



Citizenship and
Immigration Canada

Citoyenneté et
Immigration Canada

OP 5

Overseas Selection and Processing of
Convention Refugees Abroad Class and
Members of the Humanitarian-protected
Persons Abroad Classes

OP 5 Overseas Selection and Processing of Convention Refugees Abroad Class and Members of the Humanitarian-protected Persons Abroad Classes

Updates to chapter	6
1. What this chapter is about	8
2. Program objectives	8
3. Act and Regulations	8
4. Instruments and delegations	12
5. Departmental policy	12
5.1. Background	12
5.2. Legislative objectives	13
5.3. Protection	13
5.4. Rapid family reunification	13
5.5. Urgent and expedited processing	13
5.6. Closer relationships with partners	13
5.7. Canada/Quebec Accord	13
6. Definitions	14
6.1. Admissibility	14
6.2. CAIPS (Computer-Assisted Immigrant Processing System)	14
6.3. Civil rights	14
6.4. Common-law relationships	14
6.5. Consanguineous minor	14
6.6. Convention refugee	14
6.7. Convention refugee abroad class (CR)	15
6.8. “Core” human rights	15
6.9. Country of asylum class (RA)	16
6.10. Country of last permanent residence (CLPR)	16
6.11. Country of citizenship	16
6.12. Country of refuge	16
6.13. Criminal inadmissibility	16
6.14. <i>De facto</i> dependants	16
6.15. <i>De facto</i> statelessness	17
6.16. <i>De jure</i> statelessness	17
6.17. Dependent child	17
6.18. Designated medical practitioner (DMP)	17
6.19. Destination Matching Request (DMR)	17
6.20. Durable solution	18
6.21. Eligibility	18
6.22. Family member	19
6.23. FOSS (Field Operations Support System)	19
6.24. Gender-based persecution	19
6.25. Government-assisted refugees (GAR)	19
6.26. Groups	20
6.27. Guardianship	20
6.28. “Massive” violations of human rights	20
6.29. Humanitarian-protected persons abroad classes (HPC)	20
6.30. International Organization for Migration (IOM)	20
6.31. Joint Assistance Sponsorship (JAS)	20
6.32. Matching Centre (MC)	21
6.33. Misrepresentation	21
6.34. Nationality/citizenship	21
6.35. Notification of arrival transmission (NAT)	21
6.36. One-year window of opportunity (OYW)	22
6.37. Persecution	22
6.38. Pre-application questionnaires (PAQs)	23
6.39. Private Sponsorship of Refugees Program	23
6.40. Protected temporary residents class (Early entry under TRP)	25
6.41. Referral organizations	25
6.42. Refugees with special needs	26

OP 5 Overseas Selection and Processing of Convention Refugees Abroad Class and Members of the Humanitarian-protected Persons Abroad Classes

6.43.	Resettlement	26
6.44.	Resettlement Assistance Program (RAP).....	26
6.45.	Secondary migration	26
6.46.	Self-supporting refugees.....	26
6.47.	Separated minor.....	27
6.48.	Source country class (RS)	27
6.49.	Sponsor.....	27
6.50.	Sponsor-referred sponsorship (named-sponsorship)	27
6.51.	Statelessness.....	28
6.52.	Unaccompanied minor	28
6.53.	United Nations High Commissioner for Refugees (UNHCR).....	28
6.54.	Undertaking.....	28
6.55.	Urgent protection program (UP).....	29
6.56.	Urgent need of protection	29
6.57.	Visa office-referred sponsorship (unnamed sponsorships)	29
6.58.	Vulnerable	29
6.59.	Women-at-risk (AWR).....	30
7.	Procedure: Identifying applicants	30
7.1.	Context and principles: Access mechanisms	30
7.2.	Countries signatory to the Convention and Protocol.....	31
7.3.	Countries not signatory to the Convention and Protocol	33
7.4.	Referrals from the UNHCR.....	33
7.5.	Referrals from other organizations	33
7.6.	Referrals from private sponsors	34
7.7.	Direct access (self-referrals).....	34
7.8.	Direct access and source countries.....	35
7.9.	Urgent protection and vulnerable cases	36
8.	Procedure: Receiving the application.....	36
8.1.	Receiving applications from visa offices without target allocations	36
8.2.	Creating paper file	37
8.3.	Creating electronic file in CAIPS	37
8.4.	Coding citizenship in CAIPS.....	37
8.5.	Identifying processing priorities	38
8.6.	Identifying processing priorities: Refugees eligible for expedited processing.....	39
8.7.	Writing file notes	39
9.	Procedure: Using pre-application questionnaires (PAQs)	40
9.1.	Using a pre-application questionnaire (PAQ) versus using an application [IMM 0008Esch2]	40
9.2.	When to use an immigration application [IMM 0008Esch2] rather than a PAQ	40
9.3.	Evaluating and following up completed PAQs.....	41
9.4.	Considering further information following a discouragement letter	41
9.5.	PAQ case notes and record keeping.....	41
10.	Procedure: Paper screening applications	41
10.1.	One-year window of opportunity (family reunification).....	42
10.2.	Assessing basic eligibility criteria.....	42
10.3.	Can the applicant be destined to Quebec?.....	43
10.4.	Can the applicant be accepted without an interview?.....	43
10.5.	Refusing an application at paper screening.....	44
10.6.	Humanitarian and compassionate considerations	46
11.	Procedure: Preparing for the interview.....	46
11.1.	Guidelines for interviewing refugees.....	46
11.2.	Researching country conditions.....	48
11.3.	Reviewing refugee story	48
11.4.	Using interpreters.....	49
11.5.	Reviewing application for possible problems	49
12.	Procedure: Beginning refugee interview	50
12.1.	Preparing the interpreter	50

OP 5 Overseas Selection and Processing of Convention Refugees Abroad Class and Members of the Humanitarian-protected Persons Abroad Classes

12.2.	Confirming refugee information.....	51
12.3.	Obtaining refugee story.....	52
13.	Procedure: Determining eligibility.....	52
13.1.	Assessing credibility (material adapted from IRB Legal Services, 2000).....	53
13.2.	Ensuring applicant does not have another durable solution.....	54
13.3.	Eligibility criteria for members of the Convention refugee abroad class.....	55
13.4.	Eligibility criteria for members of the country of asylum class.....	57
13.5.	Eligibility criteria for members of the source country class.....	58
13.6.	Determining which family members are eligible for resettlement: overview.....	60
13.7.	Eligibility criteria for a dependent <i>de facto</i> family member.....	62
13.8.	Admissibility criteria for a dependent <i>de facto</i> family member.....	63
13.9.	Ability to establish.....	64
13.10.	Exemptions from requirement.....	65
13.11.	Settlement factors stipulated in the Regulations.....	65
13.12.	Assessing ability to successfully establish - General guidelines.....	65
13.13.	Guidelines for assessing factors.....	66
13.14.	Alternatives to refusal.....	68
14.	Procedure: Determining admissibility.....	69
14.1.	Medical examination.....	69
14.2.	Criminal examination.....	69
14.3.	Security.....	70
14.4.	Inadmissibility through misrepresentation.....	70
15.	Procedure: Reviewing information specific to refugee categories.....	72
15.1.	Government-assisted refugees (GARs).....	72
15.2.	Privately sponsored refugees (PSRs).....	72
15.3.	Self-supporting refugees.....	73
15.4.	Joint Assistance Sponsorship.....	74
15.5.	Converting to Joint Assistance Sponsorship after arrival in Canada.....	75
16.	Procedure: Finalizing the interview.....	75
16.1.	Selection decision.....	75
16.2.	Issue medical instructions.....	76
16.3.	Recording the interview.....	81
17.	Procedure: Post-interview processing.....	81
17.1.	Processing applicants from visa offices without allocations.....	82
17.2.	Processing Joint Assistance Sponsorships (JAS).....	82
17.3.	JAS DMR Template.....	83
17.4.	Processing visa office-referred sponsorships (unnamed sponsorships).....	86
17.5.	Extending a private sponsorship.....	87
18.	Procedure: Final decision.....	88
18.1.	Review criminal/security results.....	88
18.2.	Exceptions to medical inadmissibility.....	88
18.3.	Exceptions to criminal inadmissibility.....	88
18.4.	Is the applicant approved?.....	89
19.	Procedure: Destining government-assisted refugees (GARs).....	89
19.1.	Preparing a Destination Matching Request.....	89
19.2.	Example of a DMR.....	90
19.3.	Sending DMR.....	90
20.	Procedure: Visa issuance and travel documents.....	91
20.1.	Issuing permanent resident visa and Confirmation of permanent residence [IMM 5292].....	91
20.2.	Requirements for refugee travel.....	91
20.3.	Travel documents.....	91
20.4.	Port of entry handling for all travel documents.....	93
20.5.	Settlement officer's handling of all travel documents.....	93
21.	Procedure: Refugee travel.....	94
21.1.	Preparing travel arrangements.....	94
21.2.	Preparing Notification of Arrival Transmission (NAT).....	94

OP 5 Overseas Selection and Processing of Convention Refugees Abroad Class and Members of the Humanitarian-protected Persons Abroad Classes

21.3.	Example of a NAT	95
21.4.	Sending NAT	96
21.5.	Amendments and cancellations of NATs	97
21.6.	Refugee travel contingency procedures	97
22.	Procedure: Special-needs refugees	97
22.1.	Women at risk (AWR)	97
22.2.	Medically inadmissible	99
22.3.	Separated minors.....	99
22.4.	Elderly refugees and relatives.....	100
23.	Procedure: Processing urgent-protection cases	101
23.1.	UNHCR definition of emergency vs. urgent processing	101
23.2.	Urgent Protection Program (UP) general guidelines	101
23.3.	Eligible candidates for urgent processing	104
23.4.	Initial contact	104
23.5.	The first 24 hours	104
23.6.	Waiving the interview	105
23.7.	Arranging the interview	105
23.8.	Medical screening and health coverage	105
23.9.	Criminality and security screening	106
23.10.	Financial requirements.....	107
23.11.	Destining urgent-protection-cases	107
23.12.	Post-departure sponsorship cases	108
23.13.	Urgent-protection-cases—privately sponsored.....	108
23.14.	Urgent—protection-cases destined to Quebec	108
23.15.	Travel arrangements	109
23.16.	One-year window of opportunity—non-accompanying family members (following family members)	110
23.17.	Pre-departure counselling.....	111
23.18.	Post-departure follow-up.....	111
23.19.	Authorizations for persons on temporary resident permits (TRPs).....	111
23.20.	Positive decision	111
23.21.	Negative decision.....	112
23.22.	Documentation in CAIPS notes	112
23.23.	Program evaluation	112
24.	Procedure: Processing vulnerable cases.....	112
24.1.	General guidelines	112
24.2.	UNHCR definition of urgent vs. expedited processing.....	113
24.3.	Eligible candidates for expedited processing.....	113
24.4.	Processing vulnerable cases	114
25.	Procedure: One-year-window-of-opportunity provision (OYW).....	115
25.1.	Policy context	115
25.2.	Eligibility under the OYW	116
25.3.	Requirements for the OYW.....	117
25.4.	Admissibility under OYW	117
25.5.	Completing IMM 0008 Schedule 2.....	118
25.6.	Changes in CAIPS and FOSS	118
25.7.	Processing non-accompanying family members	118
25.8.	Processing Joint Assistance Sponsorship cases (JAS) under the OYW.....	121
26.	Procedure: Refugees destined to Quebec	121
26.1.	Responsibilities of officers	121
26.2.	Responsibilities of the <i>Service d'immigration du Québec</i> (SIQ)	122
26.3.	Government-assisted refugees destined to Quebec	122
26.4.	Privately-sponsored refugees destined to Quebec.....	122
26.5.	Refugee Reception Program	123
26.6.	Self-supporting refugees destined to Quebec	123
26.7.	Joint Assistance Sponsorship cases destined to Quebec.....	123

OP 5 Overseas Selection and Processing of Convention Refugees Abroad Class and Members of the Humanitarian-protected Persons Abroad Classes

27.	Procedure: Refusing applications.....	123
27.1.	Documenting refusals	123
27.2.	Issuing refusal letter	123
27.3.	Informal review of refusals	124
27.4.	Judicial review of refusals	124
28.	Procedure: Guidelines for immigration program managers	124
28.1.	Visa office allocation	124
28.2.	Reporting and liaison	125
28.3.	Processing priorities.....	125
28.4.	Relations with international agencies.....	126
28.5.	Refugee travel: Managing departures	127
28.6.	Exit documents.....	127
28.7.	Training and support	127
29.	Guardianship Protocol: Procedures for processing <i>de facto</i> dependants and consanguineous minors	127
29.1.	Background	127
29.2.	Summary of Protocol	128
29.3.	Current policy on separated minors	128
29.4.	Travel policy	128
29.5.	Procedures for processing <i>de facto</i> dependants	129
29.6.	Privately Sponsored Refugees (PSR)	131
29.7.	Government-Assisted Refugees (GAR).....	132
29.8.	Joint Assistance Sponsorship (JAS).....	134
29.9.	Making travel arrangements	135
Appendix	A — Coding for resettlement categories and special programs.....	137
Appendix	B — CIC Declaration on refugee protection for women.....	142
Appendix	C — UNHCR Handbook checklist.....	144
Appendix	D — Guide for refugee travel to Canada.....	146
Appendix	E — Refusal letter – Generic.....	153
Appendix	F — Refusal letter - Quebec.....	157
Appendix	G — Letter - How to apply.....	158
Appendix	H — Letter - incomplete application	159
Appendix	I — Letter - Wrong geographic area.....	160
Appendix	J — Winnipeg Private Refugee Sponsorship Assurance Program (WPRSAP).....	161
Appendix	K — Sample letter of request for DNA testing.....	163
Appendix	L — Declaration of all family members under the OYW provisions	165

OP 5 Overseas Selection and Processing of Convention Refugees Abroad Class and Members of the Humanitarian-protected Persons Abroad Classes

Updates to chapter

Listing by date:

Date: 2006-08-04

Numerous changes were made throughout this chapter and any previous version of it should be discarded. Below are some highlights of the changes.

Section 1 has been revised to better reflect the contents of this chapter.

Section 2: The program objectives have been revised for more clarity.

Section 3.1: New forms and kits have been added to the list.

Section 6.5: The definition of “consanguineous minor” has been added, in accordance with the new procedures on guardianship.

Section 6.17: The definition of “dependent child” has been revised, in accordance with the new procedures on guardianship.

Section 6.22: The definition of “family member” has been revised.

Section 6.27: The definition of “guardianship” has been added, in accordance with the new procedures.

Section 6.36: The definition of the “one-year window of opportunity” has been revised.

Section 6.40: The definition of “protected temporary residents class” has been added.

Section 6.47: The definition of “separated minor” has been added, in accordance with the new procedures on guardianship.

Section 6.52: The definition of “unaccompanied minor” has been added, in accordance with the new procedures on guardianship.

Section 7.2: This section has been revised.

Section 7.7: The definition of “direct access and source countries” has been added for more clarity.

Section 10: This section has been revised.

Section 10.1: This section has been revised.

Section 10.2: This section has been revised.

Section 10.5: This section has been revised.

Section 11.1: This section has been revised.

Section 11.2: This section has been revised.

Section 11.5: The following regimes have been added when reviewing applications for possible criminality or security problems: “Designated November 21, 2003: the government of Ethiopia under Mengistu Haile Mariam for the period of September 12, 1974 to May 21, 1991”.

Section 12.2: The section on “date of birth” has been revised for more clarity.

Section 13: This section has been revised.

Section 13.1: This section has been revised.

Section 13.5: “Massive violations of human rights” has been deleted from the definition of “source country class” in accordance with IRPA.

Section 13.6: The sub-section on “Keeping families together” has been modified for more clarity. Also, a sub-section on “DNA testing” has been added.

Section 14.1: Information has been added on how to process cases under the excessive demand provisions and the implementation of the Supplemental Medical and Resettlement Needs Assessment Form [IMM 5544].

Section 15.2: The definition of “Joint Assistance Sponsorship” has been modified for more clarity.

OP 5 Overseas Selection and Processing of Convention Refugees Abroad Class and Members of the Humanitarian-protected Persons Abroad Classes

Section 15.5: A section on converting to joint assistance sponsorship after arrival in Canada has been added.

Section 16.2: The sub-section on “Sharing medical information” has been revised to reflect the procedures to be followed further to the implementation of the Supplemental Medical and Resettlement Needs Assessment Form [IMM 5544]. A sub-section on “Sharing Information on HIV” has also been added.

Section 17.2: The section on “Processing Joint Assistance Sponsorships” has been revised for more clarity

Section 17.3: A JAS DMR Template has been provided for reference.

Section 17.4: This section has been revised.

Section 18.4: This section has been revised.

Section 19.1: The procedures on “Preparing a Destination Matching Request (DMR)” have been updated.

Section 19.3: The procedures on “Sending a DMR” have been updated.

Section 20: The section on travel documents has been revised.

Section 21.2: The section on “Preparing Notification of Arrival Transmission (NAT)” has been revised.

Section 23.2: A sub-section on how to process members of the “protected temporary residents class” has been added.

Section 23.13: A section on procedures for “Urgent protection cases – privately sponsored cases” has been added.

Section 25: Significant revisions have been done to the “Procedure for One-year window of opportunity provision”

Section 29: A section on the guardianship protocol and “Procedures for processing *de facto* dependants and consanguineous minors” has been added.

Appendix A - Coding for resettlement categories and special programs: revised

Appendix D - Guide for refugee travel to Canada: revised

2004-07-30

Chapter OP 5, Section 12.2, Confirming Refugee Information (Date of Birth), has been amended to provide instructions on how to correctly determine and record the date of birth of refugee applicants. Please note these new instructions as inconsistencies in recording the date of birth of refugee applicants have implications on the refugees as well as on other federal and provincial authorities.

OP 5 Overseas Selection and Processing of Convention Refugees Abroad Class and Members of the Humanitarian-protected Persons Abroad Classes

1. What this chapter is about

This chapter describes Canada's Refugee and Humanitarian Resettlement Program (the Resettlement program) abroad, defines basic terms and provides guidelines for processing applications from members of the Convention refugee abroad class and members of the humanitarian-protected persons abroad class (country of asylum and source country classes).

There is an important link between the efforts of visa offices in delivering the refugee program abroad and the work and contributions of in-Canada partners such as NHQ, local CICs, private sponsors and service-providing organizations, as opposed to the in-Canada process, which is operated by the IRB. The continuum of the experience of the refugee applicant abroad, from the point of requesting an application to the end of their settlement should be recognized. For more information on the separate in-Canada refugee determination system, please see IP 3.

2. Program objectives

The objective of Canada's Refugee and Humanitarian Resettlement Program is to uphold Canada's humanitarian tradition in the resettlement of refugees and persons in "refugee-like" situations. It is a discretionary program that complements Canada's in-Canada refugee determination system, which fulfils Canada's obligations under the *1951 Convention Relating to the Status of Refugees* (the Refugee Convention) to provide asylum and protection to Convention refugees who arrive on Canadian soil.

The Refugee and Humanitarian Resettlement Program has been created for refugees and persons in "refugee-like" situations to permit the entry into Canada of these individuals, as permanent residents, in accordance with Canada's humanitarian tradition. The Resettlement program has three basic aims:

- to offer protection in Canada through resettlement;
- to meet Canada's international responsibilities as a country of resettlement; and
- to provide durable solutions.

Resettlement occurs when a refugee in a country of asylum is accepted for permanent resettlement in Canada. It is a limited, but vitally important, remedy to refugee situations. Refugees for whom resettlement is an instrument of eventual protection in Canada or a durable solution include those in need of urgent processing and those who have been identified as being members of vulnerable or "at-risk" groups such as women-at-risk, survivors of torture and victims of violence.

Resettlement may also be used as a "burden-sharing" mechanism by which countries such as Canada, facilitate moderate resettlement of refugees from countries of first asylum. These countries host hundreds of thousands, and in some cases millions, of refugees over long periods of time, thus incurring tremendous stresses and strains on the resources, environment and social fabric of their societies.

Resettlement is also one of the three durable solutions to refugee situations. The other durable solutions are repatriation and local integration in a country of first asylum.

