



Citizenship and
Immigration Canada

Citoyenneté et
Immigration Canada

IP 3

In Canada Processing of Convention Refugees Abroad and Members of the Humanitarian Protected Persons Abroad Classes

Part 1 (General)

IP 3 – In-Canada Processing of Convention Refugees Abroad and Members of the Humanitarian-Protected Persons Abroad Classes – Part 1 (General)

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Updates to chapter

Listing by date:

Date: 2010-04-30

Part 1 of the chapter IP 3 has been completely revised and expanded. Previous versions of this chapter should be deleted.

IP 3 – In-Canada Processing of Convention Refugees Abroad and Members of the Humanitarian-Protected Persons Abroad Classes – Part 1 (General)

1. What this chapter is about

IP 3 provides:

- an overview of Canada's refugee and humanitarian resettlement policies and programs;
- information regarding Convention refugees abroad and members of the Humanitarian-Protected Persons Abroad classes (Country of Asylum and Source Country classes);
- information regarding the Refugee and Humanitarian Resettlement Program (RHRP), including:
 - ◆ details of the Resettlement Assistance Program (RAP) available to Government-Assisted Refugees (GARs);
 - ◆ guidelines and information regarding the Private Sponsorship of Refugees (PSR) Program and Visa Office-Referred (VOR) cases; and
- guidelines and information regarding the Joint Assistance Sponsorship (JAS) Program.

Note: References in this document to “refugee” include Convention refugees abroad and members of the Humanitarian-Protected Persons Abroad classes (Country of Asylum and Source Country classes).

Note: This chapter complements the overseas selection and processing of Convention Refugees Abroad class and members of the Humanitarian-Protected Persons Abroad classes, Manual Chapter OP 5. OP 5 contains guidelines for processing applications from refugees abroad.

2. Program objectives

The objective of Canada's Refugee and Humanitarian Resettlement Program (RHRP) is to uphold Canada's humanitarian tradition as outlined in paragraphs 3(a)(b)(d)(f) of the *Immigration and Refugee Protection Act*.

Four core principles govern the RHRP. These principles place increased emphasis on the protection of refugees and people in “refugee-like” situations by emphasizing:

- a shift toward protection rather than ability to establish;
- family reunification;
- accelerated processing of urgent and vulnerable protection cases; and
- closer relationships between CIC and its partners.

2.1. Humanitarian component of the immigration program

Canada includes a humanitarian component in its immigration program.

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Canada resettles refugees from abroad

- for humanitarian reasons;
- to meet its international responsibilities; and
- to respond to international crises by providing protection to and durable solutions for refugees.

In 1969, Canada signed both the *1951 Geneva Convention Relating to the Status of Refugees* and the *1967 Protocol*. These international instruments oblige Canada to protect refugees on its territory and provide standards on the treatment of refugees.

The Humanitarian-Protected Persons Abroad classes (HPC) assist persons in “refugee-like” situations where their admission would be in accordance with Canada’s humanitarian tradition. It broadens the Convention refugee definition.

Refugees who meet Canada's eligibility and admissibility criteria are considered for resettlement because they are deemed to be at risk, are seeking family reunification, or have met other valid conditions.

3. The Act and Regulations

| For information about | Refer to | Notes |
|---|--|---|
| Ability to establish | R139(1)(g)(i),(ii),(iii),(iv) (General requirements) | |
| Annual report to Parliament | A94 | |
| Applicants from signatory countries | A102(a)(b)(c) R146 (Humanitarian-protected persons abroad) | |
| Convention refugees | A96 | |
| Convention refugees abroad class | R144 and 145 (Convention refugees abroad class and Member of convention refugees abroad class) | |
| Country of asylum class | R146 and 147 (Humanitarian-protected persons abroad and Member of asylum class) | |
| Criminal inadmissibility | A36(1)(a)(b)(c) A36(2)(a)(b)(c)(d) A37(1)(a)(b) | A36(1) applies to serious criminality A36(2) applies to criminality A37(1) applies to organized criminality |
| Documents: Status document | A31(1) Status document R53(1) Document indicating status | |
| Documents required: Permanent residents | R50(1) (Documents - permanent residents) | R50(2) (Exception - protected persons) exempts protected persons from |

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| | | <u>R50(1)</u> |
| Durable solution | R139(1)(d) (General requirements) | |
| Eligibility | A11(1) <u>R139</u> , <u>140</u> and <u>142</u> (General requirements, Class of family members, and Family members) | A101 applies to ineligibility |
| Examination (inland) | A15(1), 16, 17, 18, 20(1)(a), 21 <u>R28</u> (Examination) | |
| Family reunification | A3(1)(d) <u>R141(1)</u> , <u>R142</u> (Non-accompanying family member, Family members) | |
| Federal-provincial agreements | A8(1)(2) | |
| Humanitarian-protected persons abroad class (HPC) | A99(2) <u>R146(1)(a)(b)</u> , <u>R147</u> , <u>R148</u> (Humanitarian-protected persons abroad, Member of asylum class and Member of source country class) | |
| Inadmissibility | A33 to 43 | Please refer to Criminal Inadmissibility, Security Inadmissibility and Medical Inadmissibility A38(1)(a)(b) deal with medical inadmissibility |
| Inadmissible family members | A42(a)(b) R141(1)(c) (Non-accompanying family member) | A42(b) exempts protected persons from inadmissibility based on family membership |
| Joint assistance sponsorships | R157(1) | |
| Judicial review of refusals | A72 to 74 | |
| Managing access | <u>R150</u> | |
| Medical examination | <u>R30(1)(a)</u> (Medical examination required) <u>R30(3)</u> for medical surveillance <u>R30(4)</u> for medical certificate <u>R31</u> , <u>32</u> , <u>33</u> (Public health, Conditions and Public safety) | |
| Medical inadmissibility | A38(1)(a)(b) <u>R30(1)(a)</u> requires all refugees to submit to a medical | A38(2) exempts Convention refugees or a person in similar circumstances from |

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| | examination | A38(1)(c). |
| One-year window of opportunity (non-accompanying family members) | <u>R141</u> , <u>R142</u> (Non-accompanying family members) | |
| Permanent Resident Card | A31(1), A32(f) <u>R53(1)(a)</u> , <u>R54(2)</u> , <u>R57</u> , <u>R56(2)</u> , <u>R58(1)</u> (Document indicating status, Period of validity, Applicants, Definition and Providing address within 180 days) | |
| Permit holders class (Temporary residents) | A20(1)(b), A 22(2), A24(1)(2), A26 <u>R63</u> , <u>R64</u> , <u>R65</u> (Period of permit's validity, Permit holders class, Member of class) | |
| Private sponsorship of refugees | A13, A14(2)(e) <u>R136</u> , <u>R152</u> to <u>157</u> (Suspension, Sponsorship agreement and Joint assistance sponsorship) | |
| Province of Quebec | A8, A9 <u>R71</u> , <u>R72(3)</u> , <u>R139(1)(h)</u> , <u>R158</u> (Issuance, Authorization, Quebec sponsor) | |
| Security inadmissibility | A34(1)(a), (b), (c), (d), (e), (f), A35(1)(a), (b), (c) <u>R14(a)</u> , <u>R15</u> , <u>R16</u> , <u>R17 (a),(b)</u> (Application of paragraphs A34(1)(c), A35(1)(a) A35(1)(b) and prescribed period) | |
| Self-supporting applicants | <u>R139(1)(f)(iii)</u> (General requirements) | |
| Source country class | A99(2) <u>R146 (1)(b)</u> , <u>R148</u> (Humanitarian-protected persons abroad and Member of source country class) | |
| Source country schedule | <u>R148(2)(d)</u> (Member of source country class) <u>Schedule 2</u> (Regulations) | |
| Statelessness | Statelessness can be <i>de jure</i> (by law) or <i>de facto</i> (by fact) | Please refer to the UN conventions: |

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| | | <p><i>Convention relating to the Status of Stateless Persons of 28 September 1954</i></p> <p><i>Convention on the Reduction of Statelessness</i></p> <p>These conventions can be found at: UNHCR - The UN Refugee Agency</p> |
| Travel documents | A14(2)(b), A32(f) R151 (Travel document) | |
| Urgent protection cases | R138 | “urgent need of protection” |
| Visa issued | A11, A14(2)(b) R139(1) (General requirements) | R50(2) exempts Convention refugees abroad and Humanitarian-protected persons abroad classes with valid and subsisting visas from the requirement to present a valid passport. |
| Vulnerable protection cases | R138 | “vulnerable” |
| War crimes/criminals | A35(1)(b) | |
| Women at risk (AWR) | See Section 6.56 | Please refer to Appendix C. |

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3.1. Forms

The forms that may be required are shown in the following table.

