



## Summary: ‘Canada’s Resettlement Programs: Frameworks and Tensions’

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## Canada's Resettlement Programs: Framework and Tension

### Introduction

- The chapter focuses on:
  - (1) Legal and policy frameworks surrounding the settlement programs of government-assisted refugees (GAR), privately sponsored refugees (PSR), and blended visa office-referred (BVOR)
  - (2) Highlighting tensions between and within Canadian resettlement programs

### Legal and Policy Framework

- Under section 5 of the *Immigration and Refugee Protection Regulations* (2002), there are two classes of individuals who can be issued a permanent residence visa for resettlement to Canada: Convention Refugee Abroad and Humanitarian Protected Persons Abroad.
- The two classes enable resettlement of both refugees recognized under the 1951 *Refugee Convention*, and those persons with a humanitarian need for protection beyond the parameters of Convention recognition.
- Canada's resettlement program differs from its in-country protection of refugees (arising from international law obligation of non-refoulement); the Canadian government voluntarily offers resettlement spaces on an annual basis, in a process similar to economic immigrants and those admitted through family reunification.
- Canadian resettlement programs are longstanding, but they operate in a space of fragility.
- One shift in Canada's resettlement regulations is the elimination of one of the two subclasses which used to exist under the Humanitarian Protected Persons Abroad Class: the Source Country Class. The Country of Asylum Class has remained intact.
- Due to the elimination of the Source Country Class, individuals who are still residing in their country of nationality and have not crossed an international border are no longer able to be resettled through this pathway.
- The Class was repealed in 2011. The Canadian government cited challenges with referrals and access to the program, and emphasized that this change would allow resources to be focused on populations where Canada can work with partners like the UNHCR, private sponsors, and other resettlement countries.
- Regulations definitions:
  - Referral organization: UNHCR, State or resettlement organization with whom the Minister has entered into a MOU
  - Sponsors: "a group, a corporation or an unincorporated organization or association, or any combination of them, that is acting for the purpose of sponsoring a Convention refugee or a person in similar circumstances"(s.138).
    - Regulations permit the Minister to enter into an agreement with the sponsor which covers settlement plans, financial requirements, department assistance, standards of conduct, reporting requirements and grounds for suspending or canceling the agreement in order to process sponsorship applications (s.152)



- Requirements for issuing a PR visa to resettle an individual or family include:
  - Individual must be outside of Canada
  - Must be seeking to establish permanent residence in Canada
  - Must have no other durable solutions available within a reasonable period of time
  - Financial requirements: an accepted sponsorship application, availability of government assistance, or their own financial resources to support resettlement.
- Resettled refugees are exempt from general financial inadmissibility provisions and general health and admissibility (unless their health condition is likely to be a danger to public health or public safety).
- Resettlement applicants can be deemed inadmissible on criminal and security grounds.
- Resettlement applicants must show they are able to establish themselves in Canada. The following factors are assessed:
  1. Their resourcefulness and other qualities that assist in integration in a new society.
  2. The presence of their relatives, including the relatives of a spouse or common law partner, or their sponsor in the expected community of resettlement.
  3. Their potential for employment in Canada.
  4. Their ability to learn to communicate in one of the official languages of Canada.
- IRCC officers must balance these factors with the degree and urgency of protection needs.
- Urgency is considered when an individual's life, liberty, or physical safety is under immediate threat, and without protection they are likely to be killed, subjected to violence, torture, sexual assault or an arbitrary imprisonment, or returned to their country of nationality.
- Somewhat frustratingly, “emergency” in UNHCR terminology is the equivalent of “urgent” in Canada’s program, while “urgent” in UNHCR's terminology is the equivalent of “vulnerable” in Canada’s program.
- Canada offers extended supports for refugees with special needs related to settlement assistance under a Joint Assistance Sponsorship (JAS) program. Needs could include large family size, trauma from violence or torture, medical disabilities, or systemic discrimination. JAS refugees are included in the GAR program but also match with sponsors who are exempted from financial support; this can be extended from 12 months to 24 or 36 months.
- Private sponsorship can be done by either “Groups of Five” Canadian citizens or permanent residents, or organizations, associations or corporations (“Community Sponsors”).
- GARs receive direct income support (both start up and monthly), and funding to service providers who then provide the settlement support. PSRs receive ongoing financial support and emotional support from the sponsors while they resettle.
- The BVOR program mixes the selection and settlement responsibilities of the GAR and PSR programs. Sponsors do not have the referral capacity to name the refugees to be sponsored because they are selected by Canadian visa officers. However, sponsors only take on the responsibility to financially support the resettle refugees for six months instead of 12 months. The Canadian government covers the other six months of support.
  - Transportation costs are outside of the supports provided. The Canadian government offers an immigration loans program for transportation and settlement assistance costs. Medical exams are covered through the federal health program.



## Tensions

- PSR and GAR programs are meant to operate complementarily, although it is unclear how committed the Canadian government is to this principle.
- While all programs focus on protection need and offer access to safety, the differing selection process influence where that protection response is targeted.
- Private sponsorship is limited by design to the select few who have the required connections to Canadians. This can raise equity and fairness issues because named sponsorship is only available to those with connections, or who have the necessary funds to sponsor.
- The Canadian refugee protection system as a whole does not create a formal competition for protection spaces, since inland asylum recognition numbers do not deduct from resettlement numbers and sponsorship numbers do not pull from government resettlement.
- There is a shifting relationship between government resettlement and private sponsorship in that private sponsorship has increased significantly while government numbers have not increased at the same rate. A significant surge in private sponsorships came with the federal government's commitment in 2015 to resettle 25,000 Syrians to Canada.
- In 2021, the Canadian government committed to bringing 40,000 Afghan nationals to Canada by 2024 through targeted programs, including a special immigration program that does not require Afghan nationals to have left or remained in Afghanistan, but only requires that they were in Afghanistan on or after the program start date in July 2021.
- There is potential that a Conservative government would replace GARs with more private or joint sponsorships, with exceptions in cases of emergencies or specific programs. It is conceivable to see future Canadian governments shifting resettlement commitments entirely away from government resettlement and focusing on private sponsorship.
- Much of the public interest in sponsorship comes from the naming aspect of private sponsorship. This can create an echo effect whereby sponsors are asked to assist with further sponsorship of other connected refugees.
- The BVOR program was introduced in 2013, accompanied by a budgetary shift which reallocated some government resettlement spaces to the BVOR program. This was criticized because Canadians who stepped up to sponsor BVORs were not adding to the number of refugees resettled, but they were saving the government money.
- Nevertheless, the goal of the BVOR program was to engage in a three-way partnership between the Canadian government, the UNHCR, and private sponsors. The BVOR program served as a clear tool for Canadians to express their humanitarian concern.
- A BVOR Fund was created in 2018 and renewed in 2019 with donor support to provide sponsors with funding to reduce financial constraints. Just over half of the total BVOR resettlements in 2018 and 2019 came through BVOR fund support.
- There is wider appeal for BVORs in rural communities in Canada where there is no settlement of GARs.
- The PSR program has benefits over both the BVOR and GAR streams by the self-creating and self-sustaining support sponsors provide.
- Community sponsorship has been sustained because it transforms into community practices.