3. Act and Regulations

For information about	Refer to	Notes
Ability to establish	R139(1)(g)(i), (ii), (iii) and (iv) (General requirements)	
Access mechanisms	R150	
Annual report to Parliament	A94	

OP 5 Overseas Selection and Processing of Convention Refugees Abroad Class and Members of the Humanitarian-protected Persons Abroad Classes

on resettlement		
Applicants from signatory countries	A102(1)(a), (b) and (c) (Humanitarian-protected persons abroad)	
Convention refugees	A96	
Convention refugees abroad class	R144 and R145	
Country of asylum class	R146 and R147	
Country of refuge		
Criminal inadmissibility	A36(1)(a), (b), (c), A36(2)(a), (b), (c), (d), A37(1)(a) and (b)	A36(1) applies to serious criminality A36(2) applies to criminality A37(1) applies to organized criminality
Documents: permanent residents	R50(1)	R50(2) (Documents-permanent residents: Exception—protected persons (exempts protected persons from R50(1))
Documents required	R50(2) (Documents permanent residents: Exception protected persons)	
Durable solution	R139(1)(d) (General requirements)	
Eligibility	A11(1) R139, R140 and R142 (General requirements, class of family members, and family members)	
Examination (inland)	A15(1), A16, A17, A18, A20(1)(a) and A21 R28	
Extended sponsorships	R149(3) and R134(1)(g)	
Family reunification	A3(1)(d) R141(1) and R142 (Non-accompanying family member, family members)	
Federal-provincial agreements	A8(1)(2)	
General requirements for self-supporting refugees	R139	
Humanitarian and compassionate grounds	A25(1) Humanitarian and compassionate considerations, R307 Fees for application under section A25, R67 and R70 Applicants outside of Canada	
Humanitarian-protected persons abroad class (HPC)	A99(2) R146(1)(a), (b), R147 and R148	
Inadmissibility	A33 to A43	Please refer to Criminal inadmissibility, Security inadmissibility and Medical inadmissibility
Inadmissible family members	A42(a) and (b) R141(1)(c) (Non-accompanying family member)	A42(b) exempts protected persons from inadmissibility based on family membership

OP 5 Overseas Selection and Processing of Convention Refugees Abroad Class and Members of the Humanitarian-protected Persons Abroad Classes

Judicial review of refusals	A72 to A74	
Medical examination	A16(2)(b) (Requirement for a medical examination) A38(1) (Medically inadmissible classes) R30(1) (Who must undergo a medical examination) R29 (What constitutes a medical examination) R30(3) (Requirement for subsequent medical examination) R30(4) (Requirement for medical certificate) R31 (Considerations when assessing danger to public health) R32 (Conditions of admission related to medical condition) R33 (Considerations when assessing danger to public safety) R1(1) (Definitions: excessive demand, health services, social services and excessive demand on health or social services) R20 (Assessment of inadmissibility on health grounds)	A38(2), R139(4) (Exemptions to medical inadmissibility on grounds of excessive demand) R30(2) (Exemptions from requirement for medical examination)
Medical inadmissibility	A38(1)(a) and (b) R30(1)(a) requires all refugees to submit to a medical exam	A38(2) exempts Convention refugees or a person in similar circumstances from A38(1)(c).
Misrepresentation	A40(1)(a), (b) and A40(2) Misrepresentation	R22 Exemption to A40(1)
One-year window of opportunity (non-accompanying family members)	R141 R142	
Permanent resident card	A31(1) and A32(f) R53(1)(a), R54(1), R57, R56(2) and R58(1) (Document indicating status, Period of validity, Applicants, Definition and issuance within 180 days.)	
Permit holder class	A20(1)(b), A22(2), A24(1), (2) and A26 R63, R64 and R65, (Period of permit's validity, Permit holder class, Member of class)	
Private sponsorship of refugees	A13 and A14(2)(e) R136, and R152 to R157 (Suspension, Sponsorship agreement and Joint assistance sponsorship)	
Province of Quebec	A8 and A9 R71, R72(3), R139(1)(h) and R158 Settlement in the province of Quebec	
Security inadmissibility	A34(1)(a), (b), (c), (d), (e), (f), A35(1)(a), (b) and (c) R14(a), R15, R16, R17(a) and (b)	
Self-supporting applicants	R139(1)(f)(iii)(General requirements)	
Source country class	A99(2) R146(1)(b) and R148	
Source country schedule	R148(2)(d) (Member of source country class)	

OP 5 Overseas Selection and Processing of Convention Refugees Abroad Class and Members of the Humanitarian-protected Persons Abroad Classes

	Schedule 2 (<i>Regulations</i>)	
Statelessness	Statelessness can be <i>de jure</i> (by law) or <i>de facto</i> (by fact)	Please refer to the UN Conventions: Convention relating to the Status of Stateless Persons of 28 September 1954 Convention on the Reduction of Statelessness These conventions can be found at http://www.unhcr.org .
Travel documents	A14(2)(b) and A32(f) R151	
Urgent protection cases	R138	"urgent need of protection"
Visa issued	A11 and A14(2)(b) R139(1) (General requirements)	R50(2) exempts Convention refugees abroad and humanitarian-protected persons abroad classes with permanent resident visas from the requirement to present a passport.
Vulnerable protection cases	R138	
War crimes/criminals	A35(1)(b)	
Women at risk (AWR)	See Section 22.1 of this chapter	Please refer to Appendix B.

3.1 Required forms

Form number	Title	Purpose
Forms for use outside Canada:		
IMM 0008Esch2	Application for Permanent Residence in Canada/Schedule 2 Refugees Outside Canada	To apply for resettlement to Canada as a Convention refugee
IMM 0500E	Immigration Loan/Contribution	To authorize transportation loans, right of permanent residence loan and loan for medical examination and related costs
IMM 0501B	Immigration Loan and Undertaking to Repay	
IMM 5292B	Generic Document - 3 Part Distribution	This document replaces IMM 1000B
IMM 5544B	Supplemental Medical and Resettlement Needs Assessment Form	To collect information on medical conditions of refugees to help resettlement workers and private sponsors in Canada make appropriate reception and resettlement arrangements
IMM 5485B	Single Journey Document for Resettlement to Canada	
Forms for use in Canada:		

OP 5 Overseas Selection and Processing of Convention Refugees Abroad Class and Members of the Humanitarian-protected Persons Abroad Classes

IMM 5414E	Kit number only "Refugee Sponsorship Kit - Group of 5"	
IMM 5373E	Undertaking / Application to Sponsor - Group of Five	To provide an undertaking to sponsor a refugee or member of a designated class by a constituent group of a national organization (Part of IMM 5414Kit)
IMM 5373AE	Settlement Plan and Financial Assessment	Part of IMM5414 Kit
IMM 5373BE	Financial Profile - Group of Five	Part of IMM5414 Kit
IMM 5571B	Request to process following family members under the One-Year Window of Opportunity Provisions	To assist local CICs/SSH in pre-screening OYW cases before applications are sent to visa offices
IMM 5578E	Kit number only for "Request to process following family members under the One-Year Window of Opportunity Provisions"	

4. Instruments and delegations

The information in the Delegation and Designation documents describes who may:

- determine whether a geographic area is one where foreign nationals may apply directly to visa offices;
- issue a temporary travel document;
- enter into a sponsorship agreement;
- approve a sponsorship (undertaking);
- determine length of sponsorship;
- revoke a sponsorship agreement;
- determine whether special need exist;
- issue a visa; and
- issue a temporary resident permit.

To determine exactly who does what, please see IL 3.

5. Departmental policy

5.1. Background

Over the past fifty years, the people and government of Canada have excelled in providing humanitarian assistance to people fleeing persecution in their homeland or displaced by conflicts. Since World War II, Canada has resettled over 750,000 Convention refugees and persons in "refugee-like" situations.

OP 5 Overseas Selection and Processing of Convention Refugees Abroad Class and Members of the Humanitarian-protected Persons Abroad Classes

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 and provide standards. This is why we have a refugee determination system in Canada. Canada has also made a commitment to resettle refugees from abroad for humanitarian reasons.

The Refugee and Humanitarian Resettlement Program has been established to resettle Convention refugees (CR) and members of the country of asylum (RA) and source country (RS) classes included in the humanitarian-protected persons abroad class (HPC). A94 requires the Minister to place a report before Parliament each year. This report contains information on the operation of this Act in the preceding and projections for the next calendar year.

5.2. Legislative objectives

There are four core principles that govern the Refugee and Humanitarian Resettlement Program. These principles place increased emphasis on the protection of refugees and people in “refugee-like” situations by emphasising:

- a shift toward protection rather than ability to establish;
- rapid family reunion;
- accelerated processing of urgent and vulnerable protection cases; and
- balancing inclusiveness with effective management through closer relationships with partners.

5.3. Protection

As an instrument of protection, resettlement remains the best solution for some refugees. By placing emphasis on protection, the assessment of a refugee’s ability to establish in Canada must be balanced against their protection needs. Refugees who meet the regulatory definitions of “urgent protection” or “vulnerable” are exempt from ability to establish.

5.4. Rapid family reunification

Canada also looks sympathetically at reunifying family members of refugees in Canada and keeping refugee families together. In order to facilitate the rapid reunification of families, the Refugee and Humanitarian Resettlement Program allows for the concurrent processing of refugee families. Where this is not possible, the One-year window of opportunity regulations (non-accompanying family members) facilitate their rapid reunion in Canada.

5.5. Urgent and expedited processing

In order to ensure Canada is able to quickly identify refugees and persons in similar circumstances most in need of protection and expedite their processing, definitions of “urgent need of protection” and “vulnerable” have been developed. Including definitions in the Regulations allows for the use of transparent criteria in the determination of processing priorities and exemptions.

5.6. Closer relationships with partners

Flexibility in the Refugee and Humanitarian Resettlement Program, such as the sponsorship program, could potentially increase the number of persons who can seek access to Canada. Closer relationships with our partners, like sponsors, will allow us to expand the number of persons we can resettle.

5.7. Canada/Quebec Accord

The Canada/Quebec Accord has a number of provisions concerning the division of responsibilities between Canada and Quebec.

OP 5 Overseas Selection and Processing of Convention Refugees Abroad Class and Members of the Humanitarian-protected Persons Abroad Classes

Under the *Canada/Quebec Accord relating to Immigration and Temporary Admission of Aliens*, Quebec has responsibility for the selection of refugees and persons in similar circumstances. Those selected by the province receive a *Certificat de sélection du Québec (CSQ)*.

In accordance with its international obligations, Canada determines who is a refugee within the meaning of the United Nations Convention relating to the Status of Refugees, and who is a person in similar circumstances in need of Canada's protection. The federal government ensures that statutory admission requirements (medical, criminal and security checks) are met before issuing a visa.

6. Definitions

6.1. Admissibility

For Convention refugees abroad and members of the country of asylum and source country classes, admissibility includes the statutory requirements for medical, security, and criminality. The statutory requirements appear in A34 to A38.

6.2. CAIPS (Computer-Assisted Immigrant Processing System)

Please refer to the following Web site for more information and a user guide:
http://cicintranet/cicexplore/english/systmguides/caips_stidi/index.htm

6.3. Civil rights

"Civil rights are rights that belong to a person by virtue of his or her citizenship in a state or community" (*Black's Law Dictionary*, Fifth Edition). Civil rights belong to every citizen of the state or country, or, in a wider sense, to all its inhabitants. They are not rights connected with the organization or administration of government. They include rights of property, freedom of expression and dissent, marriage, equal protection of the law, freedom of contract, trial by jury, etc.

For more information on what constitutes civil rights please go to the following Web site to view the *International Covenant on Civil and Political Rights*:
http://www.unhchr.ch/html/menu3/b/a_ccpr.htm

6.4. 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.

Note: The term "conjugal" was originally used to describe marriage, but has been extended by court decisions over many years to also describe common-law relationships outside marriage, both those of the opposite sex and more recently those of the same sex. A conjugal relationship exists when a significant degree of commitment between two individuals exists which is based on an assessment of the facts.

6.5. 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 is a consanguineous minor.

6.6. Convention refugee

A96(a)and(b) defines a Convention refugee. The definition of a Convention refugee is based on that contained in the 1951 Geneva Convention and its 1967 Protocol. A Convention refugee is defined as a person who:

OP 5 Overseas Selection and Processing of Convention Refugees Abroad Class and Members of the Humanitarian-protected Persons Abroad Classes

- has a well-founded fear of persecution for reasons of race, religion, nationality, membership in a particular social group or political opinion **and is either**:
 - ◆ outside the country of their nationality, and is unable, or by reason of that fear is unwilling, to avail himself/herself of the protection of that country; or
 - ◆ not having a country of nationality, is outside the country of his/her former habitual residence, and is unable, or by reason of that fear, is unwilling to return to that country.

Note: See A98 for persons who are excluded from being a Convention refugee. The Handbook on Procedures and *Criteria for Determining Refugee Status* and the *UNHCR Resettlement Handbook*, both published by the UNHCR, provide a detailed interpretation of the Convention definition. The Handbook can be found on the UNHCR Web site: <http://www.unhcr.org>. Refer to the following Web site for a list of countries signatory to the 1951 Geneva *Convention relating to the status of refugees*: http://www.unhchr.ch/html/menu3/b/o_c_ref.htm

6.7. Convention refugee abroad class (CR)

R144 and R145 (Convention refugees abroad class and member of Convention refugee abroad class) define "Convention refugees abroad class." To be eligible for resettlement in Canada, a person

- must meet the Convention refugee definition;
- must be outside Canada; and
- there is no reasonable possibility in a foreseeable amount of time of any other durable solution such as,
 - ◆ voluntary repatriation or resettlement in their country of nationality or habitual residence;
 - ◆ resettlement in their country of asylum;
 - ◆ resettlement to a third country.
 - ◆ For more information on "reasonable" please see Section 13.2 and Section 6.43 for a definition of resettlement to a third country.

6.8. "Core" human rights

Human rights are defined in the *Universal Declaration of Human Rights* as rights from which no derogation is permitted under the *International Covenant on Civil and Political Rights* (ICCPR), even in times of war. The ICCPR lists the following as core human rights:

- right to life;
- freedom from torture;
- freedom from enslavement or servitude;
- protection from imprisonment for debt;
- freedom from retroactive penal laws;
- the right to recognition as a person before the law; and
- freedom of thought, conscience and religion.

ICCPR incorporates the core human rights from the Universal Declaration of Human Rights and further outlines a broader range of rights. For example, it states that freedom from arbitrary arrest and detention is a human right as is freedom from arbitrary interference in private, home and family life.

What constitutes a basic human right is determined by the international community, not by any one country. However, when making a determination as to whether a fundamental violation of a human right has taken place, it is acceptable to consider Canadian law.

OP 5 Overseas Selection and Processing of Convention Refugees Abroad Class and Members of the Humanitarian-protected Persons Abroad Classes

6.9. Country of asylum class (RA)

The *Immigration and Refugee Protection Regulations* [R147] defines 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.

Individuals selected under this category must be outside all of their countries of nationality and habitual residence. They must be privately sponsored (RAC, RAG, RAS), have adequate financial means to support themselves and their dependants [RA4], or have qualified for a joint assistance sponsorship [RA5] under the definition of “special needs”.

Note: “Seriously and personally affected” means sustained, effective denial of basic human rights.

6.10. Country of last permanent residence (CLPR)

The country of last permanent residence is the last country in which the applicant has resided on a permanent basis.

For Convention refugees and members of the asylum class (RA), CLPR means the country from which the applicant has fled. Example: Where a citizen of Burundi is being resettled out of Tanzania, the CLPR should be recorded as Burundi.

For source country (RS) class members, CLPR means the country in which the applicant is currently residing on a permanent basis and which is likely to be the country of citizenship.

6.11. Country of citizenship

Country of citizenship is the country with which the applicant has the legal bond of nationality. In most cases, this will be the country that has issued the applicant’s passport.

6.12. Country of refuge

Country of refuge is the country where the refugee is residing at the time their application is submitted to a visa office.

6.13. Criminal inadmissibility

As with other permanent residents, refugees are inadmissible to Canada if they have been convicted of crimes or have committed acts or omissions that would render them inadmissible to Canada. Please note that Article 31 of the 1951 Convention stipulates that contracting states shall not impose penalties on refugees on account of illegal entry.

Refugees found to be inadmissible on this basis are normally refused. See A36 and A37.

Note: Refer to OP 17 and ENF 2/OP 18 for more detailed guidelines.

6.14. *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 dependent of a principal applicant 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 their 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 their own right as a refugee and, failing that, could be considered under H&C grounds (as per OP 4).

OP 5 Overseas Selection and Processing of Convention Refugees Abroad Class and Members of the Humanitarian-protected Persons Abroad Classes

6.15. *De facto* statelessness

The *de facto* stateless category refers to those persons “with an ineffective nationality or those who cannot establish their nationality” that is, persons with a nationality of a state from which they can derive no benefits or protection, for example due to civil war.

6.16. *De jure* statelessness

De jure statelessness refers to a person who does not, in law, have the legal bond of nationality with any state.

The *de jure* stateless category may include children who did not acquire a nationality by birth as a result of being born to a stateless person, or someone who loses their nationality through marriage and does not acquire another one. Some may have been born in a state that no longer exists and have not been able to acquire citizenship in the state that succeeded it. Others may have lost their nationality or been divested of it.

6.17. Dependent child

"Dependent child", in respect of a parent, means a child who

(a) has one of the following relationships with the parent, namely,

(i) is the biological child of the parent, if the child has not been adopted by a person other than the spouse or common-law partner of the parent, or

(ii) is the adopted child of the parent; and

(b) is in one of the following situations of dependency, namely,

(i) is less than 22 years of age and not a spouse or common-law partner,

(ii) has depended substantially on the financial support of the parent since before the age of 22—or if the child became a spouse or common-law partner before the age of 22, since becoming a spouse or common-law partner—and, since before the age of 22 or since becoming a spouse or common-law partner, as the case may be, has been a student

(A) continuously enrolled in and attending a post-secondary institution that is accredited by the relevant government authority, and

(B) actively pursuing a course of academic, professional or vocational training on a full-time basis, or

(iii) is 22 years of age or older and has depended substantially on the financial support of the parent since before the age of 22 and is unable to be financially self-supporting due to a physical or mental condition.

6.18. Designated medical practitioner (DMP)

Designated medical practitioners are local medical doctors approved by the Canadian medical officer assigned to the visa office to conduct immigration medical examinations.

6.19. Destination Matching Request (DMR)

Destination Matching Requests (DMRs) are tools for obtaining destinations in Canada. When applicants know little about Canada and have no contacts in Canada, the Matching Centre, NHQ, determines to which city they will go. NHQ consults with provincial authorities to develop an annual plan of destinations for refugees.

When Matching Centre staff receives a DMR, they consider areas where applicants have family or friends, where socio-ethnic and employment conditions best suit the individuals concerned or where other services, such as centres for survivors of torture, are located. After weighing these factors, a province of destination is assigned.

The DMR is then forwarded to the appropriate region, which specifies the city or town to which a refugee will go. For the format of a DMR please refer to Section 19.2.

OP 5 Overseas Selection and Processing of Convention Refugees Abroad Class and Members of the Humanitarian-protected Persons Abroad Classes

6.20. Durable solution

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

- **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 of the refugees has changed in a lasting and meaningful way and to where they can return in conditions of safety and dignity. If the country is made up of many ethnic groups, it should be remembered that some individuals could be safely repatriated while others could not. 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 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.

6.21. Eligibility

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

1. The applicant must meet the definition of one of the following:

- Convention refugee abroad class (CR)
- Humanitarian-protected persons abroad classes (HPC) which includes:
 - ◆ country of asylum class (RA); or
 - ◆ source country class (RS).

2. The applicant must not have any other durable solutions (see Section 6.20, Durable solution). Consideration should also be given to an 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 the consideration of whether the individual could have found a safe haven in another location within the country of nationality or residence at the time of their flight. If so, they will not need Canada’s protection.

The fear of being persecuted need not always extend to the whole territory of the refugee’s 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 of 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. For more information on IFA, see the Web site at: http://www.irb-cisr.gc.ca/en/references/legal/rpd/crdef/crdef08_e.htm.

3. The applicant must demonstrate their ability to establish themselves successfully in Canada.

Applicants are not eligible if they have:

- not met the definition of a Convention refugee abroad or the Humanitarian-protected persons abroad classes (country of asylum class or source country 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;

OP 5 Overseas Selection and Processing of Convention Refugees Abroad Class and Members of the Humanitarian-protected Persons Abroad Classes

- committed a serious non-political crime outside the country of refuge prior to their admission to that country as a refugee; or
- been guilty of acts contrary to the purpose and principles of the United Nations.

6.22. 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 those who currently may be included on the principal applicant's application. For an explanation of *de facto* family members, see Section 6.14 *de facto* dependants.

6.23. FOSS (Field Operations Support System)

Please refer to the following Web site for more information and a user guide:
http://cicintranet/cicexplore/english/systmguides/caips_stidi/index.htm

6.24. Gender-based persecution

See the Immigration and Refugee Board's *Guidelines on Women Refugee Claimants Fearing Gender-Related Persecution* at http://www.irb-cisr.gc.ca/en/about/guidelines/women_e.htm and the CIC *Declaration on Refugee Protection for Women*, released in June 1994, at Appendix B.

The IRB Guidelines, although written for use in Canada, provide information that will assist the officer in determining whether an applicant has suffered persecution based on gender.

Citizenship and Immigration Canada recognizes the right of refugee women to receive international protection on an equal basis with men, particularly from persecution based on gender. The bullets that follow give expression to the Department's commitments in this area:

- Women's rights are human rights;
- Women experience persecution differently from men; and
- Women face barriers to state protection.

The Convention definition does not explicitly include gender as a ground for fearing persecution. However, the Executive Committee of the UNHCR, of which Canada is a member, clearly stated in a conclusion reached at its 41st session in 1990 that persecution on the basis of gender may fall under "membership of a particular social group." Many applicants who claim to have suffered persecution on the basis of gender may also fall within one or more of the other grounds contained in the Convention definition. A body of case law exists on this point.

It should also be pointed out that gender based persecution may also be targeted at men as well as women and include persecution against homosexual, bisexual and transgender persons.

