sponsorship is on top of that commitment. This means that it allows Canadians to offer protection and a permanent home to extra refugees, who would not otherwise have the opportunity.[\[56\]](#)

Before accepting a person as a refugee, the CIC makes sure that person does not have another resettlement option, cannot go home, or cannot stay in the country where they initially sought asylum. Once selected, individuals undergo medical, security, and criminal background screenings.[\[57\]](#)

#### **E. Other Programs**

The CIC sometimes partners with organizations to resettle refugees with special needs. As noted above, this program is called the Joint Assistance Sponsorship (JAS) Program.[\[58\]](#)

Another program, called the Blended Visa Office-Referred Refugees (BVORs) Program, introduced in 2013, refers refugees identified by the UNHCR and matches them with a private sponsor organization.

#### **F. In-Canada Asylum Program**

Persons can also submit their claims for refugee status from inside Canada.[\[59\]](#) This asylum program works to provide refugee protection to people already in Canada who have a well-founded fear of persecution or are at risk of torture, or cruel or unusual punishment, in their home countries. In other words, statutorily, the protection is provided if the Immigration and Refugee Board determines that a person is a "Convention refugee" or "a person in need of protection."[\[60\]](#) Section 97(1) of the Act stipulates that a person in need of protection is

... a person in Canada whose removal to their country or countries of nationality or, if they do not have a country of nationality, their country of former habitual residence, would subject them personally

(a) to a danger, believed on substantial grounds to exist, of torture within the meaning of Article 1 of the Convention Against Torture; or

(b) to a risk to their life or to a risk of cruel and unusual treatment or punishment if

(i) the person is unable or, because of that risk, unwilling to avail themselves of the protection of that country,

(ii) the risk would be faced by the person in every part of that country and is not faced generally by other individuals in or from that country,

(iii) the risk is not inherent or incidental to lawful sanctions, unless imposed in disregard of accepted international standards, and

(iv) the risk is not caused by the inability of that country to provide adequate health or medical care.[\[61\]](#)

Not everyone is eligible to seek asylum. For example, people convicted of serious criminal offenses or who have had previous refugee claims denied by Canada are not eligible to make a claim.[\[62\]](#)

A person can apply for refugee status at any port of entry, such as an airport, seaport, or land border, or inside Canada at designated CIC offices. At ports of entry a Canadian Border Services Agency (CBSA) officer determines a person's eligibility for a refugee hearing with the Refugee Protection Division (RPD) at the Immigration and Refugee Board (IRB). At CIC offices CIC officers determine eligibility. Once a person is found eligible to make a refugee claim, a date for hearing the claim is provided.[\[63\]](#)

Members of the RPD assess and determine a person's claim for refugee protection. The Act mandates that RPD members must "decide whether they believe the claimant's evidence and how much weight to give to that evidence. In determining this, members must assess the credibility of the claimant, other witnesses and the documentary evidence."[\[64\]](#) Generally, refugee claims are heard by the IRB within sixty days unless the applicant is from a designated country of origin, in which case the claim could be processed faster.[\[65\]](#)

#### **G. Refugees Selected by the Province of Quebec**

The *Canada–Québec Accord relating to Immigration and Temporary Admission of Aliens* grants the Quebec provincial government exclusive responsibility for selecting immigrants and refugees from abroad.<sup>[66]</sup> Pursuant to the agreement, the Quebec Government selects refugees<sup>[67]</sup> and persons in similar circumstances “from the pool of CIC approved cases for resettlement and administers its own private sponsorship program.”<sup>[68]</sup> Persons who are selected by the province are granted a Certificat de sélection du Québec (CSQ).<sup>[69]</sup> According to the CIC, “[w]hen issuing a CSQ, Quebec considers its own criteria, including criteria related to settlement potential.”<sup>[70]</sup>

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### III. Refugee Restrictions at the US Border

The United States is designated as a safe third country under the *Immigration and Refugee Protection Act*. According to the Canada-US Safe Third Country Agreement, which came into effect on December 29, 2004, a person is ineligible to make a refugee claim at the Canada-United States border since the US is considered a “Safe Third Country.” However, there are four types of exceptions to this rule, including

- family member exceptions,
- unaccompanied minor exceptions,
- document holder exceptions, and
- public interest exceptions.<sup>[71]</sup>

Even if a claimant qualifies for one of these exceptions, he/she must still meet all other eligibility criteria or requirements of Canada’s immigration legislation.