| Form title | Form number |
|---|-----------------------------------|
| Generic document: Confirmation of Permanent Residence | <u>IMM 5292B</u> |
| Permit to Come into or Remain in Canada | <u>IMM 1263B</u> |
| Immigrant Loan and Undertaking to Repay | <u>IMM 0501B</u> |
| Immigration Loan / Contribution | <u>IMM 0500E</u> |
| Immigrant Loans (Assistance Loan) | <u>IMM 5355B</u> |
| Medical Surveillance Undertaking | <u>IMM 0535B</u> |
| Request for a Refugee Profile | <u>IMM 5438E</u> |
| Undertaking/Application to Sponsor – SAHs and CGs | <u>IMM 5439E</u> |
| Settlement Plan – SAHs and CGs | <u>IMM 5440E</u> |
| Document Checklist – SAHs and CGs | <u>IMM 5441E</u> |
| Undertaking/Application to Sponsor – Groups of Five | <u>IMM 5373E</u> |
| Settlement Plan and Financial Assessment – Groups of Five | <u>IMM 5373AE</u> |
| Group Member's Financial Profile – Groups of Five | <u>IMM 5373BE</u> |
| Document Checklist – Groups of Five | <u>IMM 5437E</u> |
| Undertaking/Application to Sponsor – Community Sponsors | <u>IMM 5514E</u> |
| Settlement Plan and Financial Assessment – Community Sponsors | <u>IMM 5515E</u> |
| Document Checklist – Community Sponsors | <u>IMM 5517E</u> |
| Request for a Joint Assistance Sponsorship Refugee Profile | <u>IMM 5504E</u> |

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| Undertaking/Application for a Joint Assistance Sponsorship | IMM 1324E |
| Settlement Plan – Joint Assistance Sponsorship | IMM 5494E |
| Document Checklist – Joint Assistance Sponsorship | IMM 5495E |
| Sponsor Assessment | IMM 5492E |

4. Instruments and delegations

4.1. Signing Authorities

Full authority to sign Resettlement Assistance Program (RAP) contribution agreements and income support payments may be delegated by the Minister to the local CIC Office Manager.

Signing authority for basic needs of life (including basic household needs) and approval of income support payments may be delegated to positions not lower than a RAP Officer or its equivalent.

As per the RAP Terms and Conditions, the maximum contribution to an eligible client shall not exceed \$25,000 per year.

For further information on special financial authorities, see [Financial Policy \(FP\), section 9.2.3](#).

5. Departmental policy

5.1. Background

Over the past 50 years, the people and Government of Canada have excelled in providing humanitarian assistance to people fleeing persecution in their homeland or displaced by conflicts.

Canada has chosen to protect persons for humanitarian reasons, to meet its international responsibilities and to respond to international crises. In 1969, Canada signed both the *1951 Geneva Convention relating to the Status of Refugees* and the *1967 Protocol*. These international instruments oblige Canada to protect refugees on its territory. Canada has also made a commitment to resettle refugees from abroad for humanitarian reasons.

CIC has established the Refugee and Humanitarian Resettlement Program that resettles Convention refugees (CR) and members of the Country of Asylum (RA) and Source Country (RS) classes included in the Humanitarian-Protected Persons Abroad class.

5.2. Immigration agreements

The *Immigration and Refugee Protection Act* allows the Minister to enter into agreements with provinces and territories on sharing responsibility for immigration.

All provinces and territories meet regularly with federal-provincial working groups to discuss a wide range of immigration issues.

The provinces and territories that have an agreement with CIC regarding immigration are identified in the information table found at the following website indicated below:

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<http://www.cic.gc.ca/english/department/laws-policy/agreements/index.asp>

5.3. Canada-Quebec Accord

The Canada-Quebec Accord is the most comprehensive of the provincial agreements. Signed in 1991, it gives Quebec selection powers and control over its own settlement services.

Canada retains responsibility for:

- defining immigration categories;
- setting levels;and
- enforcement.

The Canada-Quebec Accord specifically gives Quebec sole responsibilities for selecting all independent immigrants and refugees abroad who are destined to Quebec.

Those selected by the province receive a *Certificat de sélection du Québec (CSQ)*. The federal government ensures that statutory admission requirements (medical, criminal and security checks) are met before issuing a visa.

For more information, please refer to:

<http://www.micc.gouv.qc.ca/fr/index.asp> (Ministère de l'Immigration et des communautés culturelles (MICC))

6. Roles and responsibilities

6.1. NHQ responsibilities

National Headquarters in Ottawa is responsible for:

- preparing national policies and guidelines for program delivery;
- producing and maintaining operational manuals;
- providing coordinated functional guidance and support to the regional and local CIC offices;
- engagement and communication with stakeholders;

6.2. Regional responsibilities

The regional offices are responsible for the following tasks:

- managing the Resettlement Assistance Program (RAP) (delivered through the local CICs);
- consulting with NHQ on annual levels;
- allocating annual budgets for local CICs;
- monitoring local CICs;
- providing:

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- ◆ guidance to local CICs on operational problems;
- ◆ training to local CICs; and
- ◆ strategic leadership and planning to local CICs;
- undertaking statistical analysis and reporting to NHQ and stakeholders on trends;
- developing regional policy guidelines and standards that complement national guidelines; and
- liaising with provinces and major NGOs.

It must be recognized that although the above tasks represent general roles, each office will respond as required while respecting regional flexibility.

The regional responsibilities may vary if a Settlement Agreement has been signed with a province.

6.3. Local CIC office responsibilities

Each region has a number of local offices delivering the programs within the provinces/territories in its region. Local responsibilities include:

- promoting the sponsorship program with the public and community organizations;
- assessing, approving/refusing, processing and monitoring private sponsorship undertakings;
- registering refugees for the Interim Federal Health (IFH) Program, where required;
- in conjunction with the visa offices, responding to representations from sponsoring groups on the status of sponsorship cases, as required;
- delivering RAP income support and monitoring RAP clients;
- monitoring private sponsors and privately sponsored refugees;
- liaising with:
 - ◆ provinces and municipalities;
 - ◆ private sponsorship groups;
 - ◆ Service Provider Organizations (SPOs); and
 - ◆ other non-governmental organizations (NGOs).
- providing information to potential sponsorship organizations regarding:
 - ◆ the Private Sponsorship of Refugees (PSR) Program; and
 - ◆ contact information for service providers in the community.
- assisting the Matching Centre (MC) in:
 - ◆ matching sponsors with refugee profiles;
 - ◆ informing sponsoring groups of decisions regarding the undertaking;

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- ◆ monitoring refugee compliance with travel guidelines (consult NHQ) and
- ◆ providing destinations for Government-Assisted Refugees (GARs).

6.4. Sponsoring Group responsibilities

Sponsoring Groups may include:

- Sponsorship Agreement Holders (SAHs) and their Constituent Groups (CGs);
- Groups of Five (G5s); or
- Community Sponsors.

All sponsoring groups assume the following responsibilities with respect to each sponsored refugee and accompanying dependant(s):

- reception;
- lodging;
- care;
- settlement assistance* (excluding financial support in JAS cases); and
- support.

*Settlement assistance and support is defined in the Sponsorship Agreement and Sponsorship Undertaking and begins on the date the sponsored refugee arrives in Canada. The sponsorship continues for a period of one year, or until the refugee becomes self-supporting, whichever is less.

6.5. Service Provider Organizations (SPOs) responsibilities

SPOs are accountable for the following duties in the RAP program:

- providing reception services to GARs and JAS clients (and PSRs when required) by:
 - ◆ meeting clients at the airport upon arrival;
 - ◆ arranging transportation to temporary accommodation;
 - ◆ ensuring temporary accommodation is provided; and
 - ◆ assisting refugees in obtaining immediately essential services.
- providing basic orientation and linking GARs and JAS clients to:
 - ◆ language training in one of the official languages;
 - ◆ mandatory federal and provincial programs and services;
 - ◆ broader based settlement services; and

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- ◆ financial orientation that includes their rights and responsibilities while on RAP.
- providing GARs and JAS clients with access to services and resources, including:
 - ◆ The services of an interpreter when needed.
- helping GARs secure accommodation by:
 - ◆ ensuring arrangements are made to assist clients with locating permanent accommodation;
 - ◆ assisting in obtaining furniture and household effects; and
 - ◆ making newcomers aware of the tenant/landlord relationship and both parties' rights and responsibilities.
- keeping accurate records of GARs by:
 - ◆ creating client files for each family under the head of the family's name and FOSS ID number;
 - ◆ collecting information on services and activities provided to GARs and JAS clients and inputting the information into the iCAMS system; and
 - ◆ transferring client information to another CIC when secondary migration occurs.

7. Definitions

7.1. Admissibility

For Convention refugees abroad and members of the Country of Asylum and Source Country classes, admissibility includes both the statutory requirements (medical, security, criminality) and an assessment of applicants' ability to establish themselves successfully in Canada. The statutory requirements appear in sections 34 to 38 of the Immigration and Refugee Protection Act (IRPA).

7.2. Assistance loan

The assistance loan provides financial assistance to:

- foreign nationals,
- permanent residents,
- Convention refugees, and
- members of the Humanitarian-protected persons abroad classes

to cover the costs associated with the initial settlement of persons granted admission to Canada.

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7.3. Blended sponsorship

A sponsorship undertaking whereby both CIC and a SAH share support for the refugee(s). The SAH has responsibility for the reception and settlement assistance for the refugee(s) for the term of the sponsorship. The period and extent of financial support that each party contributes is established with the agreement of both parties. In instances of group processing, a single agreement may be reached for all refugees with variations according to region of destination.