6.25. Government-assisted refugees (GAR)

Each year, the Government of Canada

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

OP 5 Overseas Selection and Processing of Convention Refugees Abroad Class and Members of the Humanitarian-protected Persons Abroad Classes

GARs are supported under RAP at approximately the equivalent of local provincial social assistance levels for up to twelve months after their arrival in Canada.

GARs include both Convention refugees abroad and members of the source country class. They are selected from applicants referred by the UNHCR or by referral organizations, or present themselves on their own initiative to visa offices that allow for direct access.

6.26. Groups

In terms of the Private Sponsorship of Refugees Program, a group means:

- five or more Canadian citizens or permanent residents, each of whom is at least 18 years of age, who are acting together for the purpose of sponsoring a Convention refugee or a person in similar circumstances; or
- one or more Canadian citizens or permanent residents, each of whom is at least 18 years of age, and a corporation or unincorporated organization or association referred to in A13(2), who are acting together for the purpose of sponsoring a Convention refugee or person in similar circumstances. For more information on private sponsorship, see Section 6.39, Private Sponsorship of Refugees Program.

6.27. Guardianship

Means the relationship between a person and a child whereby the person 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.

6.28. “Massive” violations of human rights

A “massive” violation of human rights means that the violation is not an isolated occurrence. “Isolated” can be interpreted two ways. In one sense, a violation is isolated (i.e., not massive), if it happens to an individual (or a few individuals) as opposed to a specific group or an entire population.

In another sense, a violation is isolated if it is a one-time occurrence, as in the case of an eruption of violence over a particular incident. There may not be a history of violence prior to the incident in question, nor is there a reasonable expectation of a recurrence. In this sense, the violence may have been horrific, but it would not be considered “massive” in the context of these Regulations.

6.29. Humanitarian-protected persons abroad classes (HPC)

A person in similar circumstances to a Convention refugee is a member of one of the following humanitarian-protected persons abroad classes:

- the country of asylum class; or
- the source country class.

6.30. International Organization for Migration (IOM)

The International Organization for Migration (IOM) has a primary mandate to make arrangements for the organized transfer of foreign nationals, including refugees, displaced persons and other individuals in need of international migration services. It arranges transportation and medical examinations for refugees. In some locations, the IOM provides an in-depth Canadian Orientation Abroad (COA) Program on a contractual basis to refugees and foreign nationals before they arrive in Canada.

Canada is a full member of the IOM and works closely with the organization. The IOM has its headquarters in Geneva and has 118 offices around the world. It has a web page at <http://www.iom.int>

6.31. Joint Assistance Sponsorship (JAS)

The purpose of the JAS program is to facilitate the resettlement in Canada of Convention refugees abroad and members of the humanitarian-protected persons abroad classes (HPC) who

OP 5 Overseas Selection and Processing of Convention Refugees Abroad Class and Members of the Humanitarian-protected Persons Abroad Classes

have special needs. JAS provides the opportunity for the government and private sponsors to work together in the resettlement of these special-needs persons who would not otherwise be accepted.

Because of their special needs or circumstances, these persons are expected to need an extended resettlement period and assistance over and above that provided through either government assistance or regular private sponsorship alone. Given the extra attention and care, however, they can reasonably be expected to adapt to life in Canada. Under the JAS program, assistance is available for up to 24 months and, in rare exceptions, a 36-month variation of JAS may be possible. The government provides income support for the period of the sponsorship and the private sponsors provide moral and emotional support and guidance while ensuring that the resettlement services required are provided.

R157 (Joint assistance sponsorship) allows for a JAS for country of asylum cases.

6.32. Matching Centre (MC)

The Matching Centre (MC) is located in the Resettlement Division (SRE), Refugees Branch, at NHQ. It is a coordinating centre for the logistics of bringing refugees to Canada. This includes:

- receiving and distributing travel itineraries for refugees;
- being the principal point of contact between visa offices, MICC (*ministère de l'Immigration et des Communautés culturelles*), regional and local CICs; and
- facilitating matches between refugees identified for Canada-referred or joint assistance sponsorships with sponsoring groups.

6.33. Misrepresentation

Misstating facts to obtain money, goods, benefits or some other thing desired by a person who might otherwise not be entitled to it.

6.34. Nationality/citizenship

Nationality/citizenship is the legal bond between a person and a state as provided for, under the state's laws. It encompasses the following:

- political rights;
- economic rights;
- social rights;
- other rights;
- responsibilities of the state; and
- responsibilities of the individual.

6.35. Notification of arrival transmission (NAT)

A Notification of Arrival Transmission (NAT) advises the local CIC 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 allow for necessary arrangements to be made at a port of entry (POE) reception including travel to the final destination and planning for services upon arrival in the community of destination (e.g., by CIC, community-based service provider organizations, sponsoring group, agency, hospital, etc.). NATs also provide information that is entered into a computer-based system known as the Refugee Tracking System (RTS) which helps to maintain accurate statistics.

For the format of a NAT, please refer to Section 21.3.

OP 5 Overseas Selection and Processing of Convention Refugees Abroad Class and Members of the Humanitarian-protected Persons Abroad Classes

6.36. One-year window of opportunity (OYW)

The one-year window of opportunity provision is a regulatory mechanism that allows immediate family members to reunite with a principal applicant. Not all persons eligible to be sponsored under the family class program are eligible. Specific family members are described below.

To be eligible for resettlement under OYW, the principal applicant must have been authorized to enter Canada as a member of the Convention refugee abroad class, source country class, or country of asylum class.

The non-accompanying family member must be a family member of the PA. (See R1(3) for definition of “family member.”) They are defined as spouse, common-law partner, dependent children, and dependent children of the dependent children of the PA.

As well, the non-accompanying family member must:

- have been identified on the PA's permanent resident visa application before the PA departed for Canada; see Appendix L—Declaration of all family Members under the OYW provisions;
- have been a family member as defined in R1(3) at the time the PA originally submitted their application;
- continue to be a family member at the time the one-year window application is filed and at the time the final decision is made; and
- 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.

For more information on OYW, see Section 25 below.

6.37. Persecution

There is no universally accepted definition of persecution. In assessing a refugee application, the officer should use the definition of grounds for refugee status in the 1951 Convention: persecution is a threat to life or freedom because of race, religion, nationality, political opinion or membership in a particular social group. Other serious violations of human rights on the same grounds also constitute persecution.

Persecution may be carried out by state or non-state actors. Actions of non-state actors may also constitute persecution if the authorities are unable or unwilling to protect the person concerned.

Race

“Race” includes all kinds of ethnic groups referred to as races in common usage. Frequently, it will entail membership of a specific social group of common descent forming a minority within a larger population. Discrimination on the basis of race is an important consideration when assessing the existence of persecution.

Religion

Persecution may take the form of laws against membership in a particular religion, public or private worship, or giving or receiving instruction in a religion. It may also involve serious discrimination against adherents of a religion or atheists or agnostics.

Nationality

“Nationality” refers not only to citizenship but also membership of an ethnic or linguistic group and/ or race. “Nationality” may occasionally overlap with the term “race”. Adverse measures directed against an ethnic or linguistic group may be cause for persecution.

Political opinion

“Political opinion” refers to alleged, imputed or known opinions contrary to, or critical of, a government or ruling party or other groups holding power. Persecution may also extend to those who hold favourable opinions of a political group that is unpopular. Although an applicant's

OP 5 Overseas Selection and Processing of Convention Refugees Abroad Class and Members of the Humanitarian-protected Persons Abroad Classes

opinions, actions or associations will normally have come to the attention of authorities, this is not always the case. Even in the latter circumstance, persons may have a legitimate fear of persecution based on the opinions they hold because of possible persecution by state or non-state actors.

Particular social group

Particular social groups are made up of persons of similar background, social status or practices. They can be groups defined by an unchangeable characteristic such as gender, sexual orientation, family or caste. They can also be groups whose members voluntarily associate for reasons so fundamental to their dignity that they should not be forced to forsake the association, such as human rights organizations or trade unions. Or they can be groups associated by a former voluntary status, unalterable due to the passage of time.

The following are examples of acts that would normally be considered grounds for granting refugee status. They may be perpetrated or tolerated by state or non-state actors for grounds cited in the Convention definition:

- slavery or servitude without compensation or at a minimal level inconsistent with the person's qualifications;
- torture and cruel, inhuman or degrading treatment;
- threat to life, liberty and security of the person;
- arbitrary arrest, detention or exile (either outside the country or to a remote region within it); and
- harassment, detention or arrest of an individual because of known or suspected political opinions, race, religion, or membership in a particular social group.

The difference between “persecution” and “discrimination”

The degree to which one's liberty or rights are restricted is important in making a determination of persecution. When linked to a Convention ground such as race or religion, it may be grounds for recognition as a member of the Convention refugee abroad class.

Example of “persecution”: A flagrant violation of a basic right, such as denial of a fair and impartial trial, particularly when combined with unduly severe punishment, is usually considered persecution.

Example of “discrimination”: Denials to individuals of promotion or access to post-secondary education are examples of discrimination, not persecution. The systematic denial to a group of promotion or access to post-secondary education, however, constitutes persecution.

6.38. Pre-application questionnaires (PAQs)

The pre-application questionnaire (PAQ) is a locally created document that is sometimes used instead of an IMM 0008Esch2 in visa offices with direct access. It is not an officially prescribed form but it is used as a screening tool to help potential applicants identify themselves and allows the visa office to provide further information where the person is clearly not eligible.

6.39. Private Sponsorship of Refugees Program

The Private Sponsorship of Refugees Program was first authorized in the *Immigration Act, 1976*. The program engages the Canadian public in refugee resettlement by:

- enabling interested Canadian citizens or permanent residents to submit applications to privately sponsor refugees;
- facilitating integration of these refugees; and
- increasing Canada's capacity to resettle a greater number of refugees.

Private sponsorship also undertakes:

OP 5 Overseas Selection and Processing of Convention Refugees Abroad Class and Members of the Humanitarian-protected Persons Abroad Classes

- sponsorship of visa office referred refugees; and
- sponsorships of refugees brought to the attention of the sponsor through other parties in Canada and abroad, such as organizational partners or branches of the sponsor organization.

Private sponsorship is a legitimate means to provide a durable solution and facilitating family reunification provided that those who are sponsored:

- are eligible for resettlement; and
- are refugees in their own right.

CIC data and experience in resettlement confirm that private sponsorships:

- are an excellent and effective way of assisting refugees;
- provide important personal attention to refugees;
- meet many psychological and emotional needs; and
- assist refugees in adapting to life in Canada.

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

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

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

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

Sponsorships can take different forms. The types of participants in the sponsorship agreements are:

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.

Constituent group

Constituent groups (CGs) are local groups that are associated with a sponsorship agreement holder (SAH) to sponsor under its agreement. Each SAH sets its own criteria for recognizing CGs. CGs have the following characteristics:

- they are in the community where the refugees 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.

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;

OP 5 Overseas Selection and Processing of Convention Refugees Abroad Class and Members of the Humanitarian-protected Persons Abroad Classes

- 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 full duration of the sponsorship, usually up to a 12-month period.

G5 sponsorship groups are often:

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

Sponsorship agreement holder (SAH)

Sponsorship agreement holders (SAHs) are continuing a tradition of dedication by the voluntary sector to the resettlement and integration of refugees into Canadian society. Through financial and moral support, they provide refugees with the foundation on which they can build their lives in Canada. SAHs have the following characteristics:

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

SAHs may:

- undertake sponsorships on an on-going basis;
- manage a sponsorship with assistance from a CG;
- have many CGs across Canada or a few CGs in a specific region/area; or
- work with local CICs in their community of residence.

6.40. Protected temporary residents class (Early entry under TRP)

This class includes:

- persons **authorized to enter** Canada under the *Immigration and Refugee Protection Act* (IRPA) on a temporary resident permit for protection reasons after making an application for a visa under the Convention refugee abroad class or humanitarian-protected persons abroad classes; and
- those who entered Canada on a Minister's permit under the former Act for protection reasons.

Persons **authorized to enter** Canada under this class can acquire permanent residence from within Canada.

6.41. Referral organizations

The *Immigration and Refugee Protection Regulations* define a referral organization as:

OP 5 Overseas Selection and Processing of Convention Refugees Abroad Class and Members of the Humanitarian-protected Persons Abroad Classes

- the United Nations High Commissioner for Refugees; or
- any organization with which the Minister has entered into a memorandum of understanding.

6.42. Refugees with special needs

The *Immigration and Refugee Protection Regulations* [R157] define “special needs” as the person having a greater need of settlement assistance than other applicants for protection abroad owing to personal circumstances, including:

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

6.43. Resettlement

Resettlement

- is an instrument of protection and one of the three durable solutions as outlined in Section 6.20;
- occurs when a refugee in a country of asylum (or in their own country for source country class) is accepted for permanent residence in a third country such as Canada; and
- is a limited, but vitally important, remedy to refugee situations.

As an instrument of protection and as durable solution, resettlement remains the best solution for some refugees. For more information on durable solutions, see Section 6.20.

6.44. 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 Treasury Board. 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 government-assisted refugees (GARs), up to 24 months for JAS cases and up to 36 months for minors.

Monthly income support provided under the RAP is guided by provincial welfare income support rates for food and shelter, and covers only the most basic needs. Start-up items such as basic furnishings may be provided. To reduce unrealistic expectations that the actual dollar figures may stimulate, pre-departure orientation sessions for selected refugees must include cautionary information on current living costs at their destination and how to manage their budget in that context.

6.45. Secondary migration

The term “secondary migration” refers to a refugee-initiated change in location on or shortly after arrival in Canada to a destination (city or province) other than the one chosen during the selection process abroad.

6.46. Self-supporting refugees

The category of “self-supporting refugees” consists of refugees who meet resettlement criteria and who also have sufficient financial resources to support themselves and their accompanying dependants until they become self-supporting. It adds a further option in selecting refugees in addition to the categories of those supported by government assistance and by private sponsors.

Even though the self-supporting refugee category has many similarities with some economic classes, self-supporting refugees should not be forced to apply under those categories.

The Department does not have a self-supporting refugee target and therefore does not allocate self-supporting refugees to visa offices.

OP 5 Overseas Selection and Processing of Convention Refugees Abroad Class and Members of the Humanitarian-protected Persons Abroad Classes

6.47. Separated minor

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

6.48. Source country class (RS)

The *Immigration and Refugee Protection Regulations* define the source country class (RS). This classification applies to individuals residing in their country of nationality or habitual residence. It includes:

- those who are being seriously and personally affected by civil war or armed conflict;
- those 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;
- those 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 citizenship or habitual residence.

For members of this class, there must be no possibility, within a reasonable period of time, of durable solution other than resettlement in Canada. Individuals selected under this class may be under government assistance (RS1), private sponsorship (RSC, RSG, RSS), have adequate financial means to support themselves and their dependants (RS4), or Joint Assistance Sponsorship (RS5).

Schedule 2 of the *Immigration and Refugee Protection Regulations* lists the countries whose nationals would be admissible for source country classification. The Schedule is generally reviewed annually and is amended in consultation with a number of CIC’s partners. The current schedule went into effect on June 29, 2001.

The current source country schedule includes the following countries:

- Colombia;
- Democratic Republic of the Congo (DRC);
- El Salvador;
- Guatemala;
- Sierra Leone; and
- Sudan.

To be a member of the RS class, the applicant must reside in a country that is still on Schedule 2 at the time the visa is issued.

6.49. Sponsor

Sponsor means a group or a corporation or unincorporated organization or association referred to in A13(2), or any combination of them, that is acting for the purpose of sponsoring a Convention refugee or a person in similar circumstances. For more information on private sponsorship, see Section 6.39, Private Sponsorship of Refugees Program.

6.50. Sponsor-referred sponsorship (named-sponsorship)

Private sponsors may identify a refugee whom they wish to assist. These sponsor-referred (named) sponsorships may involve persons with family links or other connections in Canada. In

OP 5 Overseas Selection and Processing of Convention Refugees Abroad Class and Members of the Humanitarian-protected Persons Abroad Classes

some situations, sponsor-referred sponsorships are used to further family reunification. Sponsor-referred sponsorships may also involve persons who are brought to the attention of the sponsoring group by a partner agency or associated organization in Canada or abroad. Refugees frequently self-refer to sponsors.

6.51. Statelessness

Stateless persons include the *de jure* stateless, defined as a person “who is not considered as a national by any State under the operation of its law”, and the *de facto* stateless, which refers to those persons “with an ineffective nationality or those who cannot establish their nationality.”

These distinctions may seem academic to the persons in these positions, as they are for practical purposes the same situation.

Statelessness and refugee status are not identical. Article 1A(2) of the Convention relating to the Status of Refugees makes separate provisions for refugees with a nationality and those without one in the phrase: “[any person]... not having a nationality and being outside the country of his former habitual residence... is unable or unwilling to return to it”.

Some refugees may be deprived of or renounce their nationality, but for many the formal link with the country of nationality remains.

The conventions concerning stateless persons are available on the UNHCR Web site at <http://www.unhcr.org>:

- *Convention relating to the Status of Stateless Persons* of 28 September 1954.
- *Convention on the Reduction of Statelessness* of 30 August 1961.

Canada is a signatory to the Convention on the Reduction of Statelessness.

6.52. Unaccompanied minor

“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 travel where a minor may be unaccompanied.

<p>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.”</p>

6.53. 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 a minority of cases, resettlement in a third country.

Local UNHCR offices identify persons in need of resettlement and refer them to visa offices. 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 officer should be familiar with these factors. The text of the handbook is also available from the UNHCR Web site at <http://www.unhcr.org/>

The office of the UNHCR is an extremely important partner in Canada’s resettlement program. Solid working relations between Canadian visa offices and local UNHCR offices are vital to the success of the program. Officers should ensure that their local UNHCR office understands the Canadian resettlement program and be proactive in requesting referrals of appropriate cases.

6.54. Undertaking

“Undertaking” means an undertaking in writing to the Minister to provide resettlement assistance, lodging and other basic necessities in Canada for a member of a class prescribed by the Regulations who meets the requirements of R139, the member’s accompanying family members,

OP 5 Overseas Selection and Processing of Convention Refugees Abroad Class and Members of the Humanitarian-protected Persons Abroad Classes

for the period determined in accordance with R154(2) and R154(3) (Duration of sponsor's undertaking).

6.55. Urgent protection program (UP)

The principal objective of the Urgent protection program is to ensure that Canada is able to respond to requests from the UNHCR and other partners, to provide urgent protection to persons who qualify for resettlement *and who are in need of urgent protection because of immediate threats to life, liberty or physical safety*. Whenever possible, the person should be en route to Canada within 3 to 5 days of referral to the visa office.

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

6.56. Urgent need of protection

"Urgent need of protection" means, in respect of a member of the Convention refugee abroad, the country of asylum 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:

- (a) killed;
- (b) subject to violence, torture, sexual assault, abduction or arbitrary imprisonment; or
- (c) returned to their country of nationality or of their former habitual residence (where they still face a well-founded fear of persecution, etc.).

The immediacy of the threat faced by the refugee necessitates their removal from the threatening conditions within a few days.

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

6.57. Visa office-referred sponsorship (unnamed sponsorships)

There are two ways in which a sponsorship may be referred by a visa office:

- the sponsoring group asks CIC to refer a refugee applicant for their consideration; OR
- the visa office requests that the Matching Centre (MC) find a sponsor for an approved refugee applicant.

Note: This type of sponsorship used to be called "Canada-referred," or unnamed sponsorships.

6.58. Vulnerable

"Vulnerable" means, in respect of a Convention refugee or a person in similar circumstances, that the person has a greater need of protection than other applicants for protection abroad because of the person's particular circumstances that give rise to a heightened risk to their physical safety or well-being.

The vulnerability may result from circumstances such as:

- the lack of protection normally provided by a family unit (e.g., women who are at risk of abduction, rape, sexual abuse, etc. due to the absence of the normal protection of a family unit; the elderly who have no family or support network to assist them and are at greater risk as a result, etc.); or
- medical conditions (e.g., medically-at-risk/disabled persons, victims of torture or other trauma) give an example, as a medical condition in and of itself does not make a person vulnerable.

Cases identified as vulnerable are eligible for expeditious processing.

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

OP 5 Overseas Selection and Processing of Convention Refugees Abroad Class and Members of the Humanitarian-protected Persons Abroad Classes

6.59. Women-at-risk (AWR)

The acronym AWR was taken from the UNHCR's program "assistance for women at risk". The Women-at-risk Program (AWR) was introduced in 1988 to provide women applicants with more equitable access to resettlement opportunities than was available in the past, by ensuring that the assessment of their ability to establish themselves successfully takes full account of their circumstances. A special program is necessary both to enhance awareness of the special problems facing refugee women and to ensure that women at risk receive appropriate settlement assistance once in Canada. Women at risk usually receive priority processing and may, if circumstances allow, be eligible for JAS.

All AWR applicants are Convention refugees abroad or members of the country of asylum or source country classes. Women at risk are women without the normal protection of a family unit who find themselves in precarious situations where the local authorities cannot ensure their safety. This includes women who are experiencing significant difficulties, such as harassment by local authorities or by members of their own communities.

Some women may need immediate protection while others are in permanently unstable circumstances that allow for no other remedy. The persecution or harassment they are experiencing may be solely gender-based. In addition, they may not fully meet the requirement to demonstrate an ability to establish themselves in Canada in the short or medium term.