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### IV. Post-Referral Steps (Including Screening Process)

If an applicant for refugee status is a UNHCR referral the process begins in the “registration stage,” where the UNHCR identifies “legitimate” refugees who undergo initial and subsequent interviews and questioning regarding “their past or current military activities or affiliations, and their future plans.”<sup>[72]</sup> This process may include using biometric checks and antifraud measures, such as iris scanning.

Once a referral is made by the UNHCR, Canadian visa officers in the host country review an applicant’s supporting documents, review conditions in the country from which the individual fled and where they currently live, and conduct a one-on-one interview with the applicant to confirm their story and make sure it is consistent with the account provided in the UNHCR referral file. The visa officer assesses whether a person fits the legal definition of a refugee.<sup>[73]</sup> If so, individuals are then screened for “admissibility.” Formal security checks are administered by the Canadian Security and Intelligence Service (CSIS)<sup>[74]</sup> and involve the names of applicants being run through databases of the Canadian Border Services Agency, Canadian Security Intelligence Service, RCMP, and other international databases.<sup>[75]</sup> Criminal background checks and medical screenings are also required as a part of the admissibility assessment.

The visa officer then reviews the material from the CSIS and, if the agency has recommended that the applicant be admitted and the visa officer approves, the refugee is then granted permanent residence status.<sup>[76]</sup>

Once a final decision is made and refugee status is granted, an organization funded by the CIC can help the person get the paperwork they need to leave the country in which they are residing and travel to Canada.<sup>[77]</sup>

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### V. Assistance for Resettled Refugees

#### A. Specific Assistance to Refugees

Preliminary assistance for resettled refugees is provided by the federal government, the Province of Quebec, or private sponsors.<sup>[78]</sup> Refugees selected under the Government-Assisted Refugees (GAR) program “are provided with immediate and essential services as well as income support under the Resettlement Assistance Program (RAP) to support their initial settlement in Canada.”<sup>[79]</sup>

Resettlement assistance under the RAP is provided to Convention Refugees Abroad and in some circumstances “to members of the Country of Asylum Class who have been identified as refugees with special needs and who have been admitted to Canada as government-assisted refugees.”<sup>[80]</sup>

Income support under RAP is usually provided “for up to one year or until the client becomes self-sufficient, whichever comes first.”<sup>[81]</sup> Canada provides RAP income support to eligible clients who cannot pay for their own basic needs. The level of monthly income support “for shelter, food and incidentals are guided by the prevailing provincial or territorial basic social assistance rates in the client’s province or territory of residence.”<sup>[82]</sup>

RAP funds provide “immediate and essential services,” typically delivered during the first four to six weeks following a client’s arrival in Canada, which include

- port of entry and reception services;
- temporary accommodation;
- help to find permanent accommodation;
- needs assessments;
- information and orientation; and
- links to other federal and provincial programs, as well as to other settlement services.<sup>[83]</sup>

Most private sponsorships last for one year, but some refugees may be eligible for assistance from their sponsors for up to three years.<sup>[84]</sup> Private sponsors must provide financial and emotional support for the length of the sponsorship period, or “until the refugee becomes financially independent if this should occur during the sponsorship period.”<sup>[85]</sup> Assistance includes support for housing, clothing, and food.<sup>[86]</sup> These supports are in addition to settlement services funded by the CIC to help all newcomers, including refugees, settle and integrate into their new communities.

Loans are also available under the Immigration Loans Program (ILP) for government-assisted and privately sponsored refugees within the Convention Refugees Abroad and Country of Asylum classes. The ILP covers

- costs of medical examinations abroad;
- travel documents; and
- transportation to Canada.<sup>[87]</sup>

## **B. Assistance for All Newcomers, Including Refugees**

The CIC also funds a settlement program that helps newcomers settle and adapt to life in Canada. The CIC works with provinces and territories, service-provider organizations, and a range of other partners and stakeholders in delivering these services, which include

- needs assessment and referral services to increase newcomers’ awareness of their settlement needs and link newcomers to CIC-funded and community settlement services;
- information and orientation services to better understand life in Canada and make informed decisions about the settlement experience. This includes Canadian Orientation Abroad program, delivered pre-arrival by the International Organization for Migration, which provides general information on settlement, in person;
- language training in English and French, so newcomers have the language skills to function in Canada;
- employment services that help newcomers search for, gain and retain employment in regulated and non-regulated professions;
- community connections services that enable newcomers to receive assistance in public institutions, build networks with long-time Canadians and established immigrants with opportunities to fully participate in Canada society; and
- support services which help newcomers access settlement services, such as childcare, transportation assistance, translation and interpretation services, provisions for persons with a disability, as well as short-term/crisis counselling to deal with settlement issues.<sup>[88]</sup>