7.4. Common-law relationships

“Common-law partner” means a person who is cohabiting in a conjugal relationship with another person either of the opposite sex or same sex, having so cohabited for a period of at least one year.

7.5. Community Sponsor

A Community Sponsor may be:

- an organization;
- an association; or,
- a corporation.

It is **not** necessary that the organization, association or corporation be incorporated under federal or provincial law.

7.6. Computer-Assisted Immigration Processing System (CAIPS)

CAIPS is an electronic file system to store, transmit, access, and retrieve immigration processing, enforcement, and control information. It provides tools for the management of the immigration program at visa offices abroad.

For information, please refer to:

http://www.ci.gc.ca/cicexplore/english/systmguides/caips_stidi/index-eng.aspx

7.7. Consanguineous minor

“Consanguineous minor” refers to a separated minor coming to Canada to be united with a blood relative who is not a family member, as defined in the Regulations. For example, a niece who has lost both her parents coming to be in the care of her father’s sister, who already resides in Canada.

7.8. Co-Sponsor

A sponsoring group may choose to formally partner with an individual (e.g., a family member of the sponsored refugee living in Canada) and/or another organization in carrying out settlement duties. The partner is termed a “co-sponsor.”

7.9. Constituent Group

Constituent Groups (CGs) are local groups that are associated with a Sponsorship Agreement Holder (SAH) to sponsor refugees under the SAH’s agreement. Each SAH sets its own criteria for recognizing CGs.

CGs have the following characteristics:

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- they are in the community where the refugee(s) is/are destined;
- they are authorized, in writing, by the SAH to act on its behalf as sponsors of refugees; and
- they are managed under the umbrella of the SAH's agreement with CIC.

7.10. Contribution program

Certain categories of refugees selected abroad (e.g. single parents of large refugee families, victims of torture, refugees with disabilities) who apply for an immigration loan may have access to the contribution fund from the RAP. This fund will pay, on a contribution basis, for transportation, medical examination, and costs associated with travel to the final destination in Canada, for selected special needs refugees.

7.11. Convention refugee

The definition of a Convention refugee is based on that contained in the 1951 Geneva Convention and its 1967 Protocol.

A96(a) and (b) define a Convention refugee as follows:

A Convention refugee is a person who, by reason of a well-founded fear of persecution for reasons of race, religion, nationality, membership in a particular social group or political opinion,

(a) is outside each of their countries of nationality and is unable or, by reason of that fear, unwilling to avail themselves of the protection of each of those countries; or

(b) not having a country of nationality, is outside the country of their former habitual residence and is unable or, by reason of that fear, unwilling to return to that country.

Note: See [A98](#) for persons who are excluded from being a Convention refugee.

7.12. Convention Refugees Abroad class (CR)

R144 and R145 define the "Convention Refugees Abroad class." To be eligible for resettlement in Canada, a person must:

- meet the Convention refugee definition;
- apply for protection from outside Canada; and
- not have, within a reasonable period of time, a durable solution other than resettlement in Canada.

Individuals may be government assisted, privately sponsored or have adequate financial means to support themselves and their dependants.

7.13. Country of Asylum class

The *Immigration and Refugee Protection Regulations* define members of the Country of Asylum class (RA) as persons:

- who have been and continue to be seriously and personally affected by civil war, armed conflict or massive violations of human rights; and
- for whom there is no possibility, within a reasonable period of time, of a durable solution other than resettlement in Canada.

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Individuals selected under this category must be outside all of their countries of citizenship or habitual residence. They may be privately sponsored (RAS/RAG/RAC), have adequate financial means to support themselves and their dependants (RA4), or have qualified for a Joint Assistance Sponsorship (RA5).

Note: “Seriously and personally affected” means sustained, effective denial of a core or basic human right.

7.14. *De facto* dependants

De facto dependants (who may or may not be blood relatives) do not meet the definition of family members. The officer must be satisfied that these persons are dependent on the family unit in which membership is claimed and cannot apply as a family member. The dependency may be emotional or economic and will often be a combination of these factors. Such persons would normally, but not exclusively, reside with the Principal Applicant (PA) as members of the same household. They must be the dependants of a PA who has been determined to be a member of one of the three refugee classes. The *de facto* dependant must also meet the definition of refugee in his own right even when a dependency relationship is established. Persons who form part of the family unit should be examined sympathetically. This is consistent with efforts to keep family units together if at all possible. If the *de facto* relationship cannot be established, then the refugee must be assessed in his/her own right as a refugee and, failing that, could be considered under H&C grounds.

Examples of persons who should be found to be “de facto” dependants:

- An unmarried adult daughter in cultures where it is normal for an unmarried adult daughter to remain dependent until she marries.
- A widowed sister or sister-in-law in a traditional culture where it is normal that the PA take on responsibility for her care and support where she has no other means of support.
- Nieces and nephews whose parents have been killed or are missing. In the cases of nieces and nephews, officers must take into consideration the best interests of the child and ensure that there are no disputes with respect to custody or guardianship of the child.
- Parents of any age living with the PA and who have no other children with whom they could reside or no means of support other than the principal applicant.
- Elderly relatives who have resided with the PA and/or who are solely, or for the most part, dependent on the applicant for care, shelter, etc.

Examples of persons who should NOT be found to be “de facto” dependants

- A married sister living with the PA who has a husband residing in another known location, unless it is demonstrated to the officer that the sister cannot rely upon her husband for support.
- A married daughter and her husband living with the PA unless they can demonstrate to the officer that they are completely dependent upon the principal applicant for financial support.
- An elderly parent who normally resides with the PA but who may reside with other children from time to time.
- A person who has been taking care of the PA’s children and living in the household for an extended period of time but who is not without family of their own.

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7.15. Destination Matching Request (DMR)

Visa offices use Destination Matching Requests (DMRs) for all GARs, including visa office-referred (VOR) and JAS cases.

Please note that each DMR message sent to the Matching Centre must:

- indicate the name of the visa office sending the DMR;
- be numbered sequentially beginning at 001, followed by the year in which the refugees will be travelling (example: NROBI 001/2009);
- contain no more than 30 people.

Note that VOR and JAS cases do not need to be numbered sequentially and should be limited to one family unit.

For the format of a DMR, please refer to [OP 5, Section 19.1](#). For the format of a DMR for JAS/VOR, please refer to [OP 5, Section 17.3](#).

7.16. Destining

Destining is the process whereby CIC sends (destines) refugees to a location within Canada where community resources and services will best support their resettlement and integration needs. Wherever possible, refugees will be referred to communities in Canada where relatives or close friends have been identified in the CAIPS notes. For more information, refer to Section 8.

7.17. Durable solution

The three durable solutions for refugees and persons in “refugee-like” situations are:

- **Voluntary repatriation or resettlement in their country of nationality or habitual residence:** Voluntary repatriation should occur only when the situation in the country of habitual or permanent residence has changed in a lasting and meaningful way and refugees can return in safety and dignity. If the population is made up of many ethnic groups, officers should bear in mind that there are a variety of reasons why some individuals may not be able to return safely when others can, including political opinion, religion and personal experience (e.g. survivors of torture or rape for whom it would be re-traumatizing to return, or individuals who would be social outcasts like the forced slaves of combatants.). The United Nations High Commissioner for Refugees (UNHCR) is an excellent source of information on such conditions.
- **Integration in their country of asylum:** Refugees are considered to be locally integrated in the country of refuge if they have rights similar to those of citizens such as: they can move around the country freely; they are allowed to earn a living; their children are allowed to attend school; there is no threat of refoulement, etc.
- **Resettlement to a third country:** Resettlement is intended for those refugees without local integration prospects. Resettlement may also be used as an instrument of protection geared primarily to the special needs of refugees whose life, liberty, safety, health or fundamental human rights are at risk in the country where they sought refuge. It is used for refugees unable to benefit from the other two solutions.

There is a fourth type of durable solution - internal flight alternative (IFA) - that may exist for refugees and persons in refugee-like situations who have not fled their country of nationality. IFA involves consideration of whether the individual could have found a safe haven in another location

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within the country of nationality or residence at the time of their flight. If so, they will not need Canada's protection.

Note: The fear of being persecuted need not always extend to the whole territory of the refugees' country of nationality. For example, in ethnic clashes or civil war, persecution of a specific ethnic or national group may occur only in one part to the country. However, individuals will not be excluded from refugee status merely because they could have sought refuge in another part of the same country, if under the circumstances, it is not reasonable to expect them to do so.

7.18. Eligibility

To be eligible for resettlement, three conditions must be met:

The applicant(s) must:

1 - meet the definition of one of the following:

- Convention Refugees Abroad class (CR);
- Humanitarian-Protected Persons Abroad class (HPC) which includes:
 - ◆ Country of Asylum class (RA);or
 - ◆ Source Country class (RS);

2 - not have any other durable solution (see definition in Section 7.17); and

3 - demonstrate their ability to establish themselves successfully in Canada.