7. Procedure: Identifying applicants

This section will set out the considerations when identifying applicants for processing.

7.1. Context and principles: Access mechanisms

The Regulations have provided the legal framework for establishing three access mechanisms for applicants to the Resettlement Program: referral organizations, private sponsorships, and direct access.

With respect to submitting an application for consideration under the Resettlement Program, IMM 0008Esch2, the Regulations state:

“R150. (1) An application for a permanent resident visa submitted by a foreign national under this Division must be made at the immigration office outside Canada that serves the applicant's place of residence and must be accompanied by

- a) a referral from a referral organization; or
- b) an undertaking.

[Exception]

(2) A foreign national may submit a permanent resident visa application without a referral or an undertaking if the foreign national resides in a geographic area that the Minister has determined under subsection (3) to be a geographic area in which circumstances justify the submission of permanent resident visa applications not accompanied by a referral or an undertaking.”

The following list will clarify whether or not visa offices, with or without refugee targets, are obliged to receive and process refugee applications that are submitted without a referral from a referral organization or a sponsorship undertaking or in areas where the Minister has allowed direct access.

- Canadian visa offices are required to accept for processing all applications received and to give an IMM 0008EGEN to anyone who asks for one.
- the presence or absence of a refugee target is not a factor to be considered in accepting for processing or assessing a refugee application.
- it is acknowledged that while visa offices should accept for processing all applications received the number of applications accepted, processed and finalized in any given year is dependent on the availability of limited resources. The annual RAP budget for government-

OP 5 Overseas Selection and Processing of Convention Refugees Abroad Class and Members of the Humanitarian-protected Persons Abroad Classes

assisted refugees can accommodate a pre-determined number of persons. There is a suggested range of private sponsorship cases that can be resettled in Canada.

- refugee applications must first be assessed in relation to the requirements established for Convention refugees abroad class and Humanitarian-protected persons abroad classes.
- processing priority should be given to those with legal and physical protection needs.

The determination of what constitutes a "durable solution" is key to the decision to accept an application for resettlement. Refer to Section 13.2 to determine what constitutes a durable solution.

Individual circumstances must be considered to ensure both that protection needs are met and that a durable solution exists for that individual.

The issue of whether or not a country has a fair and effective protection regime must also be considered, be it a signatory country or not.

7.2. Countries signatory to the Convention and Protocol

This section provides the procedures to follow when assessing Convention refugees abroad class (CR) and Humanitarian-protected persons abroad classes (HPC) applications in countries that:

- are signatories to the *United Nations Convention Relating to the Status of Refugees (1951)* and/or the *Protocol Relating to the Status of Refugees (1967)*; and/or
- provide fair and effective protection for refugees and asylum seekers.

Refer to the following Web site for a list of signatory countries: <http://www.unhcr.org/cgi-bin/texis/vtx/protect/opendoc.pdf?tbl=PROTECTION&id=3b73b0d63>

Any person who wishes to apply for assessment as a Convention refugee abroad, or as a member of an HPC classes in signatory countries, may apply in the specified manner. There is no basis for refusing to consider an application simply because the person made the application in a signatory country.

In assessing applications from persons located in signatory countries with "fair and effective protection regimes", the officer will need to determine whether the person could find a durable solution in that country.

What is a "fair and effective protection regime"?

Even if the applicant is living in a signatory country, consideration must be given to whether or not the country has a fair and effective protection regime. There is no readily available definition of "fair and effective protection regime." However, both the Convention and the Protocol establish fundamental rights for refugees, such as *non-refoulement* and asylum, as well as particular rights and standards of treatment. Therefore, what constitutes a "fair and effective protection regime" is a question of fact to be determined on the basis of the conditions existing in the country in question at the time an application is assessed.

Some of the questions the officer could ask in making this determination include:

- is access to the protection regime granted in a non-arbitrary and procedurally fair way?
- does the protection regime in place interpret the CR definition as broadly as Canada? More specifically, do the concepts of non-state persecution, gender guidelines, sexual orientation apply to the CR definition in the protection regime in question?
- do additional "refugee-like" classes exist such as the Canadian humanitarian-protected persons abroad classes?
- what risks does the individual applicant face while waiting for protection (or even after protection has been granted)? In other words, is the individual's personal security at risk, or is there a risk of arrest, detention or *refoulement*?

OP 5 Overseas Selection and Processing of Convention Refugees Abroad Class and Members of the Humanitarian-protected Persons Abroad Classes

- does the country's protection regime apply any geographic limitations whereby refugees from certain areas do not have access to a refugee determination system?
- does the system provide for a durable solution within a reasonable period of time?

The officer could use the following steps to determine whether the applicant could find a durable solution in that country:

If the applicant has applied for protection in the signatory country and the application is *still in process*

In this situation, the officer can refuse the application for resettlement in Canada, advising that they do not meet the requirements of the relevant class (Convention refugee abroad, member of an HPC classes). This is because of the possibility of a durable solution being available within a reasonable period of time. The officer may want to be sure that the decision will be forthcoming in a reasonable period of time. However, exceptions may exist.

Exceptions include situations where the UNHCR has requested resettlement or the refugee's physical security is in jeopardy or where humanitarian considerations such as family reunification (especially separated spouses and dependent children) exist.

If the applicant has applied for protection in the signatory country and the application *has been withdrawn*

If this is the case, the officer may refuse the application on the basis of the possibility of a durable solution. The exceptions mentioned in the previous paragraph should be kept in mind (i.e., the refugee's physical security, humanitarian considerations, etc.)

If the applicant has applied for protection in the signatory country and the application *has been refused, and all meaningful avenues of appeal have been exhausted*

In this situation, the possibility of a durable solution no longer exists.

The officer is required to assess the merits of the application for resettlement in Canada.

While the officer must assess the merits of the application, an interview is not required.

The officer must consider:

- Has the refugee's protection needs been denied? Some states apply a narrow interpretation of the refugee definition, excluding persons who have a well-founded fear of persecution at the hands of non-state agents. Canada's interpretation of the Convention refugee definition which includes non-state persecution, gender guidelines and persecution based on sexual orientation must be kept in mind. In addition, officers should consider whether or not the person would be eligible under the humanitarian-protected persons abroad classes (HPC).
- Has the refugee been accorded a status falling short of the Convention? Some signatory countries provide various forms of protection in addition to Convention status. For example, "B" status in The Netherlands, "Exceptional Leave to Remain" in the U.K. In most instances, such cases will not need to be considered for resettlement elsewhere. However, it is important to examine the nature of the status that has been granted as well as individual circumstances.

If the applicant has applied for protection in the signatory country and the application *has been accepted*

In most instances, this means a durable solution is available and the application for resettlement in Canada can be refused.

The officer must consider:

- Is the protection status effective? In exceptional circumstances, there may be cases where another state party recognizes a person as a Convention refugee but the refugee's legal or physical protection needs cannot be guaranteed. The views of the UNHCR could be sought.

OP 5 Overseas Selection and Processing of Convention Refugees Abroad Class and Members of the Humanitarian-protected Persons Abroad Classes

If the applicant has not applied for protection in the signatory country and there is no threat of *refoulement* and the refugee's physical security is not at risk

The officer may refuse the application for resettlement in Canada on the basis that there is a possibility of a durable solution for the applicant should they apply for protection. See Section 10.5.

7.3. Countries not signatory to the Convention and Protocol

In countries not signatory to the 1951 Convention/1967 Protocol, there will be a presumption that a durable solution is normally not available within a reasonable period of time. However, this may not always be the case, for example, in cases where the refugee is protected from *refoulement* and benefits from basic human and civil rights (including the right to employment, education, family life, etc.). Here the "degree" of protection available will often depend on the country's interpretation of what constitutes a Convention refugee. Also, the degree to which international standards and human and civil rights have been implemented or incorporated in national legislation are key elements to consider as well as the individual's ability to benefit from these rights. Nevertheless, such cases are rare.

7.4. Referrals from the UNHCR

Canada is a signatory to the *1951 Convention on the Status of Refugees*, the application of which is supervised by the UNHCR. The UNHCR's statutory responsibility for international protection and for finding solutions to refugee problems obviates the need for a memorandum of understanding (MOU).

The UNHCR refers candidates for resettlement to visa offices. The local or regional UNHCR office usually provides the visa office with a Refugee Referral Form (RRF). The RRF contains the refugee claim, family composition and other information. In some places, this RRF is submitted electronically to the visa office indicating that the person is considered a refugee under the UNHCR mandate.

The UNHCR may refer persons "of concern" that don't necessarily meet the strict definition of Convention refugee but rather fall under the organization's general mandate.

The officer must consider in each case whether the person meets the basic Canadian requirements for resettlement that are common to all three classes (Convention refugee abroad class, country of asylum class or source country class).

A referral to the visa office by the UNHCR indicates that the UNHCR has assessed the situation and concluded that resettlement is the best option in this case. In assessing the need for resettlement, consideration should be given to a referral from the UNHCR. The officer should make a note of the referral in the interview notes.

For more information on the UNHCR's resettlement policy and programs, consult the UNHCR Resettlement Handbook (a copy of which can be found in all visa offices), and the UNHCR Web site located at <http://www.unhcr.org>

7.5. Referrals from other organizations

The term "referral organization" is defined in section R138 as:

- (a) the United Nations High Commissioner for Refugees; or
- (b) any organization with which the Minister has entered into a memorandum of understanding under section R143

The nature of the MOU is outlined in section R143 as follows:

143.(1) The Minister may enter into a memorandum of understanding with an organization for the purpose of locating and identifying Convention refugees and persons in similar circumstances if the organization demonstrates:

- a) a working knowledge of the provisions of the Act relating to protection criteria; and

OP 5 Overseas Selection and Processing of Convention Refugees Abroad Class and Members of the Humanitarian-protected Persons Abroad Classes

- b) an ability abroad to locate and identify Convention refugees and persons in similar circumstances.
- (2) The memorandum of understanding shall include provisions with respect to:
 - a) the geographic area to be served by the organization;
 - b) the number of referrals that may be made by the organization and the manner of referral;
 - c) the training of members or employees of the organization; and
 - d) The grounds for suspending or cancelling the memorandum of understanding.

7.6. Referrals from private sponsors

A13(2) permits private groups to sponsor the applications of refugees and those in refugee-like situations. Please refer to Section 6.39 for an explanation of the Private Sponsorship of Refugees Program.

Referrals from private sponsors may qualify under the Convention refugee abroad, country of asylum (RA) and source country (RS) classes and should be assessed under the criteria that apply to their class.

Sponsors should be encouraged to provide relevant background information on the community profile of the sponsoring group and on the arrangements for the reception and settlement of the individual or family.

7.7. Direct access (self-referrals)

Direct access (self-referrals) to visa offices by refugee applicants is the exception and not the norm. The Regulation giving effect to this exception sets out that the Minister must determine that circumstances in a geographic area justify designating the area to be one in which the residents of the geographic area may submit an application without a referral or undertaking. The geographic area can be:

- a single country in the territory that is served by the visa office, for example, Democratic Republic of Congo served by Abidjan; or
- an area that includes several countries that are served by a visa office, for example, the Great Lakes region in Africa; or
- the country where the visa office is located, for example Côte d'Ivoire which houses the visa office at Abidjan.

The Minister may, on the basis of one or more of the following factors, determine that circumstances in a geographic area justify the submission, by a foreign national residing in that area, of visa applications not accompanied by a referral or undertaking:

- advice from the UNHCR or referral organizations with which the Minister has an MOU that they are unable to make the number of referrals specified in their memorandum of understanding for the area;
- the inability of referral organizations to refer persons in the area;
- the resettlement needs in the area, after consultation with referral organizations that have substantial knowledge of the area; and
- the relative importance of resettlement needs in the area, within the context of resettlement needs globally.

Note: Direct access is given to the geographic area only. Example: Democratic Republic of Congo needs to have direct access. The Minister deems Democratic Republic of Congo to have direct access. The residents of Democratic Republic of Congo would apply directly to Abidjan. Only the geographic area designated by the Minister has direct access (Democratic Republic of Congo) not the entire territory served by the visa office. For information on which countries have direct access, please refer to the CIC's Web site at: <http://www.cic.gc.ca/english/refugees/resettle-direct.html>

OP 5 Overseas Selection and Processing of Convention Refugees Abroad Class and Members of the Humanitarian-protected Persons Abroad Classes

The process giving direct access to geographic areas must be transparent to ensure consistency and be responsive to emerging situations. The regulatory provisions require consultation with the referral organizations and this process should also include consultation with RIM.

The delegation of the Minister's authority for determining geographic areas for direct access will rest with the DG, International Region.

Two scenarios are involved with direct access:

- the need to have direct access in a geographic area; or
- the need to remove direct access from a geographic area.

The following sets out the procedures for each scenario:

Where visa offices need to have direct access in a geographic area

- The consultations required in the Regulations will be undertaken locally by the Immigration program managers (IPM).
- When the consultations have been completed, the IPM must inform RIM and the DG, IR, of their request for direct access.
- Once the DG has reviewed the request and determined that the geographic area is in need of direct access, the IPM will be notified of the decision.
- Procedural fairness requires that notification be published on the CIC's Web site prior to direct access coming into effect. See <http://www.cic.gc.ca/english/refugees/index.html>
- Visa offices will be responsible, where practical, for providing information on geographic areas in their territory that have direct access.

Where the visa offices need to remove direct access from a geographic area

- The decision to remove direct access should include consultation by the IPMs with local referral organizations.
- When the consultations have been completed, the IPM must inform RIM and the DG, IR, of their decision to remove direct access.
- Once the DG has determined to remove direct access, the IPM will be notified.
- Procedural fairness requires that notification be published on the CIC's Web site 30 days prior to direct access being removed. See <http://www.cic.gc.ca/english/refugees/index.html>
- Visa offices will be responsible, where practical, for providing information on geographic areas in their territory that will have direct access removed.

Note: Exception to the notice period (in rapidly emerging situations): If the IPM feels that the visa office should be exempted from the notice period prior to the removal of direct access, it becomes more important that the consultations be carried out and that the reasons for the request for the exemption be well-documented.

- Only the DG, IR, may remove direct access, without first providing 30 days' notice. RIM must inform SRE immediately so that the Web site can be modified.

7.8. Direct access and source countries

Source countries must have direct access in place because the UNHCR (the referral organization) does not make referrals in source countries. If the source country has direct access, residents of the source country can apply directly to the visa office responsible for the source country. It is possible that all three refugee categories may be represented by the residents of a source country. In the case of the RA category, the application must, by definition, be accompanied by an undertaking. The other two categories (CR and RS) do not require a referral or undertaking.

OP 5 Overseas Selection and Processing of Convention Refugees Abroad Class and Members of the Humanitarian-protected Persons Abroad Classes

Where direct access has been determined, this does not preclude the use of referral organizations (the UNHCR) or referrals by private sponsors. Applicants who are residents of a geographic area deemed to have direct access and have an undertaking are not excluded from applying to visa offices serving the applicants' geographic area.

There will be evolving situations where the IPM will wish to remove direct access. If the decision is taken to remove direct access, then a referral organization must be in place (the UNHCR).

Where there is no direct access, applicants for resettlement to Canada should be either privately sponsored or referred by the UNHCR. This applies to visa offices with refugee targets or those without refugee targets.

For a group of letters for officers to use with various scenarios relating to access mechanisms, see Appendix G, Appendix H, and Appendix I.

7.9. Urgent protection and vulnerable cases

How cases are identified to the visa office

UNHCR field offices or other referral organizations operating in the visa office's jurisdiction may identify and refer cases in need of urgent protection to the visa office.

Referrals in remote locations

When referrals are received for cases not located in the same city as the visa office, officers may either waive the interview based on the content of the Resettlement Registration Form (RRF) or travel to interview an applicant if an interview is necessary and the applicant is accessible.

Quality of referral

The viability of urgent processing procedures will depend on the confidence in the referral, including the credibility, reliability, and expertise of the referral organization. Visa offices may decide to follow urgent procedures in any case where officers are satisfied the available information regarding credibility and the need for urgent protection is reliable.

The UNHCR specifies in the RRF, under the section on "Refugee Claim", the 1951 Convention grounds under which the refugee is recognized. Under the section "Need for Resettlement", the UNHCR provides details about the refugee's urgent protection or security situation.

Note: In order to qualify as an urgent protection or vulnerable case, the applicant must be referred to the visa office by the UNHCR or other referral organization; accepted by the visa office as either a member of the Convention refugee abroad class, country of asylum class or source country class; accepted as meeting the definition of "urgent need of protection" or "vulnerable protection case".

If an urgent protection case is referred to the visa office, please see Section 23, Processing urgent protection cases.

If a vulnerable case is referred to the visa office, please see Section 24, Processing vulnerable cases.

8. Procedure: Receiving the application

8.1. Receiving applications from visa offices without target allocations

The resettlement program is a universal one that is in effect at all visa offices. Although a target has not been allocated to a particular visa office, this does not mean the resettlement program does not apply or is not in effect there. Visa offices without allocations may identify refugees in need of resettlement.

International Region allocates targets to visa offices where the needs are perceived to be greatest, but an application may be submitted at any visa office that serves the clients place of residence. An application received at a visa office without an allocation follows the same processing as any other application.

When an application is received at a visa office, officers should follow these four steps:

OP 5 Overseas Selection and Processing of Convention Refugees Abroad Class and Members of the Humanitarian-protected Persons Abroad Classes

Step	Action
1	Create paper file
2	Create electronic file in CAIPS
3	Code citizenship in CAIPS
4	Identify processing priority

8.2. Creating paper file

The first step in processing a refugee application is the creation of a paper file.

The paper file is the permanent record that holds:

- the refugee application form IMM 0008Esch2;
- the referral or undertaking, where applicable;
- documentation such as copies of birth certificates or police certificates;
- any correspondence with the refugee;
- interview notes; and
- a well-documented reason for refusal, if applicable.

Note: There may be special cases where only an electronic file is created.

For CIC coding categories refer to Appendix A; for immigration forms used in processing refugee cases, refer to Section 3.

8.3. Creating electronic file in CAIPS

The electronic file or the CAIPS file contains:

- information found in the IMM 0008Esch2 such as applicant's name, date of birth, country of citizenship, related family members, sponsor information, etc.;
- electronic correspondence (with a local CIC or UNHCR, for example);
- general notes about the case:
 - ◆ details of the family that could affect reception or settlement; and
 - ◆ services needed such as special trauma counselling;
- interview notes;
- selection decision; and
- a well documented reason for refusal, if applicable.

8.4. Coding citizenship in CAIPS

Although coding the citizenship of the principal applicant (PA) and related family members and *de facto* family members (RD) is part of the electronic file creation, it has been included as a separate step to ensure its proper execution. It is important to properly code the citizenship of refugee applicants and their family members in our systems to ensure that:

- we maintain accurate resettlement data; and
- provide accurate statistics to our partners.

Accurate statistics are critical to ensuring appropriate reception and integration assistance for newcomers and in documenting Canada's participation in international resettlement efforts. For example, other agencies and partners sometimes rely on CIC's information to make decisions

OP 5 Overseas Selection and Processing of Convention Refugees Abroad Class and Members of the Humanitarian-protected Persons Abroad Classes

about their own resources and initiatives in order to plan for services such as interpreters and counselling. Knowing the real nationalities of refugees is important to this planning.

There has been a tendency to code refugees as stateless when, in fact, the majority of refugees are not stateless. There are limited populations worldwide recognized as stateless. As well, children tend to be recorded as having the citizenship of the asylum country in which they were born, when in most cases the child has the same citizenship as the parent(s). Care should also be taken not to confuse the refugee's country of asylum with their country of citizenship.

Use the following table to determine the code to use for country of citizenship.

If	Then the code of the country of citizenship should be:
the country of origin is known	the applicant's country of origin
the applicant is a known citizen of another country	the country of citizenship
the applicant meets the definition of <i>de facto</i> statelessness in Section 6.15	the applicant's country of origin or country of citizenship Note: Individuals are not coded as stateless if they meet this definition.
the applicant meets the definition of <i>de jure</i> statelessness in Section 6.16	Stateless Prior to coding a refugee as stateless, refer to the following definitions: <ul style="list-style-type: none"> • Nationality/citizenship • <i>De facto</i> statelessness • <i>De jure</i> statelessness • Statelessness • Country of last permanent residence (CLPR)
Coding a child's country of citizenship	that of the parents, unless it is certain that the country of asylum has granted the child citizenship of that country.

8.5. Identifying processing priorities

Immigration program managers (IPMs) should regard applications in the refugee category as distinct from other immigration applications in terms of such work elements and functions as:

- screening applications;
- scheduling interviews;
- processing approved cases; and
- making any required processing changes to accommodate these differences.

Note: Advancing cases in the queue based on identified priorities is not "queue jumping".

The first-come, first-served principle that applies to non-refugee immigration interview queues, or inventories, is not applicable to refugees because the protection-based nature of the resettlement program makes this particular immigration stream fundamentally different from the other classes.