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## **VI. Monitoring and Freedom of Movement**

The CIC’s Matching Centre determines a final destination for refugees within Canada, taking into account the special needs of the resettled refugee. The Matching Centre determines which city “will best suit each refugee’s needs,” based the following:

- the language they speak;
- where family and friends live in Canada;
- ethnic, cultural and religious communities in the area;
- medical needs; [and]
- availability of settlement services.[\[89\]](#)

If an applicant has relatives or close friends who are already in Canada and they wish to live near them, they can let the UNHCR know who they are and where they live, and the Government of Canada will “try to resettle refugees in a community where they will have the support of people they know.”[\[90\]](#) According to the CIC Operating Procedure on Overseas Selection and Processing of Convention Refugees Abroad Class,

Although government-assisted refugees are under no obligation to remain in a particular location, the officer must inform them that any unilateral decision on their part to refuse to continue to their selected city of destination or to move to another city or province from the selected city of destination may result in a reduction of, or ineligibility for, certain RAP benefits.[\[91\]](#)

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## VII. Recent Changes to Address the Current Refugee Crisis

Canada’s new Liberal government announced a plan for the rapid resettlement of 25,000 Syrian refugees by the end of 2015. The plan was to be implemented in five phases.[\[92\]](#) There was some public resistance to this plan following the Paris terrorist attacks of November 2015, and the Government cited security and operational challenges as reasons for the delayed implementation of the plan.[\[93\]](#) At the end of November, the Government announced that it would resettle 10,000 Syrian refugees by the end of 2015 and another 15,000 by the end of February 2016. On February 29, 2016, the Government announced this target had been met.[\[84\]](#)

Canada worked with the UNHCR to identify people in Jordan and Lebanon (a similar process is implemented in Turkey where the state registers refugees) who are a low security risk and particularly vulnerable, such as women at risk and complete families, and those from the LGBT community.[\[95\]](#) According to reports, single, unaccompanied men were to be excluded from the government resettlement program for the time being. However, government officials stated that “those individuals can still apply to come to Canada through private sponsorship programs or could possibly be resettled through a government.”[\[96\]](#)

The Canadian government describes the refugee screening process for Syrians as robust and multi-layered.[\[97\]](#) *Robert Vineberg, a senior fellow at the Canada West Foundation, has summarized the expedited process for Syrian refugees, stating that*

[t]he revised Liberal plan involved sending large processing teams to refugee camps in Turkey, Jordan and Lebanon. The Canadian Armed Forces would establish the processing centres and provide Medical Corps staff to conduct physical examinations of the refugees. Immigration officers, agents from the Canadian Security Intelligence Service and officers from the Royal Canadian Mounted Police worked hand in hand in the camps to process the refugees... In all, over 600 military and public service personnel were deployed to the Middle East to carry out the operation and they were supported by thousands more in Canada.[\[98\]](#)

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## VIII. Path to Naturalization

According to the CIC, in order to be eligible for Canadian citizenship through naturalization, a person must meet certain requirements related to (1) age, (2) permanent resident status, (3) residence in Canada (an applicant must be “physically present in Canada as a permanent resident for at least 1,460 days during the six years immediately before the date of [his/her] application”[\[99\]](#)) (4) language abilities, (5) criminal history, and (6) knowledge of Canada.[\[100\]](#) Refugees who are granted permanent resident status who fulfill these requirements are eligible to acquire Canadian citizenship through naturalization.

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- [21] Elgersma, *supra* note 13.
- [22] Corrigan, *supra* note 6.
- [23] *Id.*
- [24] Immigration and Refugee Protection Act, §99(2).