Applicants are not eligible if they have:

- not met the definition of a CR or HPC (RA class or RS class);
- committed a crime against peace, a war crime, or a crime against humanity, as defined in the international instruments drawn up to make provision in respect of such crimes;
- committed a serious non-political crime outside the country of refuge prior to their admission to that country as a refugee; or
- been found guilty of acts contrary to the purpose and principles of the United Nations.

7.19. Family member

For the purposes of the Act, other than section A12 and paragraph A38(2)(d) and for the purposes of the Regulations, other than sections R159.1 and R159.5, "family member" in respect of a person means:

- (a) the spouse or common-law partner of the person;
- (b) a dependent child of the person or of the person's spouse or common-law partner; and
- (c) a dependent child of a dependent child referred to in paragraph (b).

Consistent with the use of appropriate discretion and flexibility in assessing refugees, the concept of family, for refugee resettlement purposes, should be considered to include *de facto* dependants.

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7.20. FOSS (Field Operations Support System)

The Field Operations Support System (FOSS) is an online, real-time system that serves to create, store and retrieve important immigration information within Canada. It is designed to automate and streamline immigration processing in Canada. It provides an electronic file system to store, transmit, access and retrieve immigration information online. Users at ports of entry, inland and Case Processing Centres can query clients, create new clients, update existing clients, create, modify and delete immigration documents. Other FOSS features include printing documents, tracking progress on cases, and maintaining registry files.

7.21. Fraud

Cases of fraud are situations where a client has intentionally provided false or misleading information with respect to any aspect of the program.

Fraud exists if blatant misrepresentation of facts by the client leads to the issuance of income support to which the client was not entitled.

7.22. Government-Assisted Refugees (GAR)

Each year, the Government of Canada:

- plans for the resettlement of refugees from abroad; and
- supports these refugees through the Resettlement Assistance Program (RAP).

Under RAP, the refugees are supported at the equivalent of local provincial social assistance levels for up to twelve months after their arrival in Canada.

GARs include both CRs abroad and members of the RS class. They are selected from applicants referred by the UNHCR or other designated referral agents, or, in countries deemed to have direct access, present themselves on their own initiative to Canadian visa offices. Joint Assistance Sponsorship (JAS) cases are also considered as GARs as the financial support is provided by the government via RAP.

For more information, please refer to:

IP 3 Part 2, Government-Assisted Refugees and the Resettlement Assistance Program (RAP)

7.23. Group of Five (G5)

Refugees may be sponsored by any group of five or more Canadian citizens or permanent residents who:

- are at least 18 years of age;
- live in the community where the refugees are expected to settle;
- are not in default on any other sponsorship undertaking; and
- have the necessary resources to guarantee support for the refugee(s) for the full duration of the sponsorship, usually up to a 12-month period.

G5 sponsorship groups are intended to be:

- one-time groups; and
- formed in response to special situations that arise.

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For more information, refer to IP 3, Part 3, Section 36.

Note: G5s are not eligible to sponsor JAS cases according to the terms and conditions of RAP.

7.24. Guardianship

Means the relationship between an adult and a child whereby the adult has, by a written decision of the competent authority of the country where the child resides, been entrusted with the legal responsibility for the child and is authorized to act on their behalf. This is different from adoption, as it does not constitute a parental relationship.

7.25. Guardianship Protocol

The Guardianship Protocol outlines procedures for processing *de facto* dependants and consanguineous minors. It aims to protect resettled refugee children from abuse and exploitation in Canada. Specifically, this protocol ensures that refugee minors being resettled to Canada are brought into, or are part of, a *bona fide* familial relationship that can provide the necessary safety and protection of the minor until he/she reaches the applicable legal age of majority.

The Protocol requires that the adult in a *de facto* or a consanguineous relationship with the minor be informed of the importance of securing legal guardianship, in order to ensure the care and protection of the minor. It also requires that the minor be consulted and given the opportunity to express his/her views about the arrangements being made.

Note: At the time of publication, a moratorium exists excluding truly separated minors from resettlement to Canada. Truly separated minors are defined as those children who have no adult who is capable of and willing to care for them either abroad or in Canada.

7.26. Humanitarian-Protected Persons Abroad class (HPC)

A person in similar circumstances to a Convention refugee may be a member of one of the following HPC:

- the Country of Asylum class (RA); or
- the Source Country class (RS).

7.27. iCAMS

The Immigration-Contribution Accountability Measurement System (iCAMS) is a web-based data capture system, which collects, stores, and reports on service information to allow CIC to demonstrate accountability for the resettlement and settlement contribution programs. This system is used by SPOs and other stakeholders to keep accurate records of services and activities provided to all new immigrants.

7.28. Interim Federal Health (IFH) Program

The IFH Program provides all resettled refugees with coverage for the following, until provincial health insurance is available:

- essential and emergency health services for:

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- ◆ the treatment and prevention of serious medical conditions; and
- ◆ the treatment of emergency dental conditions;
- contraception, prenatal and obstetrical care, eye wear; and
- approved prescription medications (drug list is available online at <http://www.fasadmin.com>).

For the first 12 months in Canada (or longer if RAP is extended), other types of benefits may be provided with the proper pre-authorization. These include:

- prostheses;
- wheelchairs;
- second and subsequent psychiatric consultations; and
- routine medical examinations.

For more information, please see Section 10 and refer to <http://www.fasadmin.com>.

7.29. International Organization for Migration (IOM)

The International Organization for Migration (IOM) has a primary mandate to make arrangements for the organized transit of foreign nationals, including refugees, displaced persons and other individuals in need of international migration services. It currently arranges transportation and medical examinations for refugees.

The IOM has its headquarters in Geneva and has 72 offices around the world. For more information, visit <http://www.iom.int/>.

7.30. Joint Assistance Sponsorship (JAS) Program

The purpose of the JAS Program is to facilitate the resettlement in Canada of CRs abroad and members of the RS and RA classes who have special needs. Because of their special needs or circumstances, these persons may need an extended resettlement period, beyond 12 months, and assistance over and above that provided through either government assistance or regular private sponsorship. CIC may provide support through RAP for up to 24 months from the date of arrival of the refugee. The government provides income support for the period of the sponsorship and the private sponsors offer moral and emotional support and guidance while ensuring that the required settlement services are accessed.

7.31. Matching Centre (MC)

The Matching Centre (MC), part of the Operational Management and Coordination Branch (OMC), performs the following activities:

| Activity | Description |
|-----------|---|
| Maintains | Various lists and records, including: <ul style="list-style-type: none">• profiles of refugees awaiting sponsorship;• groups who are waiting for Visa Office-Referred (VOR) sponsorship or Joint Assistance Sponsorship (JAS); |

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| | |
|--------------------------|--|
| | <ul style="list-style-type: none"> • a database of arrivals and landings by target and actual figures. |
| Sends out | <ul style="list-style-type: none"> • messages to visa offices outlining the requirement for profiles when a local CIC contacts the MC with a request from a sponsor. |
| Keeps records of | <ul style="list-style-type: none"> • GAR cases; • PSR cases; • Urgent Protection cases; • Other relevant matters. |
| Assists | <ul style="list-style-type: none"> • in matching VOR and JAS cases • posts VOR and JAS profiles on the secure Web site. |
| Destines | <ul style="list-style-type: none"> • GARs, Urgent Protection (UPP) cases; |
| Coordinates | <ul style="list-style-type: none"> • the distribution of refugees within Canada, through DMRs. |
| Determines | <ul style="list-style-type: none"> • an appropriate location for refugee(s) having regard to information in the DMR. <p>This determination is based on information about:</p> <ul style="list-style-type: none"> • the family and friends that the refugee(s) may have in Canada; • the special needs of the refugee; • the availability of resources, including interpreters and other services, to support resettlement and integration; • other factors. |
| Receives and distributes | <ul style="list-style-type: none"> • Notification of Arrival Transmissions (NATs) from visa offices and ensures arrival information is distributed to the local CICs and POEs. The local CIC forwards the NAT to the sponsor and/or SPO. |

For more information, please refer to:

IP 3 Part 4, Section 51.2 – Process for JAS

IP 3 Part 3, Section 40 – Processing of Visa Office-REFERRED (VOR) cases

7.32. Notification of Arrival Transmission (NAT)

A Notification of Arrival Transmission (NAT) advises the local CIC, the Port of Entry and Service Provider Organization (SPO) of the date of arrival and flight details of the refugee, and of pertinent details such as the names of sponsors, onward travel arrangements to final destinations, and special needs (e.g. wheelchair required), etc. NATs are required to manage levels adequately and to forecast accurately and are sent for all government-assisted and privately sponsored refugees.

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Please note that each NAT is numbered sequentially beginning at 0001 at the start of each calendar year (example: NAT 0001/99), followed by:

- point of origin;
- port of entry;
- date of arrival;
- flight details;
- visa office file number;
- surname, given name, DOB, sex, relationship of each family member;
- Country of Last Permanent Residence (CLPR);
- visa number (T #);
- immigrant category;
- special requirements;
- identification of special programs such as One-Year Window of Opportunity (OYW), Women at Risk (AWR), Urgent Protection Program (UPP); and
- Sponsor details such as name, address, telephone number and CIC file number if applicable.