The visa office resettlement processing system must be both flexible and sensitive to humanitarian needs and individual predicaments. Consequently, within the various refugee queues, however they may be configured (sponsored refugees, refugees without sponsorships, country of asylum class, source country class, etc.), priority should be given as follows, based on protection needs and urgency of removal:

OP 5 Overseas Selection and Processing of Convention Refugees Abroad Class and Members of the Humanitarian-protected Persons Abroad Classes

- **Priority 1-Urgent Processing (UNHCR “Emergency” equivalent):** Cases identified as being in need of urgent protection, see Section 23. In such cases the immediacy of the threat to the physical safety of the refugee necessitates removal from the threatening conditions within a few days (a notional limit of 3-5 days).
- **Priority 2-Expedited Processing (UNHCR “Urgent” equivalent):** Cases where the applicant is in vulnerable circumstances that give rise to a heightened risk to their safety, see Section 24. Also included are non-accompanying family members. Such cases require expeditious resettlement.
- **Priority 3-Regular Processing:** all other protection cases.

Once the processing priority has been identified, the case should be placed in the appropriate processing queue. Urgent cases should be referred immediately to an officer.

For more information, see Identifying processing priorities: Refugees eligible for expedited processing, Section 8.6.

8.6. Identifying processing priorities: Refugees eligible for expedited processing

Refugees whose cases are eligible for expedited processing **may** include, but are not limited to:

- victims of torture or other trauma;
- women meeting the definition under the Women-at-risk Program (AWR);
- non-accompanying (i.e., following) family members under the One-year window of opportunity provision;
- non-accompanying family members of a principal applicant who have been identified as being in need of urgent protection under the Urgent Protection Program (UP).

Example: A principal applicant with urgent protection needs may have family members who have been separated and who are not in need of urgent protection. The future physical safety of the family members may be at risk however, due to possible retaliation by the agents who were initially responsible for the principal applicant’s urgent protection needs. Reunification of vulnerable family members in this case may require expedited processing to ensure family reunification of a family that has faced acute hardship and trauma.

8.7. Writing file notes

File notes for refugee cases, as for all other types of cases, need to be:

- well organized;
- clear;
- concise;
- relevant;
- comprehensive; and
- exempt of any immigration jargon that may require additional enquiries.

They form a part of the official permanent case record which is subject to Access to Information requests and which may be accessed by CAIPS users such as:

- the Minister’s office;
- Case Management Branch;
- Immigration Call Centres; and
- other visa offices using remote access capability without advising the officer.

OP 5 Overseas Selection and Processing of Convention Refugees Abroad Class and Members of the Humanitarian-protected Persons Abroad Classes

These notes may also be required should a case proceed to the Federal Court of Canada for judicial review, see Section 27.4. The clearer the notes, the less likelihood of follow-up inquiries needed to be made at the visa office.

9. Procedure: Using pre-application questionnaires (PAQs)

9.1. Using a pre-application questionnaire (PAQ) versus using an application [IMM 0008Esch2]

Screening refugee pre-application questionnaires (PAQs) and paper screening refugee immigration applications are separate and distinct processes. They are subject to different requirements that result in fundamentally different consequences.

The PAQ is a locally created document, for use with direct access only, and not an officially prescribed form. When creating a PAQ, the officer should seek advice from SRE or at least have it vetted for comprehensiveness.

If large numbers of refugee applicants approach the visa office under direct access, having them complete informal PAQs may help the officer identify priority cases. If so, the officer must add a sheet to the questionnaire and IMM 0008Esch2 to allow applicants to explain the details of their story.

The use of PAQs may also help a visa office to identify and focus resources on those cases that are likely to meet Canada's basic program requirements. Certain procedures must be followed for the practice of using PAQs to be legally defensible.

9.2. When to use an immigration application [IMM 0008Esch2] rather than a PAQ

As a result of the *Choi* decision, the officer:

- is advised not to refuse to provide an IMM 0008Esch2 to persons seeking resettlement in Canada who ask for one, whether the visa office has direct access or not;
- must deal with clients in an open manner;
- must give all pertinent information on how to apply; and
- cannot give preferential treatment to applicants who are sufficiently well-informed to know that they can request an immigration application.

The visa office is obligated to provide IMM 0008Esch2. However, by providing IMM 0008Esch2 it is not implied that the visa office has direct access. Unless direct access has been granted, the application must be accompanied by a referral or an undertaking in order to be considered complete.

When providing PAQs, the officer must also advise applicants of the existence of the IMM 0008Esch2 so that they can choose whether to proceed by way of the PAQ or the IMM 0008Esch2. Refugee candidates, or their representatives or agents, may elect to bypass the PAQ process. They are entitled to do so and should be issued applications for permanent residence.

As a general rule, visa offices receiving private sponsorships for refugee cases should send the applicants IMM 0008Esch2s, and interview them.

Information to be included in PAQs

Questions that will elicit sufficient comprehensive information must be included to allow the officer to make an informed decision regarding whether a prospective applicant meets minimum criteria as a Convention refugee abroad or as a member of the Humanitarian-protected persons abroad classes. The officer may contact SRE for a list of appropriate questions.

SRE has also developed descriptions of the resettlement program for persons indicating an interest in resettlement as Convention refugee abroad class or members of the humanitarian-protected persons abroad classes. These are found at

OP 5 Overseas Selection and Processing of Convention Refugees Abroad Class and Members of the Humanitarian-protected Persons Abroad Classes

<http://www.cic.gc.ca/english/pdf/kits/guides/6000E.PDF>

<http://www.cic.gc.ca/english/applications/conref.html>. Officers are encouraged to use these as an introduction to any locally designed PAQ.

9.3. Evaluating and following up completed PAQs

PAQs should be evaluated against the requirements of the Convention refugee abroad class as well as of the humanitarian-protected persons abroad classes. Where the information suggests that applicants meet basic eligibility requirements, an IMM 0008Esch2 should be forwarded to them.

Where the information contained in the PAQ suggests applicants do not meet the basic requirements of any of the programs, the officer must send them a letter of discouragement. This letter does not have to include a detailed, tailor-made narrative. The officer may use a form letter of discouragement, provided it includes a sufficient number of explanations accompanied by boxes to be checked that cover all possible reasons why the applicant appears unlikely to meet Canadian program requirements.

Discouragement letters must also include a notice that, despite the discouragement, the person may nevertheless submit a permanent residence application.

9.4. Considering further information following a discouragement letter

Procedural fairness requires that, if applicants respond to the discouragement letter with additional information, that information must be considered. This consideration may or may not lead to issuing an IMM 0008Esch2 unless the applicant has specifically requested that one be provided.

If an IMM 0008Esch2 is not issued on the basis of the new information, the officer must respond to the person advising that the new information does not change the initial decision. This response may be a form letter, but the case notes concerning the review of the additional information must be explicit.

9.5. PAQ case notes and record keeping

Visa offices have the flexibility to devise their own systems of record keeping and to decide whether to use CAIPS, or to devise alternative systems. The officer must, however, use an individual reference number on all correspondence with a PAQ client.

The officer must keep electronic records of all refugee PAQs. Each record must include the same general information CIC retains on case files:

- the completed PAQ;
- the reason for and date of the discouragement letter;
- the identity of the officer making the discouragement letter; and
- all actions related to the PAQ process, such as issuance of discouragement letters and any follow-up letters.

The reason(s) given in the file notes for discouraging a formal application may be generic. For example, the officer may maintain a list of possible reasons from which to select those appropriate to individual cases.

10. Procedure: Paper screening applications

Any application submitted in the prescribed manner must be assessed against the Canadian program criteria and, if the person meets the criteria, they must be issued a visa. Assessment against the criteria may or may not require a personal interview. The officer must apply the principle of procedural fairness in all cases (see OP 1, Section 8: Procedural fairness).

OP 5 Overseas Selection and Processing of Convention Refugees Abroad Class and Members of the Humanitarian-protected Persons Abroad Classes

Paper screening begins when an application is received and assessed at the visa office. When a refugee application is being paper-screened, it is being assessed on basic eligibility criteria and on admissibility elements. Not all applications will be clearly eligible or ineligible.

Although legislation does not require that a personal interview be used as the means to determine eligibility, it is difficult to defend a negative determination when the factor assessed is more subjective than objective. For example, refusing persons on the grounds they lack the personal qualities to establish themselves without an interview could be hard to defend. In spite of this, there is nothing that prevents a positive determination without an interview. Likewise, when assessing the credibility issues, the paper process could be inadequate. While it is accepted that the written submission could be an adequate substitute for an oral hearing in appropriate circumstances, where a serious question of credibility is involved, fundamental justice could require an oral hearing.

10.1. One-year window of opportunity (family reunification)

It cannot be over-emphasized that every effort should be made to ensure that families and in particular spouses, common-law partners and dependent children are not separated, or, if separation is unavoidable, that reunification is facilitated to the greatest extent possible.

Under the “one-year window of opportunity”, non-accompanying family members (following family members) may be eligible to be processed in the same class as the principal applicant for up to one year. All family members must be identified on the principal applicant’s application form.

When processing the principal applicant’s case under the private sponsorship program, it is important to ensure that any family members identified on the PA’s IMM 0008 have also been included in the sponsor’s undertaking; the principal applicant must also fill out the Declaration of all Family Members under the OYW provisions (Appendix L). If family members are not included on the undertaking, their processing under OYW may become complicated if the sponsor is unable or unwilling to add them to the undertaking. It is, therefore, important that in such cases the visa office contact the local CIC which will contact the sponsor in order to:

- amend the undertaking;
- re-assess the settlement plan; or
- withdraw the sponsorship.

The processing of the PA’s application should not recommence until such time as all family members are included on the undertaking.

For more details on processing family members under the one-year window of opportunity provision, please see Section 25.

10.2. Assessing basic eligibility criteria

When assessing eligibility, the officer must consider four basic factors. These factors are whether:

- the applicant is a member of the Convention refugee abroad class or a member of one of the humanitarian-protected persons abroad classes;
- the applicant’s refugee claim is credible;
- the applicant can demonstrate the ability to establish themselves; and
- the applicant has no durable solution within a reasonable period of time other than resettlement to Canada.

Note: Only the principal applicant (PA) needs to meet the eligibility requirements. The accompanying family members derive their refugee status from the principal applicant.

If the applicant...	Then...
meets basic eligibility criteria	1. Record the class of the refugee applicant in CAIPS as either: <ul style="list-style-type: none"> • Convention refugee abroad class (CR); or

OP 5 Overseas Selection and Processing of Convention Refugees Abroad Class and Members of the Humanitarian-protected Persons Abroad Classes

	<ul style="list-style-type: none"> One of the humanitarian-protected persons abroad classes: <ul style="list-style-type: none"> country of asylum class (RA); or source country class (RS). <p>Proceed to Section 10.3 Can the applicant be destined to Quebec? and to Section 10.4, Can the applicant be accepted without an interview?</p>
meets basic eligibility criteria and is privately sponsored	<ol style="list-style-type: none"> Record the class of the refugee applicant as above. Send out the first processing benchmark message to the sponsor and the CIC. The message should say: "Completed application received by the visa office on (insert date). An interview is scheduled for (insert date) or will be scheduled within (insert number) months."
does not meet basic eligibility criteria	<p>Proceed to Section 10.5 Refusing application at paper screening.</p> <p>Note: Ineligible applicants would include those still in their country of citizenship or habitual residence, provided the country is not in the source Country Schedule of the <i>Immigration and Refugee Protection Regulations</i>. These applicants can be refused at pre-screening because they are clearly not members of Convention refugees abroad class or members of the humanitarian-protected persons abroad classes.</p> <p>For a list of the countries in the current schedule, please refer to the definition of source country class in Section 6.48</p>

10.3. Can the applicant be destined to Quebec?

Applicants may be referred to a *Service d'immigration du Québec* (SIQ) office, if they:

- speak French;
- have family in Quebec; or
- do not speak English.

If the applicant can be destined to Quebec, proceed to Section 26, Refugees destined to Quebec.

If the applicant cannot be destined to Quebec, proceed to Section 10.4, Can the applicant be accepted without an interview?

10.4. Can the applicant be accepted without an interview?

Although there is no requirement under the law to interview any refugee applicant, normally all applicants who pass paper-screening are interviewed where necessary.

For applicants who apply as Convention refugees abroad or members of the country of asylum and source country classes, the principal applicant and accompanying family members need to meet the regulatory and admissibility requirements, i.e., completing IMM 0008, security and criminal checks, medicals, etc. R139.

An interview allows the officer to:

- elicit information that may not be available on the paper file;
- assess the plausibility of an applicant's story; and
- identify any special needs the applicant may have.

Without an interview, it is not easy to decide if applicants:

- meet eligibility and admissibility criteria; or
- are credible.

Officers should consider waiving an interview only when:

OP 5 Overseas Selection and Processing of Convention Refugees Abroad Class and Members of the Humanitarian-protected Persons Abroad Classes

- a case has been identified as an urgent-protection-case (refer to Section 23, Processing urgent- protection cases); or
- the application is complete and there is sufficient information to make a determination of eligibility and admissibility; and
- the country conditions are well understood and excellent relationships have been established with referral organizations such as the UNHCR and other major reputable international organizations which are known to be credible.

Note: The criteria for waiving interviews also apply to interviewing persons with private sponsorships. Case material provided by the UNHCR, or similar material provided by sponsors or other reputable organizations, will enable the officer to focus the interview on Canada's admission requirements.

If the interview is waived, then medical examinations and background checks are initiated and then the officer proceeds to Section 18, Final decision.

If the interview is not waived, the officer proceeds to Section 11, Prepare for the interview.

10.5. Refusing an application at paper screening

To determine eligibility, an officer may assess the application without an interview.

Examples of when an officer might refuse an application without a personal interview include situations where:

- the visa officer has requested, via reasonable means, additional information or documentation that is relevant to forming an opinion on the application and the applicant has not complied within a reasonable time period (ex. officer requests evidence that applicant has sought protection from the host country before approaching Canada and applicant does not comply or sends information indicating they are just about to seek protection);
- the visa officer has sufficient information that the individual is falsely representing themselves (ex. a new application that does not disclose relevant information provided on a previously refused application where such non-disclosure is clearly an attempt to circumvent the *Immigration and Refugee Protection Act* or *Regulations* and the applicant has not responded to requests for clarification);
- the applicant is clearly not a member of one of the three prescribed refugee classes. (ex. applicant is still in their home country; is clearly not fleeing persecution based on any of the five grounds; or the refugee claim does not point to a gross violation of human rights that would have a serious and personal impact on the individual);
- documents provided to support the refugee claim are known to be fraudulent (ex. officer has determined that the documents are fraudulent based on evidence gathered in the course of data collection);
- the applicant has a durable solution already (ex. applicant has been granted asylum in the host country and has the rights accorded to other foreign nationals).

Note: A stay of a deportation order does not constitute a 'durable solution.' While the stay of deportation may mean the person is safe from deportation or *refoulement*, it does not mean the person has a durable solution. In such cases, the application should be assessed against Canadian program criteria to determine if the person is eligible for permanent resident status.

Procedural guidelines when refusing an application without an interview

The officer can refuse an application at paper screening when it is clear that an applicant does not meet the basic eligibility requirements. The officer must apply the principle of procedural fairness in all cases (refer to OP 1, Section 8, What is procedural fairness?).

The officer must:

OP 5 Overseas Selection and Processing of Convention Refugees Abroad Class and Members of the Humanitarian-protected Persons Abroad Classes

- document the reasons for their decision in the paper file and in CAIPS;
- include in the refusal letter a detailed explanation as to why the applicant does not meet program requirements;
- give due consideration to any information an applicant provides in response to the refusal letter that may change the material facts of the application; and
- keep a copy of the refusal letter, the applicant's response or any additional information in the applicant's permanent file.

Note: Procedural fairness provides that before making a final decision that is based on evidence submitted by a third party that was not publicly and reasonably available to the applicant, the applicant should be made aware of the contradiction and provided an opportunity to address the evidence received from a third party. The reasons for refusal must be clearly explained to the applicant and should disclose the information that led to the decision.

If a person was not found to be a member of any of Canada's refugee classes, officers should not refuse the application on the basis of their having another 'durable solution,' but rather, the person should be refused because they are not a member of a prescribed class.

Durable solution: steps to follow

If the applicant *has not applied* for protection in the host country AND the host country respects the right of non-*refoulement* and the refugee's physical security is not at risk

The officer may refuse the application for resettlement in Canada on the basis that the individual has not sought the protection of the host country. Refusals based on non-compliance with R139(1)(d): officer unable to rule out the possibility of another durable solution.

If the applicant has applied for protection in the host country, but the *application is still in process* AND the host country respects the right of non-*refoulement* and the refugee's physical security is not at risk.

The officer may refuse the application for resettlement on the basis that there is a possibility for protection from the host country. Refusal is based on non-compliance with R139(1)(d): visa officer unable to rule out possibility of another durable solution.

If the applicant has applied for protection in the host country but the *application was withdrawn* AND the host country respects the right of non-*refoulement* and the refugee's physical security is not at risk

The officer may refuse the application on the basis that the applicant has not sought the protection of the host country. Refusals are based on non-compliance with R139(1)(d): visa officer is unable to rule out possibility of another durable solution.

If the applicant has applied for protection in the host country but the *application was refused* AND all meaningful avenues of appeal have been exhausted

In situations such as this, an interview may be necessary. Before proceeding to interview, the visa office may request that the applicant present a copy of the application submitted to the host country, or a copy of the reasons for refusal by the host country, to ensure consistency in the applicant's story. Once this has been provided and if the evidence in the new application does not add any new compelling reasons, the officer may choose to make a final determination without an interview, based on the evidence submitted. Refer to OP 1, Section 8: Procedural fairness if refusing without an interview.

Note: In some countries, failed asylum claimants are permitted to reside in the country and exercise most of the same rights as a foreign national without the threat of *refoulement*. If the permission to stay is as a result of a stayed deportation order or due to a temporary stay of removal to certain countries, again, the applicant should not be deemed to have a durable solution.

OP 5 Overseas Selection and Processing of Convention Refugees Abroad Class and Members of the Humanitarian-protected Persons Abroad Classes

Where after interview, the officer determines that the applicant is a member of one of the Canadian program refugee classes and meets program criteria, the officer will complete processing as for any other application.

If the applicant has applied for protection in the host country AND the *application was accepted*

In most instances, this means a durable solution is available because the person has been granted asylum. The application for resettlement in Canada should be refused under R139(1)(d).

Note: In exceptional circumstances, there may be cases where the host country recognizes a person as a Convention refugee, but the legal or physical protection needs cannot be guaranteed by the State. For example, the State cannot provide protection from domestic abuse. In such cases, the applicant may be considered for resettlement to Canada.

Privately sponsored applications

The local CIC officers should always counsel potential private sponsors on the likelihood of refusals when private sponsors enquire about or submit undertakings for persons who have already been found not to be refugees, or asylum seekers who have not yet sought protection in the host country.

Writing the refusal letter

For help articulating grounds for refusal, please see the refusal letter guide at Appendix E for a generic refusal letter and Appendix F for a template letter for refusal on behalf of the *Service d'Immigration du Québec*.

10.6. Humanitarian and compassionate considerations

Program objectives

Intent of A25(1)

This section gives the Minister the authority to apply judgment and flexibility in cases that do not meet the requirements of the Act, and which are so justified. More specifically, it allows, either upon request by the foreign national, who is inadmissible or otherwise does not meet the requirements of the Act, or on the Minister's own initiative, for an examination of the circumstances of the foreign national with the possible outcome of granting a permanent resident visa to them on humanitarian and compassionate considerations.

Cost Recovery

The collection of cost recovery fees applies to all cases processed under A25(1). Officers should consult the Fee Schedule or Immigration Fee Regulations (IR 5) for the latest fees for processing cases under A25(1). The CAIPS code FPA (Fee Paid Abroad) may be used in CAIPS for H&C cases. The cost recovery fee must be collected before the case is processed.

For more information on H&C, please see OP 4.

11. Procedure: Preparing for the interview

11.1. Guidelines for interviewing refugees

Special or specific consideration relating to the particular circumstances of applicants must be taken into account when reviewing applications and preparing for interviews. Evidence of post-traumatic stress syndrome (PTSS) may not be readily apparent on the face of the record. Caution should be exercised in all cases. Also PTSS may only be one of other special needs to be attentive to, such as medical condition, age, or mental or psychological incapacity.

The interview can be stressful for the applicants for many reasons. For example, the applicant may:

- view the officer as an authority figure representing a government;

OP 5 Overseas Selection and Processing of Convention Refugees Abroad Class and Members of the Humanitarian-protected Persons Abroad Classes

- be uncomfortable addressing gender issues;
- not trust an interpreter who may come from a rival ethnic or tribal group;
- have difficulty recounting a story of persecution; or
- suffer from post-traumatic stress syndrome.

During the interview, the officer should try to reduce or minimize any stress. The following provides information for officers to consider when conducting interviews.

Obtaining information from the refugee

When interviewing a refugee applicant, officers should

- keep questions short and uncomplicated;
- where appropriate, interview spouses separately;
- alternate between open and closed questions;
- give encouragement to show that they are listening;
- clarify any discrepancies; (make sure to document any outstanding discrepancies that the applicant could not explain);
- pay careful attention to each detail;
- be positive in their approach; and
- be mindful not to lead the applicant by suggestion or otherwise circumscribe the interview.

Fear of persecution

Few applicants may understand the term persecution but they might be able to describe specific problems they or other family members have had with:

- military or civil authorities;
- groups in the community;
- neighbours; or
- what has happened to the house or business since they left the country.