- [25] A “Convention refugee” is defined in the Immigration and Refugee Protection Act under section §96. For more guidance on the definition of a Convention refugee. See *Guidance on Interpreting the Definition of a Convention Refugee*, Citizenship and Immigration Canada (CIC), <http://www.cic.gc.ca/english/resources/tools/refugees/resettlement/eligibility/definitions.asp> (last updated Feb. 25, 2013), archived at <https://perma.cc/K7MZ-FPCT>.
- [26] The Oxford Handbook of Refugee and Forced Migration Studies, *supra* note 3, at 679.
- [27] *Resettlement from Outside Canada*, Government of Canada, <http://www.cic.gc.ca/english/refugees/outside/> (last updated Nov. 10, 2015), archived at <https://perma.cc/2DAY-8WZJ>.
- [28] *Convention Refugee Abroad Class: Eligibility Criteria*, CIC, <http://www.cic.gc.ca/english/resources/tools/refugees/resettlement/eligibility/convention-abroad.asp> (last updated Feb. 24, 2014), archived at <https://perma.cc/P965-LJG5>.
- [29] *Id.*
- [30] *Id.* According to the CIC, “[a]ctual persecution need not have taken place. The officer must determine that there is a **serious possibility or reasonable chance** that the applicant has a well-founded fear of persecution.” *Id.*
- [31] *Id.*
- [32] *Id.*
- [33] *Sponsor a Refugee*, Government of Canada, <http://www.cic.gc.ca/english/refugees/sponsor/index.asp> (last updated June 22, 2015), archived at <https://perma.cc/S58V-WETG>.
- [34] *Resettlement from Outside Canada*, *supra* note 27.
- [35] Immigration and Refugee Protection Act, See §95(1)(a); see also Immigration and Refugee Protection Regulations, SOR/2002-227, § 146(1), <http://laws-lois.justice.gc.ca/eng/regulations/sor-2002-227/FullText.html>, archived at <https://perma.cc/YN63-L8WX>.
- [36] Immigration and Refugee Protection Regulations § 147.
- [37] *Resettlement from Outside Canada*, *supra* note 27. It appears the Government of Canada has not yet designated other referral organizations.
- [38] The Oxford Handbook of Refugee and Forced Migration Studies, *supra* note 3, at 679.
- [39] *Country of Asylum Class: Eligibility Criteria*, CIC, <http://www.cic.gc.ca/english/resources/tools/refugees/resettlement/eligibility/asylum.asp> (last updated Feb. 24, 2014), archived at <https://perma.cc/VG3H-98S8>.
- [40] *Id.* According to the CIC, “[h]uman rights are defined in the *Universal Declaration of Human Rights* and in the *International Covenant on Civil and Political Rights* (ICCPR). . . . What constitutes a basic human right is determined by the international community, not by a specific country. However, when making a determination as to whether a fundamental violation of a human right has taken place, it is acceptable to consider Canadian law.” *Id.*
- [41] *Id.*
- [42] UNHCR Resettlement Handbook: Canada, *supra* note 10.
- [43] CIC, Evaluation of Government Assisted Refugees (GAR) and Resettlement Assistance Program (RAP) (Mar. 2011), [http://publications.gc.ca/collections/collection\\_2012/cic/Ci4-69-2011-eng.pdf](http://publications.gc.ca/collections/collection_2012/cic/Ci4-69-2011-eng.pdf), archived at <https://perma.cc/K4LY-3K3P>.
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- [45] *Id.*
- [46] *Id.*
- [47] See CIC, Private Sponsorship of Refugees Program ch. 3.3 (2011), <http://hamiltondiocese.com/uploads/links/279-Private%20Sponsorships%20of%20Refugees%20Program.pdf>, archived at [perma.cc/WNW5-B3Z5](https://perma.cc/WNW5-B3Z5).

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[49] *Procedures For Processing Urgent Protection Cases: Financial and Other Support*, CIC, <http://www.cic.gc.ca/english/resources/tools/refugees/resettlement/processing/urgent/support.asp> (last updated Feb. 25, 2013), archived at <https://perma.cc/7FYT-WX6X>.

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[51] Elgersma, *supra* note 13 (footnotes in original omitted).

[52] Judith Kumin, Migration Policy Institute, *Welcoming Engagement: How Private Sponsorship Can Strengthen Refugee Resettlement in the European Union 31*(EU Asylum: Towards 2020 Project, Dec. 2015), <http://www.migrationpolicy.org/sites/default/files/publications/Asylum-PrivateSponsorship-Kumin-FINAL.pdf>, archived at <https://perma.cc/RC5U-9M8F>.

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[55] *Ch. 2, Private Sponsorship of Refugees Program*, CIC, Guide to the Private Sponsorship of Refugees Program, <http://www.cic.gc.ca/English/resources/publications/ref-sponsor/section-2.asp> (last updated Nov. 13, 2015), <https://perma.cc/BTW7-ESK6>, report table of contents at <http://www.cic.gc.ca/english/resources/publications/ref-sponsor/>, archived at <https://perma.cc/FNN3-8BTL>.

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[82] *The Refugee System in Canada*, *supra* note 11.

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[85] *Id.*

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