Each NAT is to contain the names of no more than 30 persons at the start of each calendar year.

7.33. One-Year Window of Opportunity (OYW)

The One-Year Window of Opportunity is a regulatory mechanism intended to reunite separated family members as quickly as possible, without the need for a family class sponsorship. Separated family members will be referred to as non-accompanying family members (NAF).

To be processed as NAFs, family members must:

- meet the definition of a family member (see definition in Section 7.19);
- be identified on the PA's permanent resident visa application ([IMM 0008EGEN](#));
- be included in the application prior to the PA's departure for Canada;
- have submitted an application at a visa office within one year of the PA's date of arrival in Canada (e.g., date of landing); and
- if privately sponsored, have a sponsor that has been notified and has made adequate settlement arrangements.

For more information, please see Section 13

Coding in CAIPS and FOSS: For this program, "OYW" will be entered on the visas of the NAFs

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7.34. Overpayment – RAP

An overpayment occurs when a client receives income support for which they were not entitled, due to:

- an oversight by the RAP officer;
- a lack of understanding on the part of the client when providing information to determine their eligibility under the program;
- unreported employment earnings by client while in receipt of RAP benefits; or
- fraud
- other.

7.35. Personal assets

Personal assets are those items that persons requiring financial assistance might be expected to own before arriving in Canada given their background, social status, or economic status.

7.36. Privately sponsored refugees

Under the Private Sponsorship of Refugees (PSR) Program, a sponsor or sponsoring group commits to:

- receiving the refugees; and
- providing them with lodging, care, settlement assistance and other support.

The benchmark level of financial support under private sponsorship is equivalent to social assistance rates.

The refugees are supported for up to 12 months or until they become self-sufficient. In exceptional cases, the 12-month time frame can be extended up to 36 months with the sponsor's agreement.

For more information, please refer to:

[IP 3, Part 3](#) – Private Sponsorship of Refugees Program

7.37. Refugee Tracking System (RTS)

The Refugee Tracking System (RTS) is an NHQ computer system that is used by the Matching Centre as a tracking tool to assist MC in managing the movement of government-assisted and privately sponsored refugees into Canada.

7.38. Resettlement

Resettlement is an instrument of protection and one of three durable solutions for refugees.

Resettlement occurs when a refugee in a country of asylum (or in their own country for the RS class) is accepted for permanent residence in a third country such as Canada. It is a limited, but vitally important, remedy to refugee situations.

As an instrument of protection, resettlement is the best solution for some refugees.

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7.39. Resettlement Assistance Program (RAP)

The Resettlement Assistance Program (RAP) is a contribution program that operates within program terms and conditions and a program budget approved by the Treasury Board of Canada. The program has two main components: income support and a range of immediate essential services. Income support can be provided for up to 12 months for regular stream GARs, and for up to 24 months for JAS cases.

For more information please refer to Part 2.

7.40. Secondary migration/Self-destination

The term “**secondary migration**” refers to a refugee-initiated change in destination (city or province) **within the first year after arrival in Canada**.

The term “**self-destination**” should not be confused with secondary migration. Self-destination occurs **before or upon arrival in Canada**, when a refugee or family chooses to move to an alternate destination than what was pre-selected abroad for them.

Both secondary migration and self-destined refugees may result in a sponsorship breakdown. For more information regarding the actions needed and effects of a change in location, please see IP3 Part 2 Section 24 (for GARs); Part 3 Section 46.11 (for PSRs).

7.41. Self-supporting refugees

Self-supporting refugees are refugees who meet resettlement criteria but have sufficient financial resources to support themselves and their accompanying dependants and thus do not require government assistance.

7.42. Separated minor

“Separated minor” refers to persons under the age of 18, separated from both parents, and not being cared for by a legal guardian. This includes minors who are entirely on their own (truly separated minors), minors who are with minor siblings but who, as a group, are unsupported by any adult responsible for them, and minors who are *de facto* dependants of an adult who is not their parent or legal guardian.

The preferred solution for most separated minor refugees is to:

- reunite them with their immediate family; or
 - place them with their extended family.
-

Note: A moratorium exists excluding separated minors from resettlement to Canada. Separated minors are defined as those children who have no adult who is capable and willing to care for them either abroad or in Canada.

Exceptions to the moratorium on resettling separated minors are made if:

- The minor has extended family in Canada and resettlement is the only durable solution (i.e. the minor is a consanguineous minor); or
- The minor is in the care of an adult who is not a family member, who is willing to become the legal guardian of the minor, and who is being resettled to Canada (i.e. the minor is a *de facto* dependant of the principal applicant); or

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- The minor is without de facto family or a blood relative in Canada who is willing to support him/her (i.e. truly separated minors) and resettlement is in his/her best interests. Such cases are accepted only on a case-by-case basis, in exceptional circumstances.

Note: In general, for a truly separated minor to be accepted, provincial concurrence is required.

7.43. Service Provider Organizations (SPOs)

SPOs are funded by CIC to deliver Resettlement Assistance Program (RAP) services directly to the newcomer.

RAP SPO responsibilities are primarily to provide immediate and essential services to GARs for the first few weeks after arrival in Canada. See Section 6.5 for a detailed list of SPOs' roles and responsibilities.

7.44. Source Country class (RS)

Immigration and Refugee Protection Regulations section R148(1) defines the Source Country class (RS). This class applies to individuals residing in their country of citizenship or habitual residence. It includes:

- those persons who have been and continue to be seriously and personally affected by civil war or armed conflict;
- those persons who have been or are being detained or imprisoned with or without charges, or subjected to some other form of penal control, as a direct result of an act committed outside Canada that would, in Canada, be a legitimate expression of freedom of thought or a legitimate exercise of civil rights pertaining to dissent or trade union activity; or
- those persons who, by reason of a well-founded fear of persecution for reasons of race, religion, nationality, political opinion, or membership in a particular social group, are unable or, by reason of such fear, unwilling to avail themselves of the protection of any of their countries of nationality or habitual residence.

For members of this class, there must be no possibility, within a reasonable period of time, of a durable solution other than resettlement in Canada. Individuals selected under this class could be GARs, PSRs, JAS cases or self-supporting.

7.45. Source Country Schedule (Schedule 2)

Schedule 2 of the *Immigration and Refugee Protection Regulations* lists the countries whose nationals would be admissible for source country classification. The schedule is revised on a regular basis and is developed in consultation with a number of CIC's partners. The current schedule, which went into effect on June 29, 2001, includes the following countries:

- Colombia
- Democratic Republic of the Congo
- El Salvador
- Guatemala
- Sierra Leone

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- Sudan

To be a member of the Source Country class (RS), the applicant must reside in a country that is still on Schedule 2 at the time the visa is issued. Additionally, the applicant must meet the refugee criteria as outlined above.

7.46. Special needs cases

Immigration and Refugee Protection Regulations R157(2) defines special needs cases as persons who have a greater need of settlement assistance than other applicants for protection abroad owing to personal circumstances including:

- a large number of family members;
- trauma resulting from violence or torture;
- medical disabilities; and
- the effects of systemic discrimination.

7.47. Sponsoring group

A group, corporation or unincorporated organization (or any combination thereof) that is acting for the purpose of sponsoring a Convention Refugee or person(s) in a refugee-like situation.

7.48. Sponsor-referred sponsorship (named sponsorship)

In sponsor-referred sponsorships, private sponsors identify a refugee whom they wish to assist. They may involve persons with family links to Canada or be a direct response to requests from refugees abroad.

7.49. Sponsorship agreement

A signed agreement between the Minister of Citizenship and Immigration Canada (or delegate) and a corporation in Canada to govern and facilitate the sponsorship process. For more information, refer to IP 3, Appendix C, Annex 6.

7.50. Sponsorship Agreement Holder (SAH)

Sponsorship Agreement Holders provide the refugees with financial and moral support.

SAHs have the following characteristics:

- They are incorporated organizations.
- They vary widely in composition and type, for example:
 - ◆ religious organizations;
 - ◆ ethno-cultural groups; or
 - ◆ other humanitarian organizations.
- They have signed a sponsorship agreement with the Minister of Citizenship and Immigration Canada (or delegate) to facilitate the sponsorship process.

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- They are completely responsible for managing sponsorships under their agreement.
- They can be composed of Constituent Groups (CGs) specifically recognized and managed by the SAH.
- They are responsible for training and informing their CGs.

SAHs may:

- undertake sponsorships on an on-going basis;
- manage a sponsorship by working with a CG;
- have many CGs across Canada or a few CGs in a specific region/area;
- work with local CICs.

SAHs and their CGs are eligible to sponsor JAS cases according to the terms and conditions of RAP.

7.51. Sponsorship breakdown

Sponsorship breakdown is a condition of deterioration in the sponsoring group-refugee relationship such that the sponsor is unable or unwilling to fulfill the terms of the sponsorship undertaking. Attempts are made to reestablish the sponsorship, but if that is not possible, CIC will formally declare a breakdown in the sponsorship. Depending on the circumstances, the sponsoring group may be found in default.