Officers should keep in mind that applicants may have difficulty in repeating the story of persecution, particularly if the persecution involved torture, rape, intimidation or humiliation.

Need for privacy

Applicants may be reluctant to discuss persecution in front of a spouse or other family members; and prefer to be interviewed separately.

Female applicants

Officers should try to interview the wife as well as the husband in a couple, as women may have different and equally compelling stories. A female officer should interview a female applicant particularly when the applicant:

- has been the victim of sexual violence; or
- it is *believed* she has been the victim of sexual violence.

Wherever possible, female applicants should also have access to a female interpreter because the presence of family members, male interpreters or interpreters from "rival" ethnic or community groups may undermine otherwise candid disclosure.

For more information, please refer to:

OP 5 Overseas Selection and Processing of Convention Refugees Abroad Class and Members of the Humanitarian-protected Persons Abroad Classes

- Appendix B Declaration on Refugee Protection for Women;
- Guidelines of Refugee Women (IRB) at http://www.irb-cisr.gc.ca/en/about/guidelines/women_e.htm;
- Section 22.1 Women at risk (AWR) below

Gender-related persecution

It should be noted that female survivors of violence and other forms of persecution comprise one aspect of gender-related persecution. Officers should be equally mindful of all considerations outlined, including the need to privacy, for all “gender cases” that may involve women or men or members of sexual minorities (gays, lesbians or transgender persons).

Separated minors

Officers who conduct interviews should demonstrate particular sensitivity to the situation facing the child and possess the ability to communicate with a child in an appropriate and child-friendly manner. There is a real risk of miscommunication based on faulty information. Separated minors are in a highly vulnerable situation and should be treated in an appropriate and sensitive manner.

Details of the applicant’s story

Trauma or fear of authority can easily cause applicants to forget or confuse details such as dates, times, and/or identities of strangers who have attacked or persecuted them.

Note: Some cultures may have different notions of time, or may use a different calendar system which will impact on the details of an applicant’s story. See Section 13.1, Assessing credibility below.

Refugee categories

Applicants may not know the definition of a Convention refugee or Canada's criteria for country of asylum or source country classes or they may not understand the reasons for the questions they are being asked.

11.2. Researching country conditions

If the officer is unfamiliar with the history of the refugee movement or the social and political situation in a specific area, they may contact a visa office with appropriate expertise. The officer can request background information or their opinion on a story. Such requests should be classified in order not to put an applicant at risk.

Prior to contacting a visa office for information on country conditions, officers are encouraged to visit the following Web sites:

- UNHCR - database on country conditions (also available from Branch Offices): <http://www.unhcr.org/cgi-bin/texis/vtx/home>
- Relief Web: www.reliefweb.int/
- Amnesty International: www.amnesty.org
- Human Rights Watch: www.hrw.org
- Immigration and Refugee Board (IRB): <http://www.irb-cisr.gc.ca/index.htm>
- Country of Origin Research Information: www.irb-cisr.gc.ca/en/research/origin_e.htm
- European Country of Origin Information Network: www.ecoi.net/

11.3. Reviewing refugee story

The officer should review the application prior to conducting the interview. This will allow the officer to:

OP 5 Overseas Selection and Processing of Convention Refugees Abroad Class and Members of the Humanitarian-protected Persons Abroad Classes

- determine if the applicant needs an interpreter;
- become familiar with the refugee's circumstances; and
- isolate any areas of concern that need follow-up at the interview. Refer to Section 11.5, Reviewing application for possible problems.

11.4. Using interpreters

CIC has no blanket policy on the use of interpreters in refugee interviews. The best practice is to use visa office employees who speak the language in question, and whose knowledge of the interview process and reliability are known.

Where visa office employees are not available, the UNHCR may, on occasion, be able to lend the officer one of their interpreters, who are experienced with refugee interviews and have been selected by competition based on language ability. Although it is the least preferred option, the officer may of necessity have to use relatives, friends of the applicant or hired interpreters. Visa office practices vary for many reasons. The interview convocation letter will advise the applicant whether they need to make any arrangements for an interpreter.

11.5. Reviewing application for possible problems

Officers should review the following guidelines if they suspect the applicant may not be admissible due to reasons of criminality or security as prescribed in A35, A36 and A37. Officers should make notes of any information that needs to be clarified at the interview.

Category	Guidelines
Applicants from countries where there is/ was internal turmoil, genocide, war, armed conflict or where human rights abuses are/ were widespread	<p>The following qualify for more in-depth investigation:</p> <ul style="list-style-type: none"> • senior government officials, diplomats, or employees of the government; • current and former military, paramilitary, security, intelligence and police personnel or individuals employed in technical or scientific backgrounds related to chemical or biological weapons; • close family relatives of heads of government/state; • persons suspected of being a member of an organization that is involved in terrorism or crimes against humanity; and • members of armed/opposition/political (guerrilla) groups.
Senior members of or senior officials in prescribed governments	<p>Convention refugees abroad and members of the HP classes who fit the description of senior members of or senior officers in a government or regime designated by the Minister and found in A35(1)(b) are inadmissible.</p> <p>The governments and regimes that the Minister has designated as described in A35(1)(b) are the following:</p> <ul style="list-style-type: none"> • the Bosnian Serb government regime between March 27, 1992 and October 19, 1996; • the Federal Republic of Yugoslavia and the Serbian government from February 28, 1998 to October 7, 2000 (does not include Montenegrin officials); • the former Siad Barre regime in Somalia from 1969 to 1991; • the former Duvalier and military regimes in Haiti during the following periods: <ul style="list-style-type: none"> • January 1971 to February 1986; • October 1991 to August 1993; and • December 16, 1993 to April 8, 1994;

OP 5 Overseas Selection and Processing of Convention Refugees Abroad Class and Members of the Humanitarian-protected Persons Abroad Classes

	<ul style="list-style-type: none"> • the former Marxist regime of Afghanistan from 1978 to 1992; • Taliban regime in Afghanistan since 1996 (<i>ongoing designation</i>) (this may change); • the governments of Ahmed Hassan Al-Bakr and Saddam Hussein in power in Iraq since 1968 (<i>ongoing designation</i>); • the Rwandan government led by President Habyarima <ul style="list-style-type: none"> • between October 1990 and April 1994; and • the Interim government in power between April 1994 and July 1994. • the government of Ethiopia under Mengistu Haile Mariam for the period of September 12, 1974 to May 21, 1991 (designated November 21, 2003)
War criminals	War criminals are excluded from consideration as Convention refugees abroad pursuant to the definition. War criminals seeking resettlement under the country of asylum or source country classes are not admissible pursuant to A35(1)(b). Please refer to ENF 18, Section 7 How to Identify War Criminals.
Terrorists	Persons seeking resettlement in Canada who have engaged in acts of terrorism or who are or were members of an organization that there are reasonable grounds to believe was engaged in terrorism are inadmissible pursuant to A34(1)(c). As terrorism is a crime that is contrary to the purposes and principles of the United Nations, such persons are excluded from consideration as Convention refugees due to the definition.
Combatants	Not all combatants are inadmissible. Some combatants will be inadmissible by virtue of their rank in the military and influence on government policy. Other combatants will be inadmissible by virtue of actions in which they have been directly involved or complicity which may constitute war crimes. Many combatants, however, whether members of government military or non-government forces, may be eligible.

Note: For further information on any of these categories, contact the Modern War Crimes Unit (BCW) at Nat-WarCrimes@cic.gc.ca.

12. Procedure: Beginning refugee interview

A refugee interview consists of the sections outlined in the table below. Although these sections have been separated, they will usually occur simultaneously as the applicant is relating their story.

Stage	Description
1	Beginning refugee interview, Section 12
2	Determining eligibility, Section 13
3	Determining admissibility, Section 14
4	Reviewing information for specific categories, Section 15
5	Finalizing the interview, Section 16

12.1. Preparing the interpreter

The first step in conducting the interview is to prepare the interpreter. Interpreters play an important and integral part in the interview process, so it is necessary to give careful

OP 5 Overseas Selection and Processing of Convention Refugees Abroad Class and Members of the Humanitarian-protected Persons Abroad Classes

consideration to their role. Follow the eight steps outlined in the following table prior to beginning any questions related to the refugee's personal experiences.

Step	Action
1	Before interpreters are retained, they should be informed of the standards of confidentiality and professionalism that are expected. The officer should also inform the applicant that the information collected in the interview is confidential. The officer should give specific instructions regarding the conduct of the interpretation where the interpreter is new, or has worked infrequently for the visa office. If the visa office uses a personal services contract, specify these conditions in it.
2	The officer must be sensitive to the concerns of women refugees who may find it difficult to relate their stories in front of male interpreters and officers. Where possible in these instances, a female interpreter should be used.
3	Officers should instruct the interpreter to provide verbatim translation, and whether they want: <ul style="list-style-type: none"> • simultaneous word-for-word translation; or • interpretation at intervals during the applicant's response.
4	The officer should ask the applicant directly whether they can understand the interpreter easily, and then record the question and the applicant's response.
5	Observe the applicant's ability to respond quickly, easily and appropriately to a series of introductory warm-up questions. The officer must be completely satisfied that every interpreter is fully fluent in the languages of both the interviewer and the applicant, and that the translation is correct and free of bias.
6	If at any time the officer is not satisfied that an interpreter is translating accurately, the officer should verify their suspicion by rephrasing the answers that have raised doubts, and ask the applicant to confirm that the officer has understood correctly. If necessary, identify another interpreter or reschedule the interview.
7	The officer should also advise applicants to tell them at any point during the interview if there is anything that they do not understand or if there are any other difficulties.
8	The officer must record the interpreter's name the language used in CAIPS notes as many post-interview complaints claim that interpreters misconstrued what was said, or omitted important points, etc.

12.2. Confirming refugee information

Applicants may find it easier to relate their story after the officer has dealt with practical matters such as verifying information concerning their personal information and skills. At this time, the officer will need to verify with the applicant information on the IMM 0008Esch2 which includes:

- personal details of accompanying and non-accompanying family members; and
- the following personal information:

Date of birth

The date of birth (DOB) of the refugee applicant may not be available. If the DOB is not available, asterisks should not be inserted in lieu of date of birth on the IMM 1000 or IMM 5292. Leaving a blank field or placing asterisks in lieu of a DOB on the IMM 1000 or IMM 5292 may lead to confusion as other government agencies create their own DOB and some individuals end up with 2 or 3 DOBs once in Canada. This may also prevent the refugee from qualifying for certain provincial or federal programs once in Canada.

OP 5 Overseas Selection and Processing of Convention Refugees Abroad Class and Members of the Humanitarian-protected Persons Abroad Classes

The officer should try to estimate the year of birth by seeking information from the refugee applicant such as a description of the major events that happened near the year of birth, or who was the head of the government or religious leader at the time, etc.

When the officer has estimated the year of birth, they will enter the day and month of the interview to complete the date of birth. The reason for the chosen year should be well-documented in CAIPS notes. In the past, where the day of birth was not known the officers have used January 1 as the birth date. This causes problems because thousands of refugees have the same birth date. Thus if the health cards are all renewed at the same time for people with the same birthday, there will be a much higher number of cards that need to be processed in early January.

IMM 0008 Schedule 1

- Background information

IMM 0008 Schedule 2

- Personal circumstances
- Family information (also see Appendix L – Declaration of all family members under the OYW provisions)

IMM 5475 Authority to release to designated persons

- Authority to release information to designated individual; this is of particular importance if the designated individual is in Canada, as it will reduce the number of inquires to the visa office since the local CIC will be able to release information from reading CAIPS notes.

Note: In some cases considerable time may elapse between the receipt of the application and the time of the interview. The officer should determine if the refugee's situation has changed from that stated on the application.

12.3. Obtaining refugee story

Refer to Section 11.1, Guidelines for interviewing refugees.

Officers should proceed as follows when interviewing a refugee applicant:

- keep questions short and uncomplicated;
- alternate between open and closed questions;
- give encouragement to show that they are listening;
- clarify any discrepancies; make sure to document any outstanding discrepancies that the applicant could not explain;
- pay careful attention to each detail; and
- be positive in their approach.

13. Procedure: Determining eligibility

The four stages in determining eligibility are as follows:

- Assessing credibility
- Ensuring the applicant does not have a durable solution
- Reviewing:
 - ◆ eligibility criteria for Convention refugee abroad class;
 - ◆ eligibility criteria for member of the country of asylum class;
 - ◆ eligibility criteria for member of the source country class.

OP 5 Overseas Selection and Processing of Convention Refugees Abroad Class and Members of the Humanitarian-protected Persons Abroad Classes

- Determining whether the applicant has the ability to establish themselves.

If applicant is determined to be eligible, continue to Section 14, Determining admissibility.

If the principal applicant is not eligible, the officer must assess the eligibility and admissibility of the spouse, common-law partner and of any dependants. Where one family member qualifies that status applies to all other family members.

13.1. Assessing credibility (material adapted from IRB Legal Services, 2000)

Applicants rarely present documentary evidence in support of a claim of persecution. Officers will have to rely on their judgment and knowledge to determine whether a claim is credible.

The following provides a set of guidelines when assessing the credibility of the applicant:

The applicant should receive the benefit of the doubt

Given the nature of the refugee experience, it is hardly possible for a refugee to “prove” every part of their story. Therefore, it is frequently necessary to give the applicant the benefit of the doubt.

It is important to consider the story in the totality of the circumstances in order to establish a standard of reasonableness

The officer should maintain an objective and open mind when hearing the applicant’s story and when, subsequently, evaluating the evidence provided by the applicant.

Officers should be well-informed when evaluating credibility

The credibility of the applicant has to be evaluated in light of what is generally known about the conditions and laws in the applicant’s country of origin, as well as the experiences of persons in similar situations in that country. However, if this extrinsic information will be used to question or refute the refugee’s story, the source and information must be provided to the refugee and the applicant must be given the opportunity to address these concerns.

Clearly identify areas where credibility is in question

If an application is refused essentially because of a lack of credibility, clear reasons must be given. Those aspects of the story that appear not to be credible must be clearly identified and the reasons for such conclusions must be clearly articulated.

Address applicant with credibility concerns

Applicants should be questioned about the contradictions in their story. Moreover, any explanation provided by the applicant should be addressed by the officer and they must consider whether the explanation is reasonable in all circumstances. Also, any unresolved inconsistency or concerns regarding an explanation are to be raised by the officer.

Do not show undue eagerness in attempting to find contradictions

Officers should not be over-vigilant by microscopically examining the applicant. This is especially so where an interpreter is being used. Officers must not search through the evidence looking for inconsistencies or for evidence that lacks credibility thereby “building a case” against the applicant’s credibility.

Avoid relying on demeanour as a measure of credibility

The demeanour of the applicant (the comportment, attitude or behaviour of the applicant during the interview) is not an infallible guide to assess whether the truth is told; it is often an unreliable measure of credibility. Individual personality traits or cultural differences could cause the applicant to give a misleading impression. Nervousness, trauma or even cultural differences may play a role in creating confusion or misunderstandings. All of these characteristics have to be taken into account when assessing the credibility of the applicant.

OP 5 Overseas Selection and Processing of Convention Refugees Abroad Class and Members of the Humanitarian-protected Persons Abroad Classes

13.2. Ensuring applicant does not have another durable solution

When considering an applicant for resettlement in Canada the officer must be satisfied that there is no reasonable prospect, within a reasonable period of time, for the refugee applicant to obtain another durable solution. The three types of durable solutions are:

Voluntary repatriation

Voluntary repatriation occurs when refugees voluntarily return to their country of nationality or habitual residence. For voluntary repatriation to be possible, the situation in the country of origin must have changed in a lasting and meaningful way that enables the refugees to return safely.

As outlined in the UNHCR's Resettlement Handbook, "it is important to identify the indicators which may determine that voluntary repatriation could be an option in the near future." Examples of such indicators could be:

- the conclusion of a peace agreement;
- an amnesty for persons who have left the country; or
- the spontaneous, voluntary return of significant numbers of similarly situated individuals.

In situations where, for example, the country is made up of many ethnic groups, officers should bear in mind that some refugees could be safely repatriated while others could not. If individuals are unable to repatriate due to a continued fear of persecution in their country of origin and if local integration is not possible, resettlement could represent the only durable solution. The UNHCR is an excellent source of information with respect to the viability of repatriation as a durable solution since they are actively involved in the promotion, facilitation and co-ordination of voluntary repatriation programs.

Local integration

Another durable solution for refugees is their local integration or settlement in the country of asylum. In assessing if local integration has taken place, the best measure is the implementation of the rights recognized in the 1951 Convention and other basic human and civil rights which include:

- protection from *refoulement*;
- the right to seek employment;
- the right of children to education;
- the right to leave and to return to the asylum country;
- the right to seek permanent residence status and citizenship in the future (in certain countries only); and
- the right to marry, to practice religion, to own property, to access social services (housing, medical care, etc.).

Note: Not all signatory countries have implemented all these Articles of the Convention or the human and civil rights mentioned above. The absence of one of these rights does not automatically mean there does not exist a durable solution, rather it points to the need to examine individual circumstances.

The following questions and considerations can assist in determining whether or not a refugee benefits from local integration. This is not an exhaustive list, but rather serves to indicate the kind of factors to be considered.

- Is the country of residence signatory to the 1951 Convention and/or its 1967 Protocol?
- Does the country operate a "fair and effective protection regime" for asylum seekers and refugees?

OP 5 Overseas Selection and Processing of Convention Refugees Abroad Class and Members of the Humanitarian-protected Persons Abroad Classes

- It is important to assess individual circumstances to determine whether a particular refugee is locally integrated or could benefit from local integration. The refugee may not be able to become integrated if only one of the basic rights mentioned above is violated such as the right to seek employment. Officers should keep in mind that some signatory countries only allow refugees to remain on a temporary basis, which may or may not constitute a durable solution.
- Is personal security assured?
- Are special needs being met?
- Can the refugee reunite in the country of residence with their nuclear family?

Resettlement in a country other than Canada

This option is the most straightforward in that an offer of resettlement to a country (other than Canada) is, in most cases, a durable solution. However, there may be situations where an applicant's specific ties to a country such as the presence of close family there, or the refugee's employment or education history will influence the decision to accept a refugee for resettlement to either Canada or elsewhere.

What is a reasonable period of time?

In each of the above situations, the officer has to assess whether or not another durable solution is a possibility within a reasonable period of time. The "reasonableness" of any time period should be considered within the context of the individual's particular situation. If the civil and human rights of the applicant are respected in the country where they are currently living, a reasonable period of time may be longer than that for an individual who is not permitted to work, for example. Again, this is a question of fact to be determined by the officer.

The following questions can assist officers in determining the prospects of a durable solution:

- Is a durable solution likely to become available for the refugee in question?
- Would that solution meet international standards?
- How long will it take before the applicant would benefit from the solution?
- Is the applicant's physical welfare or security at risk in the meantime?

13.3. Eligibility criteria for members of the Convention refugee abroad class

Officers should follow the five steps outlined in the table below to determine if the applicant meets the eligibility criteria for members of the Convention refugee abroad class.

Step	Action
1	Refer to definition of Convention refugee abroad class in Section 6.6. The key to assessing eligibility is the Convention refugee definition in A96. A thorough understanding of every part of the definition is essential for officers dealing with refugee applicants. If the applicant is not outside of all their countries of citizenship or habitual residence, the applicant may not be processed under the Convention refugee abroad class. The officer may assess the applicant under the source country class, if the country of citizenship or habitual residence is on the source Country Schedule. Refer to Section 13.5. Eligibility criteria for members of the source country class.
2	Refer to definition of persecution in Section 6.37.
3	Determine if an applicant may have been persecuted and have a "well-founded fear". The phrase "by reason of a well-founded fear of persecution" is key to the definition of the Convention refugee abroad class. Applicants must provide reasons to enable the officer to decide if they:

OP 5 Overseas Selection and Processing of Convention Refugees Abroad Class and Members of the Humanitarian-protected Persons Abroad Classes

	<ul style="list-style-type: none"> • were persecuted; or • have a well-founded fear of persecution. <p>Note: Actual persecution need not have taken place. The officer must be satisfied that the applicant has supplied sufficient evidence that there is a serious possibility that they have a well-founded fear of persecution.</p> <p>This information may or may not be documented. The officer will need to take into account:</p> <ul style="list-style-type: none"> • the credibility of the applicant; • their own knowledge of country conditions in the source country and in the country of asylum; and • available resource material. <p>The following factors may indicate whether an applicant may have been persecuted:</p> <ul style="list-style-type: none"> • their treatment in their own country because of their membership in a minority group social, political, ethnic, national, or religious; • their treatment in their own country based on their political beliefs and/or activities; whether or not they were punished for their political beliefs or activities, as opposed to crimes; • their access to education or training, employment, housing, and social benefits compared with fellow citizens; • any history of incidents indicating persecution of applicants, their close relatives or members of the same group; and • whether they can avail themselves of protection from the government of their country. <p>Other factors determining persecution to consider in determining eligibility for refugee status:</p> <ul style="list-style-type: none"> • a decision by the UNHCR or a signatory country with regard to an applicant's refugee status; • the reason that they are outside their country of nationality or former habitual residence; and • whether there is any risk in departure from their home country including the fact that departure in and of itself may be illegal. <p>“Unable” or “unwilling”</p>
	<p>“Unable” refers to persons who cannot avail themselves of protection by their own governments. “Unwilling” refers to persons who refuse the protection of the country of their nationality. If the country of origin is unwilling or unable to provide protection against persecution (whether the inability is despite the best efforts of a weak state or on account of the total failure of the state), then the victim will fear persecution in case of return and therefore has good reason to be unwilling, owing to that fear, to avail themselves of the protection of that country.</p> <p>Determining if the fear is “well-founded”</p> <p>The determination has a subjective element (fear) and an objective element (well- founded). There are varying degrees to which each of these two elements may be important in any individual case. In cases where there is a failure to express subjective fear, objectively, the circumstances may well justify recognition, in that anyone in such circumstances would run such an obvious risk that the absence of an expression of fear would be immaterial. Conversely, there may be instances where objective circumstances in themselves do not appear to be compelling, but taking into account the individual's own background, belief</p>

OP 5 Overseas Selection and Processing of Convention Refugees Abroad Class and Members of the Humanitarian-protected Persons Abroad Classes

	system and activities, the circumstances may indeed be considered as substantiating a well-founded fear for that individual, although the same objective circumstances might not be so considered for another.
4	<p>Review other sources. Officers may also consider the following sources:</p> <ul style="list-style-type: none"> the provisions of international agreements and covenants to which Canada is signatory, such as the <i>Convention against Torture</i> and the <i>Convention on the Rights of the Child</i>; and the UNHCR's Handbook on Procedures and Criteria for Determining Refugee Status and the UNHCR Resettlement Handbook (both are available at http:// www.unhcr.org). <p>For the UNHCR Handbook Checklist, refer to Appendix C.</p>
5	Assess the ability to establish by proceeding to Section 13.9 to Section 13.14.

If the principal applicant meets the eligibility criteria for members of the Convention refugee abroad class, then proceed to Section 14, Determining admissibility.

If the principal applicant does not qualify as a member of the Convention refugee abroad class, the officer must assess the eligibility and admissibility of the spouse, common-law partner and of any family members. It cannot be assumed that a spouse, common-law partner or a child, particularly an older one, does not have their own story to tell. Each family member must be given the opportunity to tell their story; officers must explore all possibilities. Where any one family member qualifies, that status applies to all other family members. If none of the family members qualify, proceed to Section 27, Refusing applications.

13.4. Eligibility criteria for members of the country of asylum class

To determine if the applicant meets the eligibility criteria for members of the country of asylum class, officers should follow the steps outlined in the following table.

Step	Action
1	<p>Refer to definition of country of asylum class in Section 6.9. Determine if the applicant is outside of all their countries of citizenship and habitual residence. If the applicant is not outside of all their countries of citizenship or habitual residence, the applicant may not be processed under the country of asylum class. The officer may assess the applicant under the source country class, if the country of citizenship or habitual residence is on the source Country Schedule. Refer to Section 13.5, Eligibility criteria for members of the source country class.</p>
2	<p>Determine if the applicant:</p> <ul style="list-style-type: none"> has a private sponsorship; is a self-supporting refugee; or qualifies for a Joint Assistance Sponsorship (JAS). <p>Cases may be accepted under the country of asylum class only if there is a private sponsorship (RAC, RAG, RAS) for the person concerned, or if an applicant will be self-sufficient and therefore not need financial assistance on arrival in Canada (RA4).</p> <p>Note: Currently, applicants in the country of asylum class may not be accepted under the regular government assistance program, but do qualify as special needs cases under the Joint Assistance Sponsorship program (RA5).</p>
3a	<p>Determine if the applicant has been, and continues to be "seriously and personally affected" by:</p> <ul style="list-style-type: none"> civil war; armed conflict; or

OP 5 Overseas Selection and Processing of Convention Refugees Abroad Class and Members of the Humanitarian-protected Persons Abroad Classes

	<ul style="list-style-type: none"> massive violation of human rights. <p>Note: “Seriously affected” means sustained, effective denial of a core or basic human rights. Refer to definition of “massive” violations of human rights in Section 6.28.</p> <p>When making these determinations, the officer can refer to international human rights instruments such as:</p> <ul style="list-style-type: none"> the Universal Declaration of Human Rights; the International Covenant on Civil and Political Rights; and the Covenant on Economic, Social and Cultural Rights. <p>These three instruments make up the <i>International Bill of Human Rights</i>. The text of all three of these instruments can be found on the UNHCR Web site at: http://www.unhcr.org</p>
3b	<p>Determine whether a “massive” violation of human rights has taken place. Refer to definition of “massive” violations of human rights in Section 6.28</p> <p>Human rights reports provide information that can assist the officer with a determination. These reports are prepared by:</p> <ul style="list-style-type: none"> the Department of Foreign Affairs and International Trade (DFAIT); the Immigration and Refugee Board (IRB); the UNHCR and other organizations of the United Nations; Human Rights Watch Reports; Amnesty International; Helsinki Watch; and other NGOs and international organizations, etc. <p>When in doubt, the officer should not hesitate to seek guidance from SRE.</p>
4	Assess the ability to establish by proceeding to Section 13.9 to Section 13.14.

If the principal applicant meets the eligibility criteria for members of the country of asylum class, then proceed to Section 14, Determining admissibility.

If the principal applicant does not qualify as a member of the country of asylum class the officer must assess the eligibility and admissibility of the spouse, common-law partner and of any family members. It cannot be assume that a spouse, common-law partner or a child, particularly an older one, does not have their own story to tell. Each family member must be given the opportunity to tell their story; officers should explore all possibilities. Where any one family member qualifies, that status applies to all other family members. Proceed to Section 27, Refusing applications if none of the family members qualifies.

13.5. Eligibility criteria for members of the source country class

To determine if the applicant meets the eligibility criteria for members of the source country class, officers should follow the four steps outlined in the table below.

R148(1)(a) states that a member of the Source country class must be residing in their country of nationality or habitual residence and “that country is a source country... at the time their permanent resident visa application is made as well as at the time a visa is issued.”

Guidelines for processing applications from countries subject to review for inclusion in the source Country Schedule will be developed.

Step	Action
1	Refer to definition of source country class in Section 6.48
2	Determine if the applicant’s country of citizenship or habitual residence is on Schedule 2 (source Country Schedule).
3	Determine if the applicant is: <ul style="list-style-type: none"> eligible to be a government-assisted refugee;

OP 5 Overseas Selection and Processing of Convention Refugees Abroad Class and Members of the Humanitarian-protected Persons Abroad Classes

	<ul style="list-style-type: none"> • a privately sponsored refugee; • eligible for Joint Assistance Sponsorship; or • a self-supporting refugee.
4a	<p>Determine if the applicant has been, and continues to be, “seriously and personally affected” by civil war or armed conflict. “Seriously affected” means sustained, effective denial of a core or basic human rights. Refer to definition of “massive” violations of human rights in Section 6.28.</p> <p>When making these determinations, the officer can refer to international human rights instruments such as:</p> <ul style="list-style-type: none"> • the Universal Declaration of Human Rights; • the International Covenant on Civil and Political Rights; and • the Covenant on Economic, Social and Cultural Rights. <p>These three instruments make up the <i>International Bill of Human Rights</i>. The text of all three of these instruments can be found on the UNHCR Web site at: http://www.unhcr.org/cgi-bin/texis/vtx/home.</p>
4b	<p>Determine if the applicant “has been or is 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.” Refer to definition of civil rights in Section 6.3.</p> <p>Note: Penal control is defined as any punitive restriction imposed on an individual or group by authorities that does not apply to the general population (e.g., restriction of movement or occupation).</p> <p>Note: If a source country class applicant has been detained or is under some other form of penal control, the officer should determine if the detention or penal control resulted from the efforts of the applicant to express a point of view contrary to the government’s position or to promote social change. If the answer is “yes,” the applicant may be eligible for selection under the source country class.</p>
4c	<p>Determine if an applicant has a “well-founded fear of persecution”. The phrase “by reason of a well-founded fear of persecution” is key to the definition of the source country class. It has a subjective element (fear) and an objective element (well-founded). Both must be taken into consideration, but normally the focus will be on the well-founded aspect of the case. Applicants must provide reasons to enable the officer to decide if they:</p> <ul style="list-style-type: none"> • were persecuted; or • have a well-founded fear of persecution. <p>This information may or may not be documented. The officer will need to take into account:</p> <ul style="list-style-type: none"> • the credibility of the applicant; • their own knowledge of country conditions in the country; and • available resource material. <p>Note: Actual persecution need not have taken place. The officer must be satisfied that the applicant has supplied sufficient reasons to prove they have a well-founded fear of persecution.</p> <p>The following factors may indicate whether an applicant has a well-founded fear of persecution:</p> <ul style="list-style-type: none"> • their treatment as a member in a minority group, social, political, ethnic, national, or religious which may or may not have been persecuted;

OP 5 Overseas Selection and Processing of Convention Refugees Abroad Class and Members of the Humanitarian-protected Persons Abroad Classes

	<ul style="list-style-type: none"> • their treatment based on their political beliefs and/or activities while in their country, whether or not they were punished for their political beliefs or activities, as opposed to crimes; • their access to education or training, employment, housing, and social benefits compared with fellow citizens; • any history of incidents indicating persecution of applicants, their close relatives or members of the same group; and • whether risk is involved in the departure from their home country. <p>Why they are unable or unwilling. “Unable” refers primarily to persons unable to avail themselves of protection by their own governments. “Unwilling” refers to persons who refuse the protection of the country of their nationality.</p>
5	<ul style="list-style-type: none"> • Assess the ability to establish by proceeding to Section 13.9 to Section 13.14.

If the applicant meets the eligibility criteria for members of the source country class, then proceed to Section 14, Determining admissibility.

If the principal applicant does not qualify as a member of the source country class the officer must assess the eligibility and admissibility of the spouse, common-law partner and of any family members. It cannot be assumed that a spouse, common-law partner or a child, particularly an older one, does not have their own story to tell. Each family member must be given the opportunity to tell their story; the officer should explore all possibilities. Where any one family member qualifies, that status applies to all other family members.

13.6. Determining which family members are eligible for resettlement: overview

Refer to definition of family member in Section 6.22.

For more information, see:

- Eligibility criteria for a dependent *de facto* family member, Section 13.7.
- Admissibility criteria for a dependent *de facto* family member, Section 13.8.

Context

There is a clear and direct relationship between the foregoing and the use of discretion and flexibility both in selecting refugee families in the first instance and also in examining cases where reunification of refugee families in Canada is involved. Officers should be flexible in determining who is a member of a refugee family, as it is not unusual in many refugee situations to find that families have been split or reconfigured for reasons relating to the departure from the country of nationality or last permanent residence.

Similarly, where private sponsorships (RAs, RSs, or CRs) of family members or relatives are being examined, officers should place considerable confidence in the financial, emotional and social assistance that the family in Canada can apply to resettlement. Immigrant Database (IMDB) data shows clearly that such cases resettle very effectively and much more so than government-assisted refugees.

Keeping families together

Family unity is an express objective of the *Immigration and Refugee Protection Act*. To the greatest extent possible, therefore, officers should avoid splitting or separating refugee families at the time of selection. Family separation is an impediment to the successful establishment of the family unit and leads to psychological/emotional distress such as loneliness, guilt for leaving family members, separation anxiety, loss of support network, inability to focus and get on with new life, breakdown in relationships, depression and mental health problems.

If one family member is accepted as meeting resettlement criteria, then every effort should be made to deal with other family members in the same way. One family member's selection as a refugee generally applies to the other family members, even if indirectly.

OP 5 Overseas Selection and Processing of Convention Refugees Abroad Class and Members of the Humanitarian-protected Persons Abroad Classes

If one member is refused for resettlement, it may be in the best interest of the family that all should be refused, rather than splitting the family. Pursuant to section A42, if a family member is inadmissible they render the rest of the family inadmissible.

For this same reason, when processing private sponsorship cases, it is important to ensure that any family members identified on the PA's IMM 0008 have also been included in the sponsor's undertaking and that, where possible, they are processed concurrently. It is, therefore, crucial that in such cases where the family member is not identified on the undertaking, the visa office contact the local CIC who will communicate with the sponsor in order to:

- amend the undertaking;
- re-assess the settlement plan; or
- withdraw the sponsorship.

Processing of the PA's application should not recommence until such time as all family members are included on the undertaking.

Determining family members

Please refer to the definition of family member in Section 6.22. Family members include:

- spouse;
- common-law partners; and
- dependent children of the principal applicant or of the principal applicant's spouse or common-law partner; or
- a dependent child of a dependent child of the principal applicant or the principal applicant's spouse or common-law partner, regardless of whether they are at the same location.

DNA testing

Visa officers are to consider any documentary and oral evidence that is provided in support of a relationship. If, after reviewing the documentary evidence submitted, the officer is still not able to determine the relationship, a letter will be sent to the applicant explaining why a determination cannot be made. The applicant will be offered the option of undergoing voluntary DNA testing (see Appendix K –Sample letter of a request for DNA testing). If no notification of intent to undertake DNA testing is received within a 90-day period, the visa officer will make a final decision based on the information available on the file.

Determining dependent *de facto* family members

The policy intent is to identify and allow certain persons who fall outside of the definition of family member to resettle as members of the family unit. It is also to uphold the principle of family unity, which is an express objective of the *Immigration and Refugee Protection Act*.

The rationale for this policy is based on the need to improve the processing of refugee families by implementing facilitative measures that help keep families together. It is important that *de facto* family members be processed concurrently, as there is a danger that *de facto* family members who are not processed concurrently may be subsequently found to be ineligible or inadmissible for resettlement. It is not unusual in many refugee situations to find that families have been split or reconfigured for reasons relating to the departure from the country of nationality or last permanent residence. Officers must exercise flexibility in determining who is a member of a refugee family.

Concurrent processing of family members

The concurrent processing of family members not at the same location as the PA is an important consideration in family reunification. When the officer is made aware that family members have been separated but can be located or are being processed at another visa office, every reasonable effort should be made to process the cases concurrently. The family members would derive their status from the principal applicant, therefore, the cases should be cross-referenced. Consideration should also be given to any loans incurred separately by adult family members

OP 5 Overseas Selection and Processing of Convention Refugees Abroad Class and Members of the Humanitarian-protected Persons Abroad Classes

and, when assessing the family for ability to establish, consideration should be given to the contribution of all of the family members.

13.7. Eligibility criteria for a dependent *de facto* family member

Who can apply?

The accompanying *de facto* family member:

1. must be dependent on the family unit in which membership is claimed and not meet the definition of family member. The relationship may be by blood, marriage or strictly through long association (i.e., may not necessarily be a relative). The dependency must be emotional or financial and will often be a combination of both factors. Such persons would normally, but not exclusively, live with the PA as members of the same household and, in many cases, face the same dangers of persecution as the PA.

2. must be dependent on a PA who is a member of one of the prescribed classes:

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

3. must meet the definition of refugee in their own right under one of the classes. To be considered for resettlement with the PA, the *de facto* dependant must be a refugee in their own right.

4. must demonstrate an ability to successfully establish as part of the family unit.

All persons, including the *de facto* dependant, who form part of the family unit will be examined sympathetically. This is consistent with efforts to keep family units together, if at all possible. The family members are assessed collectively on their ability to establish.

The following is a non-exhaustive list of examples of who may be found to be a *de facto* dependant family member:

- an unmarried adult daughter in cultures where it is normal for an unmarried daughter to remain dependent until she marries;
- a widowed sister or sister-in-law in a culture where it is normal that the applicant would take on responsibility for her care and support and who has no other means of support;
- young children, for whom the family has been caring and whose parents have been killed or are missing;

Note: In these cases the officer 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 means of support other than the PA; and
- elderly relatives (aunts, uncles & cousins) who have resided with the PA for a substantial period of time and/or who are dependent on the family unit for care, shelter, and emotional support.

The following is a non-exhaustive list of examples of who may be found *not* to be a *de facto* dependant family member :

- 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 PA for financial support;

OP 5 Overseas Selection and Processing of Convention Refugees Abroad Class and Members of the Humanitarian-protected Persons Abroad Classes

Note: They have to qualify for resettlement on their own merits.

- an elderly parent who normally resides with the PA, but who is self-supporting; and
- 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.

If any concern exists as to whether a refugee (CR, RS or RA) should be processed as a dependent *de facto* family member, SRE should be contacted for advice and guidance.

13.8. Admissibility criteria for a dependent *de facto* family member

The dependent *de facto* member must:

- meet the statutory requirement (medical, security and criminality) under IRPA, as for all permanent resident visa applicants. If one family member is refused on the basis of statutory admissibility, all must be refused.

This section covers:

- conditions for applying;
- family—special-needs cases;
- family—resettlement; and
- refugees and family class sponsorships.

Conditions for applying

To be processed as dependent *de facto* family member:

- the applicant must be identified on the PA's permanent resident visa application IMM 0008;
- the applicant must be physically residing with the PA at the time the PA's application is made;
- the officer must be satisfied that the applicant meets the criteria of dependent *de facto* family members as described in Section 6.14;
- the officer must be satisfied that the applicant is a refugee in their own right;
- the applicant must be processed concurrently with the PA, i.e., a visa is issued at the same time as the visa is issued to the PA and they travel to Canada at the same time as the PA, except in the case of urgent protection (UP) cases.

The dependent *de facto* family member must:

- be processed concurrently with the PA;
- be selected in the same class as the PA;
- be included on the transportation loan of the PA, or if they are over 18 years of age, obtain their own loan;
- receive the same consideration as other family members so that they can benefit equally from the Resettlement Assistance Program (RAP) and other broad-based settlement services upon arrival in Canada; and
- in the case of a minor, consideration must be given to establishing legal custody/guardianship. See Section 22.3, Separated minors.

In urgent protection cases, where the officer has limited time to assess the relationship of the dependent *de facto* family members to the PA, the officer:

- must counsel the PA that there is no guarantee that all or any of the *de facto* family members identified on the application will be selected for resettlement; and

OP 5 Overseas Selection and Processing of Convention Refugees Abroad Class and Members of the Humanitarian-protected Persons Abroad Classes

- should process the *de facto* family members as soon as possible.
- For PSR cases where the dependent *de facto* family members were included on the PA's IMM 0008 applications but not on the undertaking, the officer must notify the local CIC who will contact the sponsor in order to:
 - amend the undertaking;
 - re-assess the settlement plan; or
 - withdraw the sponsorship.

The processing of the PA's application should not recommence until such time as all family members are included on the undertaking.

Note: The One-Year Window of Opportunity Program (OYW) does not apply to dependent *de facto* family members.

Family – Special-needs cases

Remember that the principles of family unity outweigh resettlement concerns associated with individual family members. Where the officer identifies compelling resettlement concerns (for example with elderly parents), it may be appropriate to identify to the Matching Centre such cases as special-needs cases which would benefit from a Joint Assistance Sponsorship. Please refer to Section 15.4, Joint Assistance Sponsorship.

Where a family member is processed as a special-needs refugee, medical examination and transportation costs may be paid for by a contribution rather than a loan. The officer must make a request for a contribution to the Matching Centre at the same time as the request for a joint assistance sponsorship. The contribution fund was established to reduce the financial hardship on special-needs refugees and the family unit as a whole. Please refer to OP 17, Loans.

Family - Resettlement

By respecting the family unit, the officer is also enhancing resettlement potential of those selected. Initial results of data extracted from the Immigration database (IMDB) indicate that having the entire family in Canada aids in the resettlement of refugees, in part because it relieves the worry about what may be occurring to family members left behind. Separation of spouses, common-law partners and dependants or elderly parents can cause high levels of stress and anxiety that are not conducive to resettlement.

Refugees and family class sponsorships

If the refugee qualifies under the family or independent classes, this does not preclude them from being processed as refugees. Refugees are defined by their eligibility as refugees or the HPC classes and their need for protection. As a particular subset of foreign nationals distinguished by this need, they do not undermine the family class or any other class by being processed as refugees. Where a person who meets the eligibility test for resettlement (RA, RS, CR), whether a walk-in case, private sponsorship or UNHCR referral, has family members in Canada, they should be processed as a refugee.

13.9. Ability to establish

The *Immigration and Refugee Protection Regulations* require that persons selected for resettlement be able to demonstrate the ability to resettle successfully in Canada. For refugees destined to Quebec, please refer to Section 26. The determination of a person's ability to resettle is made by the officer.

When assessing a person's ability to successfully establish in Canada, the officer is making a decision about the likelihood that a person, with the contribution of all family members, will:

- be able to provide for themselves and their dependants; and
- not rely on social assistance for food and shelter after a 3 to 5-year time period.

OP 5 Overseas Selection and Processing of Convention Refugees Abroad Class and Members of the Humanitarian-protected Persons Abroad Classes

13.10. Exemptions from requirement

Exemptions from requirement include:

- Urgent and vulnerable cases

In cases where an officer finds that a refugee meets the definition of “urgent need of protection” or meets the definition of “vulnerable”, the officer may not refuse an applicant based on inability to successfully establish. In these cases, the assessment is performed only for the purposes of determining the type and amount of assistance required and whether the person would benefit from a joint assistance sponsorship.