7.52. Sponsorship default

Sponsorship default refers to a breach of the contractual obligations of the sponsorship undertaking itself or, specifically, the failure to fulfill a financial or non-financial obligation associated with the undertaking. A sponsoring group may not submit undertakings while they remain in default.

7.53. Sponsorship undertaking

The undertaking used for the Private Sponsorship of Refugees Program is a legal document that forms part of a sponsorship kit. Sponsor/refugee contact information and an overview of sponsorship responsibilities are provided in the undertaking.

7.54. Sponsorship withdrawal

Sponsorship withdrawal is the cancellation of an undertaking to sponsor that occurs **before** the permanent resident visa has been issued. It is the last option when all other attempts to fulfill the conditions of the sponsorship have failed or when situations have changed.

Sponsorship withdrawal:

- should not be confused with sponsorship breakdown;
- occurs when the sponsor cancels the sponsorship undertaking prior to the issuance of the permanent resident visa; or
- occurs when the refugee withdraws their application (e.g., resettles in another country).

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7.55. The United Nations High Commissioner for Refugees (UNHCR)

The office of the UNHCR is a humanitarian and non-political organization with a mandate to protect refugees and promote solutions to their problems. Solutions may include voluntary repatriation, local integration and, in exceptional cases, resettlement in a third country.

Local UNHCR offices identify persons in need of resettlement and refer them to visa offices. They may also help find candidates for private sponsors. The factors that the UNHCR takes into consideration when it refers a case for resettlement are described in detail in the *UNHCR Resettlement Handbook*, a copy of which can be found in all visa offices. The text of the handbook is also available from the UNHCR Web site at:

<http://www.unhcr.org/cgi-bin/texis/vtx/home>

7.56. Transportation loan

The transportation loan (see OP 17, Section 13) provides financial assistance to foreign nationals, Convention refugees and members of the Humanitarian-Protected Persons Abroad classes to cover the costs of transportation for themselves and/or their dependants to their place of final destination. This also includes approved service fees from the IOM as well as other related expenses.

7.57. Unaccompanied minors

“Unaccompanied minor” refers to a minor who is without the company of an adult who may or may not have legal responsibility for them. This term is usually used only in the context of a minor traveling without adult accompaniment.

Example: An 11-year old separated minor travelling alone is “unaccompanied” in the same way that an 11-year old child travelling alone from Europe to visit friends in Canada is also “unaccompanied.” If, in either case, the child were travelling in the company of an adult, the child would no longer be considered “unaccompanied.” This term is NOT synonymous with “separated minor.”

7.58. Urgent need of protection

Urgent need of protection means, in respect of a member of the Convention Refugee Abroad class, the Country of Asylum class or the Source Country class, that their life, liberty or physical safety is under immediate threat and, if not protected, the person is likely to be:

- killed;
 - subject to violence, torture, sexual assault or arbitrary imprisonment; or
 - returned to their country of nationality or their former habitual residence.
-

7.59. Urgent Protection Program (UPP)

A case in need of urgent protection is one where the life, liberty or physical well-being of a refugee is under immediate threat. Urgent protection cases, by definition, need to be resettled on the urgent basis required by their particular circumstances. Consequently, these cases are to be assigned the highest processing priority.

The concept of resettlement as an instrument of protection is key to this program. Resettlement in urgent protection cases is undertaken as a priority where there is no other way to guarantee the

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security of the person concerned. Resettlement in these cases is the best, and often the only protection response.

Urgent protection is not gender-specific; referrals may include men, women and children. For the purposes of the Urgent Protection Program, officers should use their best judgment in determining if a case requires urgent processing. Refugees in need of urgent protection should be en route to Canada within three to five days of referral to the visa office.

For more information, please refer to: OP 5, Section 23.

7.60. Visa Office-Referred sponsorship (unnamed sponsorship)

Visa Office-Referred (VOR) sponsorship refers to situations where a refugee has been determined to be eligible and is referred by a visa office for sponsorship. Either a sponsor requests a VOR case or a visa office refers the case to the Matching Centre (MC) to find a sponsor. The profiles of cases referred to the MC will be posted on the JAS/VOR secure Web site, where they can be viewed by SAHs and local CICs.

7.61. Voluntary repatriation

Voluntary repatriation occurs when a permanent resident, who was originally a resettled refugee, decides to voluntarily leave Canada to return to his or her country of origin. For more information, refer to Section 12.

7.62. Vulnerable

R138 defines "vulnerable," with respect to a Convention Refugee or a person in similar circumstances, as a person that has a greater need of protection than other applicants abroad because of the person's particular circumstances which give rise to a heightened risk to their physical safety.

Note: Persons who meet the regulatory definition of "vulnerable" are exempt from the regulatory requirement to "successfully establish".

7.63. Women-at-Risk Program (AWR)

The Women-at-Risk Program (AWR) is designed to offer resettlement opportunities to women in:

- perilous or permanently unstable situations; and
- in situations where urgent or expedited processing is necessary.

Women eligible under this program may:

- not have the resettlement potential usually required by applicants under the Convention Refugee Abroad class or Humanitarian-Protected Persons Abroad classes;
- be marginalized or alienated in their communities;
- be vulnerable to the threat of rape, other forms of violence to themselves or to their children;
- be in such critical situations that urgent processing is required;
- require help because their ability to start a new life is hampered by:
 - ◆ young dependent children;

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- ◆ poor ability to communicate in either official language; or
- ◆ the lack of skills necessary for employment.

In many cases, women eligible under the AWR and their dependent children:

- experience more difficulties in resettling than other classes of refugees;
- will require a Joint Assistance Sponsorship; and
- will need a longer period to become integrated and established in Canada.

8. Destining refugees

Visa offices submit a DMR for refugees who are visa ready not less than six weeks before the refugees are ready to travel, unless it is an Urgent Protection Program (UPP) case (see below).

The Matching Centre (MC) must respond to the visa office within five working days of receipt of the DMR for GARs. Therefore, rapid responses are required from local CICs and Regions for this process to function effectively.

For UPP cases, once a DMR is submitted to the MC, the MC has 24 hours to provide a destination to the visa office. The refugees that fall within the UPP usually travel within three to five days of a confirmed destination.

8.1. DMR format

The DMRs are to be numerically numbered by visa office and by year. Example: On August 1, 2002 the first DMR from Nairobi would be numbered Nairobi 001/2002 and the next DMR for that year would be Nairobi 002/2002. On January 01, 2003 the first DMR number would be Nairobi 001/2003 and so on. Also each family unit would be numerically identified on the DMR.

Each DMR should contain the following information:

- visa office file number (B #);
- full name and date of birth, sex, marital status, country of last permanent residence, Immigration Code, Program Code of head of family (HOF);
- full name, date of birth, relationship to HOF of each family member;
- contact information for friend/family member in Canada, if applicable; and
- any special requirements upon arrival such as wheelchair at the airport.

Note: The Refugee Resettlement Medical Form (IMM 5544B) should accompany the DMR if there are significant medical conditions, in order to assist airports and SPOs to plan properly for the refugees' arrival.

8.2. Contact information

The DMRs are to be sent to the Matching Centre electronically at the following e-mail address:

Matching-Centre@cic.gc.ca

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When electronic communication is down, the DMR may be faxed to (613) 952-4753.

8.3. Destining process

When a DMR arrives at the Matching Centre (MC), the CAIPS notes for each file number will be reviewed before the MC refers cases to regions. Wherever possible, the MC will refer GARs to communities in Canada where close relatives have been identified in the CAIPS notes. The process for referring the cases, other than JAS and VOR cases, to the Regions/CICs is as follows:

1. CICs where refugees may be directly destined by the Matching Centre

A number of Regions and CICs have decided not to be directly involved in the normal DMR process. These Regions and CICs will, however, continue to be directly involved and will be consulted on all JAS and VOR cases. These CICs are:

- Vancouver;
- Edmonton;
- Calgary; and
- Winnipeg.

For these destinations, the MC will review the information contained on the DMRs submitted by the visa offices abroad along with the CAIPS notes and will make the decision on where to destine the refugees. The Regions and the CICs, to which the refugees will be destined, will be copied on the response to the DMRs that the MC sends to the visa offices abroad.

2. CICs to consult before final destining decision

For CICs or Regions not identified in the previous section, the MC will review the DMRs submitted by the visa offices along with the relevant CAIPS notes for each file. After assessing the remaining families on the DMR, the MC will make a referral recommendation to the CIC believed to be most suitable to meet the needs of the refugees identified on the DMR.

The CIC will have three working days to confirm acceptance of refugee families that have been referred. Should the MC not receive a response within three working days of the referral, it will follow up with the CIC. If there is no response to the second e-mail, the MC will assume the CIC accepts the recommendation. Notification to this effect will be sent to the visa office abroad and to the CICs to which the refugees have been destined.

8.4. JAS and VOR cases

As indicated earlier, visa offices are to submit individual JAS/VOR DMRs to the Matching Centre (MC) for these types of referrals. Medical, security and criminality checks must be completed before these referrals are sent to the MC.

Visa officers must indicate in the CAIPS notes and on the DMR whether the case is a JAS or whether a regular sponsorship would be appropriate and reasons for the recommendation. If a JAS is recommended, the officer should also recommend if a contribution should be approved to cover the cost of medical examination and transportation to Canada rather than the approval of a loan to cover these costs. Where an officer has not addressed this consideration in the CAIPS notes, the MC should review the family profile and circumstances and, if warranted, seek clarification from the visa office on whether a contribution should be considered.

Where a contribution is considered warranted, the Manager of the Refugee and Resettlement Program Delivery Unit, OMC, must approve the request before this information is relayed to the visa office. Because there is only a limited amount of money set aside to cover these costs, care must be taken not to exceed the amount allocated to cover these expenses.

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The MC will list the details of the families identified as JAS or VOR cases on the JAS/VOR secure Web site for up to six months. The secure Web site is accessible to local CICs and SAHs wishing to sponsor. If there is interest in a particular family, the SAH should contact the local CIC for more information. The local CIC will advise the MC of the interest and the MC will provide a more detailed profile to the local CIC to share with the sponsor. In some cases the web site will indicate that an interested sponsor should contact the Matching Centre for more information on the case.

When there are friends/family in Canada or if there is a preferred destination, it will be indicated on the Web site. A copy of the detailed profile will be sent to the local CIC at that location, asking that they assist in finding a sponsor.

If no sponsor is found within six months, the case will be referred back to the visa office for reconsideration and potential refusal referral back to UNHCR.

When a visa office becomes aware of a potential lengthy delay in the processing of a JAS or VOR case, this information should be relayed to the sponsoring group as soon as possible to avoid raising expectations of the refugee's pending arrival.

8.5. Life span of DMR

With the exception of JAS/VOR cases, a DMR will have a life span of three months from its date of origin. Where a NAT has not been provided for any family identified on a DMR within that three-month period, the MC will send notification to the visa office that a new DMR will be required, unless the visa office had already notified the MC that additional time would be required for flight arrangements.

Note: For Quebec-destined refugees, the MICC replies directly to the originating visa office with a copy to the MC.

For an example of a DMR, please refer to [OP 5, Section 19.1 – Prepare a DMR](#).

9. Refugee travel

9.1. Processing a Notification of Arrival Transmission (NAT)

Please refer to the definition of a [NAT](#) in Section 7.32. For an example of a NAT please refer to [OP 5, Section 21.3](#).

The following seven steps occur in the processing of a NAT:

| Step | Description |
|------|--|
| 1 | The visa office sends the NAT to the Matching Centre (MC). |
| 2 | The MC: <ul style="list-style-type: none">• receives the NAT; and• acknowledges receipt of the NAT to the originating visa office. <p>Note: If an acknowledgment is not received by next business day, the NAT must immediately be sent again to the MC. A copy should be faxed to the MC at (613) 952-4753.</p> <p>Note: The NAT should be received at least 10 working days in advance of the refugees' arrival date.</p> |
| 3 | The MC immediately forwards the information to the local CIC and POE. |

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| | |
|---|--|
| 4 | The local CIC sends the NAT to the sponsor and/or SPO. |
| 5 | IF an amendment to the NAT is necessary (e.g., change of final destination, change of flight itinerary, cancellation, etc.) THEN the MC must be advised immediately by the originating visa office. |
| 6 | Information is forwarded immediately to the local CIC in the city of final destination and POE. |
| 7 | The following incidents are to be conveyed by the Region or local CIC to the MC and the visa office: <ul style="list-style-type: none"> • unannounced arrivals; • no shows; • changes in schedule; and • other pertinent information, such as: <ul style="list-style-type: none"> ◆ a refugee requiring a wheelchair upon arrival and this requirement was not indicated on NAT; or ◆ any other unmet requirements. |

9.2. Travel documents

For procedures regarding single journey travel documents, please refer to:
http://www.ci.gc.ca/cicexplore/english/guides/om_nso/2002/op/op02-41.htm

9.3. Role of the Matching Centre (MC) and Service Provider Organization (SPO) at the POE

The following table shows the role and responsibilities of the MC and officer or SPO at the POE.

| The role of the: | Responsibilities |
|------------------------|---|
| Matching Centre | <ul style="list-style-type: none"> • review all Notification of Arrival Transmissions (NATs) to ensure flight arrangements to the final destination are included; • provide NAT details to local CIC office and POE; • contact the destining visa office when arrangements for onward destining are not included; and • contact the destining visa office when travel guidelines are not being followed such as arrivals on stat holidays, after hours arrivals, or insufficient time between connecting flights. |
| | Note: Passengers need a minimum of four hours at the POE to allow for landing procedures, clearing customs, distribution of winter clothing (between October and April) and ground transportation to a connecting flight. |

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| | |
|----------------------------------|--|
| Officer or SPO at the POE | <ul style="list-style-type: none">• advise sponsor of travel details; and• report to the MC when:<ul style="list-style-type: none">◆ travel arrangements to the final destination were not included in the original travel plan; or◆ overnight accommodation and ground transportation were required, but not previously arranged at the time travel arrangements were made. |
| | Note: Reporting information should include the NAT number, name of the originating visa office and the B number assigned to the case. |

10. Interim Federal Health Program (IFH) and health coverage

10.1. The Interim Federal Health Program (IFH): Eligibility

IFH is available to all refugees including CR, RA, RS **and OYW** classes, and provides:

- health service benefits for the gap between date of arrival and eligibility for provincial health benefits; and
- limited supplementary benefits once provincial plans commence benefits, for up to 12 months after arrival or up to 24 months for JAS cases.

The IFH is not available to refugees who are:

- able to pay for their own health care services; or
- covered by a private or public health care plan.

10.2. Informing clients

A client information sheet is given to the refugee. The information sheet outlines:

- how the program works;
- what it covers; and
- contact information for prior approvals (by CIC) and billing (by FAS).

Clients must be cautioned:

- about the limitations on IFH benefits;
- not to incur any costs until they are certain that IFH will provide benefits for them; and
- that medical treatments and procedures that are not covered must be paid for by the client.

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10.3. IFH-related forms

The forms related to this program are FOSS generated on the generic form IMM 1442B, and will confer IFH eligibility as determined by the officer for 12 months, or a lesser period.

The form “Interim Federal Health Certificate” (also FOSS generated and printed on IMM 1442B) contains the following information:

- basic identification;
- the paragraphs noted in the Information Section of the IFH form (IMM 1442B);
- the client’s photograph;
- signature; and
- IFH expiry date.

10.4. Information on IFH Form (IMM 1442B)

It is understood that once provincial health insurance is obtained, resettled refugees must no longer use IFH for medical benefits, such as doctors’ visits or treatment at a hospital. They may, however, continue to use IFH for supplementary benefits (drugs, eyewear, etc.) for the remaining period of time as indicated on their IFH certificate. This is why the IFH forms (IMM 1442B) are valid for up to 12 months after the date of arrival and contain an eligibility paragraph under “Remarks” which states the following:

The above mentioned person is eligible for benefits under the Interim Federal Health (IFH) Program. Eligibility will continue until...(day/month/year)...but may be revoked before, should the holder qualify for private or public health insurance or otherwise ceases to be eligible.

I, the undersigned, declare that I require assistance for medical care and that should my circumstance change or should I qualify for any other form of medical benefits, I will no longer seek to obtain benefits under the IFH program.

10.5. Issuing IFH documents

In order to ensure that refugees have timely access to health care, officers should issue IFH documents during their first contact with clients or as soon as possible after their arrival.

These documents are to be used for all eligible medical needs with procedures dependent upon the client’s status in Canada and province of residence.

These forms provide the option to add the two paragraphs that:

- confirm the refugee’s eligibility for IFH access for one year or less; and
- specify the commitment to cease benefits as agreed upon once other benefit options become available.

Note:The “eligibility until” date will be up to 12 months or until the anticipated end date for payments under RAP.

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For further information on IFH, refer to the IFH-related page within www.cic.gc.ca or send an e-mail to the general IFH inbox at CIC-IFH-Program@cic.gc.ca

10.6. Issuing extensions

Extensions may be issued to resettled refugees who entered Canada on a TRP while their permanent residence is being processed for the estimated time required to finalize the case, and not more than 12 months at a time.

10.7. Covering gaps

Gaps in medical benefits may be covered by backdating the eligibility period to the day after the last day of eligibility on the previous IFH certificate.

10.8. Replacing lost certificates

Replacement of lost certificates may be subject to a small fee set by the local CIC offices.

10.9. Billing information

Medical bills will be forwarded for payment by the health care provider to:

FAS Benefit Administrators Ltd.
9707 – 110 Street, 9th Floor
Edmonton AB T5K 3T4

Medical bills received at CIC will be returned to sender and accompanied by a note advising them of this address.

Claims submitted by the clients will *not* be honoured.

11. Immigration loans and contributions

11.1. Arranging transportation loans in Canada

Processing transportation and admissibility loans by the local CIC

The request for a transportation loan to be initiated in Canada can originate within Canada or abroad.

The first step for the local CIC officer is to determine whether the loan applicant has any other means of paying for the transportation costs. The applicant should be asked to provide proof that they have applied for, and been refused, a loan from a bank or other lending institution, and that they do not have enough savings to pay for the travel themselves.

Secondly, the CIC officer must ensure that the loan applicant is not in default on an existing loan from CIC. This can be done by calling Collection Services at **1-800-667-7301**. The officer should identify themselves and explain why they are asking about the status of the loan applicant. Note that it is not necessary for any other CIC-issued loans to be fully repaid before a new loan can be issued. It is necessary that the loan applicant has been making ongoing payments on their existing account(s).

Once both of the above conditions have been met, the CIC officer must verify that the dependant family members are visa-ready.

When this has been determined, the loan applicant should contact IOM-Ottawa to request an estimate of travel costs. Alternatively, the request for a cost estimate can be done by the local CIC

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officer on behalf of the applicant. The local CIC office may decide not to ask for an estimate when there is an urgent case.

Contact information for IOM-Ottawa is:
International Organization for Migration
151 Slater Street, Suite 712
Ottawa, ON
K1P 5H3
Phone: (613) 237-0651
E-mail: iomottawa@iom.int

Please note that IOM-Ottawa should be kept informed throughout this process.

Once the cost estimate has been received, the CIC officer can assist the loan applicant to fill out an Immigration and Admissibility Loan (IMM 0500). Refer to OP 17, sections 13.11, 16.1 and 16.2, but with the following instructions:

The loan applicant should visit their local CIC office to sign an IMM 0500E. The IMM 0500E should be completed by the local CIC officer with the loan recipient's name and information in the top part of Section I, and it should list all family members who will be covered by the loan.

The loan applicant and the authorized officer should sign and date the bottom of the form. The rest of the form should be left blank, as this information will be provided by IOM.

All copies of the IMM 0500E should be mailed to IOM-Ottawa at the above address. A photocopy of the IMM 0500E can be provided to the applicant or placed on the applicant's file. Once IOM has completed the rest of the information, copies will be returned to the CIC office.

If appropriate, the visa office abroad can be informed once the IMM 0500E has been submitted to IOM-Ottawa. If this office requires a copy of the IMM 0500E for their files, one can be faxed or scanned and e-mailed to them. Upon receipt of the IMM 0500E by IOM-Ottawa, the appropriate overseas IOM office will be contacted to proceed with travel arrangements.

If a travel agent other than IOM is used for this process, the local CIC officer must ensure that the agent is aware of the IMM 0500E process and will accept this form of payment.

Using an IMM 0500E is the preferred method for an in-Canada loan applicant to undertake responsibility to pay for travel costs for dependant family members overseas. However, there may be instances when this is not possible; for example, 1) if an IMM 0500E has already been completed abroad, or 2) for those centres (such as New Delhi) where IOM does not make the travel arrangements and would therefore not be involved in this process. In these cases the person responsible for repaying the loan must complete IMM 0501B (Immigration Loan and Undertaking to Repay).

To complete IMM 0501B, refer to OP 17, Section 13.10. Please note that OP 17, Section 13.6 states:

"The IMM 0501B form (Immigration Loan and Undertaking to Repay) is only used in Canada when the head of family is in Canada and the IMM 0500E is being issued abroad for dependent family members."

This means that if an IMM 0500E is issued in Canada, it is not necessary to complete an IMM 0501B. As well, an IMM 0501B is not valid without an accompanying IMM 0500E. An IMM 0501B provides the legal means for the loan applicant to undertake responsibility to repay the travel costs for their family members overseas. The IMM 0501B only provides an estimate of costs, while the IMM 0500E is the document that provides the actual travel, medical and other related costs incurred.

The Immigration Loans Program provides financial assistance in the form of loans or contributions to eligible applicants. The officer is generally the person who issues the loan. NHQ approves the contributions.

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For more information, please refer to:
OP 17 – Loans

12. Voluntary repatriation

12.1. Travel documents

When persons wishing to voluntarily repatriate are ineligible for a refugee travel document, the country of repatriation must:

- issue a travel document; or
- authorize their return.

Refugees should be referred to their nearest embassy to obtain travel documents.

12.2. Travel costs

The *Immigration and Refugee Protection Act* does not allow for CIC to reimburse or to contribute to the travel costs for voluntary repatriation. Refugees seeking to return to their country of origin may want to contact the UNHCR office in Canada.

12.3. Policy

Any permanent resident of Canada wishing to relinquish voluntarily his or her status may do so after proper counselling. For more information, refer to ENF 23, Section 7.10.

More information regarding voluntary repatriation in the context of resettlement will follow.

When prospects for successful integration seem impossible, and the local officer is of the opinion that repatriation seems to be the only solution, then the refugee must:

- be advised that once the request for repatriation is approved, they will no longer be able to claim Canadian permanent residency in the event of subsequent returns to Canada;
- make a formal application for future readmission to Canada and comply fully with the Immigration and Refugee Protection Act and Regulations in effect at that time.

13. One-Year Window of Opportunity Provision (OYW)

13.1. Policy context

One Year Window is a provision of the Immigration and Refugee Protection Regulations that assists family reunification. It permits resettled refugees in Canada, within one year of their arrival, to identify family members abroad for resettlement. This policy initiative is based on the need to minimize the separation of refugee families during processing for resettlement.

In most cases, refugee families will be processed at the same time so that separation does not occur. However, not all families can be processed together. In some situations, family members' whereabouts are unknown. In others, the conditions in the country of origin prohibit them from being processed with the principal applicant.

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Individuals identified under OYW are processed as dependents of the original family member in the same refugee class. As such, a visa officer does not have to examine their refugee story. However, as with all applications, the non-accompanying family member(s) must meet the statutory requirements under IRPA Division 4 (Inadmissibilities).

13.2. Eligibility under OYW

To be eligible under OYW, the principal applicant must have been authorized to enter Canada as a member of the:

- Convention refugee (CR) from abroad class;
- source country (RS) class; or
- country of asylum class (RA).

Non-Accompanying Family Members (NAF)

Family members who did not travel with the principal applicant are called non-accompanying family members (NAF). The OYW applies to specific non-accompanying family members. The non-accompanying family member must be a family member of the PA as defined in R1(3).

Family members are identified as:

- PA's Spouse or common-law partner
- Dependent children of the PA or the PA's spouse or common-law partner,
- Dependent children of dependent children of the PA or the PA's spouse or common-law partner.

Note: De facto dependants are not eligible under the OYW program as they do not meet the definition of family member outlined in R1(3).

Individuals must have been a family member at the time the PA originally submitted his/her application for permanent residence and continue to be a family member when a final decision on the one-year window application is made (R142).

Age exemption

Age is the only exception to the requirement that a non-accompanying family member meet the definition of "family member" both at the time the PA's application is made and at the time a final decision is made. As per R142(b), the age of any dependent child is locked in on the date the PA submits their application for permanent residence. Therefore, a person who has turned 22 since the original application was made, and who meets all other requirements, will still qualify as a dependent child under the OYW.

13.3. Requirements for the OYW

In addition to being eligible, R141(1) states that non-accompanying family members must:

- have been identified on the PA's Application for Permanent Residence [IMM 0008] before the PA departed for Canada;

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- have submitted their own Application for Permanent Residence at a visa office within one year of the date of arrival of the PA in Canada.
- not be found to be inadmissible;
- have satisfied an officer that their sponsor has been made aware of the family member's application and that there are adequate financial arrangements for resettlement.

Note: The NAFs may not arrive in Canada within the year following the arrival of the PA. However, their application must be submitted to the visa office that serves their area within the one year period. Applications made under OYW do not need to be accompanied by a referral from the UNHCR, another referral agency, or an undertaking.

Inadmissibility

Family members will be examined to determine that they are not inadmissible to Canada. Reasons for inadmissibility include the individual posing a threat to national security, having a history of serious or organized crime, having committed violations of international or human rights, being a danger to public health, or engaging in misrepresentation. These inadmissibilities are outlined in the Immigration and Refugee Protection Act, sections 34-40. Only visa officers can make a judgment on inadmissibility; local CIC officers cannot refuse an applicant on the basis of suspected inadmissibility.

13.4. Relevant OYW forms

The following forms are relevant to processing OYW cases and should be consulted as necessary:

- Request for processing family members under the One-Year Window of Opportunity (IMM5571);
- Application for permanent residence in Canada [IMM 0008 Generic]
- Schedule 1 Background/Declaration [IMM 0008 Schedule 1]
- Schedule 2 Refugees Outside Canada [IMM 0008 Schedule 2]
- Use of a Representative [IMM 5476], if applicable

13.5. A OYW application guide and forms is available on the CIC website:

<http://www.cic.gc.ca/english/information/applications/fam-follow.asp>

Note: For further information on processing non-accompanying family members:

For Government-Assisted Refugees (GAR), please refer to IP 3, Part 2, Section 24.

For Privately Sponsored Refugees (PSR), please refer to IP 3, Part 3, Section 41.

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For Joint Assistance Sponsorships (JAS), please refer to IP 3, Part 4, Section 51.