Please refer to the definitions of urgent and vulnerable in Section 6.

- Non-accompanying family members (persons applying for a visa under the one-year window opportunity)

Family members are assessed together as a whole unit at the time the principal applicant applies for a visa. Since the assessment is done at the time of the initial application, there is not a need to reassess a non-accompanying (following) family member who applies within the one-year period allowed under R141(1)(b).

13.11. Settlement factors stipulated in the Regulations

In general, the Regulations are meant to allow an applicant to show how past experiences and current support networks all contribute positively to future integration. In assessing the principal applicant’s and dependants’ ability to successfully establish, the officer will take a range of elements into consideration. These elements enumerated in the Regulations are as follows:

- the applicant’s resourcefulness and other similar qualities that assist in integration in a new society;
- the presence of relatives or a sponsor in the community of resettlement;
- the ability of the applicant to learn to communicate in English or French; and
- the potential for employment based on the family members’ education, work experience and skills.

13.12. Assessing ability to successfully establish - General guidelines

When reviewing the applicant’s ability to establish, the officer is assessing the applicant **and** the applicant’s family unit, including the family and the *de facto* members, as a whole. The factors to consider relate to the family as a unit and not just to an individual. The factors themselves are also not to be taken individually. A lack in one area is not enough to warrant a negative determination.

Example: There may be real reasons to believe a person will be unable to learn to communicate in English or French. If the person has demonstrated, however, that knowledge of language will not prevent general integration and successful establishment, the assessment of language skills will not play the determining role in the decision. On the other hand, it will be difficult to determine if the person will be able to provide for themselves within a reasonable time period (three to five years) if the person:

Example: has no work experience;

Example: has shown little ability to learn another language; and

Example: is unlikely to be residing with others who can communicate.

When making a decision about whether a person's experiences, skills, education and connections to Canada are substantial enough to warrant a positive determination on ability to establish, officers will ask themselves several questions and will review the statements made at the interview on the IMM 0008 and any documents submitted by the applicant.

OP 5 Overseas Selection and Processing of Convention Refugees Abroad Class and Members of the Humanitarian-protected Persons Abroad Classes

13.13. Guidelines for assessing factors

Assessing qualities that assist in integration

When assessing refugees, any personal characteristics that point to a person's ability to adapt to Canada are taken into consideration. Officers may look at how applicants have managed to maintain themselves or the family during the period of time they have been in a refugee-like situation.

How a person has been able to manage may demonstrate initiative, resourcefulness, ingenuity, perseverance or other characteristics that would all assist in integration. Elements to consider include:

- applicant has maintained family's cohesiveness during several years in a refugee camp context;
- applicant has been able to mentor younger family members while in a refugee context;
- applicant has adapted to life in the country of refuge or in a camp;
- applicant demonstrates continuous learning skills through knowledge of the country of refuge; and
- applicant has used previous skills to help themselves or others while displaced.

On the other hand, it may become obvious through an interview that a person is unlikely to be able to adapt to a new country. This inability may be apparent where a young person in their 20s or 30s has neither tried to acquire any new skills nor shown any motivation to better their own conditions or those of the persons around them.

Assessing the presence of relatives or a sponsor in the community of resettlement

There are considerable benefits derived through the presence and support of cousins, siblings, aunts and uncles to one's personal well-being, which in turn facilitate successful establishment. These beneficial relationships may be the only means for an older person, whose only potential for establishment is based on other family members' ability to establish, to be considered for a visa. Please refer to the definition of family member in Section 6.22.

The notion of relatives is meant to be fairly broad but not so broad as to include relatives of acquaintance such as a close friend of the family called "Uncle." It is meant to convey the notion of "blood relationship" of the principal applicant or the blood relations of the spouse or common-law partner. It is not enough that a person has relatives in Canada. The relations must be in the expected community of resettlement since it is the physical presence of family that will assist in integrating. Relatives include the applicant's own relatives or a spouse or common-law partner's relatives, such as:

- parents;
- siblings;
- aunts;
- uncles;
- cousins.

Refugees may not have documentation to prove the presence of family. Questioning the refugee may help the officer determine whether the family connection is substantial enough to actually be beneficial to the applicant's integration. Some elements to consider include:

- What does the applicant know about their family in Canada?
- What kind of assistance does the applicant expect from their family in Canada?
- Have the relatives in Canada been in contact with the refugee?

OP 5 Overseas Selection and Processing of Convention Refugees Abroad Class and Members of the Humanitarian-protected Persons Abroad Classes

- An inability to respond to simple questions about family members' or relatives' whereabouts, ages, events such as deaths, marriages or birth of sibling, parents, grandchildren may raise questions about credibility or may mean the relationships with family are so distant as to be of little value in assisting the applicant with integration.

Assessing the ability to learn to communicate in English or French

It is not necessary that an applicant speak English or French in order to qualify for resettlement in Canada. The ability to communicate in either French or English does, however, point to qualities that will assist in integration, since language skills are directly tied to a person's potential for employment in Canada. Although there are no objective tools an officer can use to measure linguistic ability in a short interview, there are some basic factors that can point to linguistic ability.

These factors include:

- applicant is literate in their own language;
- applicant has taught a language in the past or is teaching children in the community about their native language (teaching literacy skills);
- applicant has some knowledge of one of the official languages of Canada;
- applicant is fluent in more than one language;
- applicant has acquired a working knowledge of the language used in the refugee camp or country of refuge;
- applicant has acted or acts as interpreter for others;
- applicant will be residing with school-age children;
- applicant will be residing with persons who do speak or who have the ability to learn to speak English or French.

Assessing the potential for employment based on education, work experience and skills

The officer cannot expect all refugees to have the same qualifications as independent applicants, although some will. Neither is it necessary for an applicant to have a certain level of education or work experience. Persons with manual skills and low education can and do find employment and adapt to life in Canada, in some instances, more readily than applicants who have higher education who may have difficulty getting their professional qualifications recognized.

Applicants need not prove that they can work in their former occupations. In fact, if they belong to a profession or trade that is regulated provincially or federally, it is virtually impossible for them to prove they will be able to continue in their previous occupation before arrival in Canada.

When assessing the applicant's flexibility in finding employment, the officer should consider the type of employment that they are most likely to find. The officer must determine whether the type of employment the applicant is likely to find, when combined with other family members' contributions, will provide the financial means necessary to support the family. It is also important to consider the amount of debt with which the family will begin life in Canada.

For example, a large family may arrive in Canada with a transportation loan that is several thousand dollars. The amount of the transportation loan needed by the family could have a significant bearing on whether the family will be able to repay the loan. Challenges with repaying a large loan could have an impact on the applicant's ability to successfully establish themselves. Consideration can be given to requesting a contribution in extreme situations where it appears that the family will not be able to repay the loan (restricted to Joint Assistance Sponsorship cases). For more detailed procedures about repaying loans, please refer to OP 17, Section 13, Procedure: Transportation Loan. Some factors to consider when assessing potential for employment include:

- applicant has work experience, formal or informal, that points to adaptability;

OP 5 Overseas Selection and Processing of Convention Refugees Abroad Class and Members of the Humanitarian-protected Persons Abroad Classes

- applicant has undertaken to provide a service to camp members such as sewing, cooking, hairdressing, building furniture or structures, child care, cleaning, nursing or other types of services in return for other goods and services;
- applicant is currently a student or is working in the country of refuge (or source country);
- applicant worked or attended an educational institution in the past, before the refugee-like situation occurred;
- applicant has acquired new skills while in a camp context such as organizing ad hoc events, committees or groups that better the conditions of camp members that point to adaptability;
- applicant has undertaken to teach others a new skill;
- applicant is young enough to attend school as a matter of course in Canada for a few years (i.e., under 16);
- applicant has several family members, some of whom are still of school age or who are young adults, who will be able to contribute in the long term to the family's economic well-being; and
- applicant continued to practice previous skills while in a refugee camp (for example, doctor providing medical care; hairdresser providing hair cuts and styling; mason providing masonry services).

13.14. Alternatives to refusal

It is inevitable that there will be cases where it is clear the applicant will not be able to establish in Canada. In some cases, even though a person has knowledge of an official language and has work experience, it is clear the person has little chance to become self-sufficient in Canada even after three to five years. For example, it may be difficult for elderly persons who have no family or sponsor to demonstrate the potential for establishing themselves in Canada.

Before refusing someone on the basis the person does not demonstrate an ability to successfully establish within three to five years, the officer must first determine whether the applicant could establish if given some extra assistance.

Questions to ask:	Details:
Could the applicant establish if given assistance through the JAS program?	If the officer determines that the applicant is a special-needs refugee who requires longer-term financial support and other forms of support, the applicant could be considered for a Joint Assistance Sponsorship (JAS). Under the JAS program, assistance is available for up to 36 months in exceptional circumstances. Please refer to Section 15.4, Joint Assistance Sponsorship (JAS).
Could the applicant establish if given assistance through the private sponsorship program?	If the officer is not satisfied that a government-assisted applicant will successfully resettle in Canada, and the applicant cannot be processed under JAS, the officer should consider whether a private sponsorship would make a difference. In most cases, support from a private sponsor allows a refugee to adapt more quickly to life in Canada. If the officer is referring a case to the Matching Centre as a visa office-referred sponsorship, refer to Section 17.4, Processing visa office-referred sponsorships (unnamed sponsorships) for procedures.
Could the applicant establish if given assistance through an extended sponsorship?	The Regulations allow a private sponsorship to be extended beyond the normal period of 12 months in exceptional circumstances. Officers may consider an extended private sponsorship when

OP 5 Overseas Selection and Processing of Convention Refugees Abroad Class and Members of the Humanitarian-protected Persons Abroad Classes

	they believe that an applicant will require a longer period of assistance, even if they are not a special-needs refugee. In such cases, the sponsorship may be extended for up to 36 months provided the applicant is otherwise eligible under the Regulations. An extension of sponsorship must be done in consultation with, and with the agreement of the Sponsorship Agreement Holder (SAH) and sponsorship group before the refugee travels to Canada. For procedures, refer to Section 17.5, Extending a private sponsorship.
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14. Procedure: Determining admissibility

The following table identifies the three elements that need to be assessed.

Part	Elements to be considered
1	Medical
2	Security
3	Criminality

Note: For exceptions, please refer to Section 18, Final decision.

14.1. Medical examination

Under A38(2), refugees and persons in similar circumstances selected abroad are no longer refused on the grounds of medical inadmissibility due to excessive demand on Canada's health care system.

Under the former Act, designated medical practitioners were required to complete an immigration medical examination and note any conditions, including severity and likely prognosis and treatment required. This information was then used by a medical officer to assess a refugee applicant's possible impact on Canada's health and social services. Due to the extensive medical information required to assess potential excessive demand on health and social services, information on significant medical conditions was available to the visa officer and was used to determine what type of sponsorship was required and where in Canada the required medical services were available.

With IRPA's implementation, medical deferral of refugees for the purposes of assessing excessive demand is no longer required, thus creating a significant lack of pertinent medical information that is crucial to the successful resettlement of refugees in Canada. The Supplemental Medical and Resettlement Needs Assessment Form [IMM 5544] was developed as a practical tool to fill this gap by assisting private sponsors and resettlement workers in Canada in planning appropriate reception and resettlement arrangements. See Section 16.2 below for procedures on form IMM 5544.

14.2. Criminal examination

As with other permanent residents, refugees can be inadmissible to Canada if they have been convicted of crimes or have committed acts or omissions that would render them inadmissible to Canada.

At this time the officer will clarify or obtain more information related to the categories outlined in Section 11.5, Reviewing application for possible problems.

Criminality checks

Officers should not require refugees to submit police certificates or certificates of no criminal conviction from their home country. Alerting authorities in the country of alleged persecution to an individual's permanent residence application may put an applicant or family at risk. Officers may, however, request police certificates for countries of temporary asylum. For availability and cost of

OP 5 Overseas Selection and Processing of Convention Refugees Abroad Class and Members of the Humanitarian-protected Persons Abroad Classes

police certificates for specific visa offices, refer to the CIC Explore Web site at:
http://www.ci.gc.ca/international/missions/messages/2003/03rim082_appa_e.aspx

14.3. Security

Procedures for background clearance can be found in IC 1 Security.

14.4. Inadmissibility through misrepresentation

Guidelines

Foreign nationals immigrating to Canada can be found inadmissible through misrepresentation. However, refugees may be exempted from this form of inadmissibility. The following information will identify how refugees are exempt, how the legislation applies, provide some examples of the application of misrepresentation, and how it is irrelevant in the refugee context.

Persons who make a material misrepresentation or withhold information, either directly or indirectly, on a relevant matter that could induce an error in the administration of the Act are inadmissible to Canada. For more information on the general guidelines for misrepresentation, please refer to ENF 2/OP 18.

In the refugee context, inadmissibility due to misrepresentation is exempted pursuant to R22. However, A16 establishes the obligation for truthfulness during the examination. It should be noted that misrepresentation should not be confused with credibility which can determine eligibility.

Even though there is an exemption for inadmissibility through misrepresentation for protected persons, the Minister may allow a decision to vacate the claim for refugee protection as a result of misrepresentation A109. *Bayat v. Canada (Minister of Citizenship and Immigration) (C.A.) (A-338-99)* is an example of a case where refugee protection was granted by an officer, yet it was the IRB that determined the status should be vacated. In this example, the person's visa had been issued and they had already been granted permanent residence status. For more information on vacation of refugee status for misrepresentation, please refer to ENF 2/OP 18, Section 9.12.

For people whose visa has been issued and are still abroad, the officer could reopen the file if they discover false elements about the claim. CIC would not appeal on grounds of misrepresentation in Canada in these cases because the officer has the authority to review the case with respect to the elements that were hidden from them.

There is also the possibility that the person arrives in Canada and CIC has information on their criminal record. At the POE, that person would fall under A40 and be inadmissible. There is no exemption for a person who has been issued a visa, but was never granted permanent residence status A95(1) and (2).

The following table sets out the scenarios for misrepresentation and the exemptions or provisions that apply in the Act and Regulations for protected persons.

A permanent resident or foreign national is inadmissible for misrepresentation in the following cases:

Action	Legislative reference	Application	Exemption
Directly or indirectly misrepresenting or withholding facts about a matter that could cause an error in the administration of the Act	A40(1)(a)		R22 exempts protected persons within the meaning of the refugee classes from inadmissibility due to misrepresentation in A40(1)(a)
Being or having been sponsored by a person who has been determined to be inadmissible for	A40(1)(b), (2)(a),(b)	A40(2)(a) provides that if the foreign national or the sponsor has been inadmissible through misrepresentation, they	A40(2)(b) makes an exemption for sponsors unless the Minister is satisfied that the facts justify the inadmissibility

OP 5 Overseas Selection and Processing of Convention Refugees Abroad Class and Members of the Humanitarian-protected Persons Abroad Classes

misrepresentation		will continue to be inadmissible for a period of 2 years following the determination	
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The table shows that protected persons under the meaning of A95(2) are exempted from the application of A40(1)(a). In the refugee context, it may be very difficult in some circumstances to have the refugee present a coherent story. An examination of some of the examples of misrepresentation outlined in ENF 2/OP 18, Evaluating inadmissibility may serve to illustrate the necessity of R22.

Examples:

An applicant fails to disclose that they recently applied for a visa to Canada.

This is not relevant in the refugee context because they have been found to be a refugee and, once accepted for resettlement, the number of applications they may have submitted is irrelevant.

An applicant fails to disclose a criminal record, and it is later discovered that they are inadmissible under the criminality provisions.

This may be grounds for an application for vacation of refugee status.

An applicant for a visa fails to disclose the existence of dependants, even if the dependants could satisfy the requirements of the Act.

The requirement for the refugee applicant to disclose the existence of dependants is only required if the applicant is being considered under the One-Year Window of Opportunity. Generally, the principle governing this as an example of misrepresentation in other immigration programs is not applicable in the refugee context.

An applicant fails to disclose that they were previously issued a removal order in Canada, even if they would not require consent to return.

If the applicant for resettlement has been removed from Canada, it is unlikely that they would have a credible "refugee story". If they do manage to mislead the officer, there would be grounds for an application for vacation of refugee status once the true facts were revealed.

An applicant includes a nephew in their application and lists this person as a son.

This may be a genuine mistake rather than misrepresentation. The cultural context may find this type of "error" acceptable if the child is in a de facto relationship with the applicant. In the refugee context, de facto relationships are more common and the applicant may be afraid that revealing the true relationship may penalize them in some way.

An applicant misrepresents the age of a dependant who could otherwise not be included in the application.

Again, in the refugee context, this may be an error that stems from a misunderstanding of the process. In addition, documentation may be difficult to obtain. The guiding principle of family reunification would prevail in this situation and the officer would probably be flexible in facilitating the resettlement of the overage dependant.

Misrepresentation and the One-Year Window

The One-Year Window is the only refugee program that provides derivative status to the non-accompanying family members. A42 deals with the inadmissibility of family members, however protected persons are exempted. It should be noted that, if family members gain permanent residence status based on the status of the PA and the PA's protection is vacated, then the family's status could be vacated as well.

OP 5 Overseas Selection and Processing of Convention Refugees Abroad Class and Members of the Humanitarian-protected Persons Abroad Classes

15. Procedure: Reviewing information specific to refugee categories

Although the interview process is the same for all refugee categories, this section provides officers with general guidelines to follow when interviewing an applicant from a specific category.

If the applicant is a	Which includes	Refer to section
government-assisted refugee	CR1, RS1	15.1 Government-assisted refugees (GARs)
privately sponsored refugee	CRC, CRS, CRG RSC, RSS, RSG, RAC, RAS, RAG	15.2 Privately-sponsored refugees (PSRs)
self-supporting refugee	CR4, RS4, RA4	15.3 Self-supporting refugees
joint assistance sponsorship case	CR5, RS5, RA5	15.4 Joint Assistance Sponsorship

Please refer to Appendix A CIC Coding for resettlement categories and special programs.

15.1. Government-assisted refugees (GARs)

Can the applicant be processed as a GAR?

Refugees selected for resettlement under the regular government assistance program are given financial assistance for up to 12 months. The officer should consider that the financial and other assistance is provided for a minimum 12-month period.

Counselling applicants on secondary migration

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

Is the applicant able to repay loans?

If the applicant is deemed able to resettle within the 12-month period, the officer will then assess the applicant's ability to find employment and the type of employment that they are most likely to find. For more detailed procedures, please refer to OP 17, Loans.

Could the applicant be processed as a JAS case?

If the officer determines that the applicant is a special-needs refugee who requires longer-term financial and other forms of support, the applicant could be considered for a Joint Assistance Sponsorship (JAS) where assistance is available for up to 24 months. In exceptional circumstances, the applicant may be eligible for up to 36 months of JAS.

Please refer to Section 15.4, Joint Assistance Sponsorship.

Could the applicant be accepted for private sponsorship?

If the officer is not satisfied that a government-assisted applicant will successfully resettle in Canada, and the applicant cannot be processed under JAS, the officer should consider whether a sponsorship would make a difference. In most cases, support from a private sponsor allows a refugee to adapt more quickly to life in Canada.

If the officer is referring a case to the Matching Centre as a visa office-referred sponsorship, refer to Section 17.4 Processing visa office-referred sponsorships (unnamed sponsorships) for procedures.

15.2. Privately sponsored refugees (PSRs)

For PSRs destined to Winnipeg, Manitoba, please refer to Appendix J – Winnipeg PSR Assurance Program (WPSRAP)

OP 5 Overseas Selection and Processing of Convention Refugees Abroad Class and Members of the Humanitarian-protected Persons Abroad Classes

Even though an undertaking may have accompanied the application, the refugee must still meet the eligibility requirements.

If the applicant is eligible, then officers should determine if the applicant can resettle within the 12-month period of the sponsorship. If the officer determines that the applicant will need additional assistance, then the applicant:

- may qualify for a Joint Assistance Sponsorship (JAS), (refer to Section 15.4, Joint Assistance Sponsorship); or
- be granted an extended private sponsorship.

Joint Assistance Sponsorship

The officer should first establish whether the case qualifies the refugee under the JAS Program. If the refugee does not qualify under the JAS Program, the officer may then consider an extended private sponsorship when it is clear that an extended period of assistance would mean the difference between the acceptance or rejection of a refugee who meets all other eligibility and admissibility criteria. For more information on the JAS Program see Section 15.4, Joint Assistance Sponsorship.

Extended sponsorships

The Regulations allow a private sponsorship to be extended beyond the normal period of up to 36 months in exceptional circumstances.

Officers may consider an extended private sponsorship when they believe that an applicant will require a longer period of assistance. An extended sponsorship may be needed because the refugee's education, linguistic or employment skills are limited. In such exceptional cases, the sponsorship may be extended for up to 36 months provided the applicant is otherwise eligible under the Regulations. Where a longer sponsorship period is required, the decision regarding the length of sponsorship rests with the officer. However, the decision must be made in consultation with, and with the agreement of the Sponsorship Agreement Holder (SAH) and sponsoring group(s) before the refugee travels to Canada (refer to Section 17.5 for procedures).

Determining the length of sponsorship in most of these situations will be an imprecise science. Therefore, it is suggested that the extended sponsorships be set at either 18 or 24 months.

The extension of a private sponsorship to more than 12 months should be undertaken on an exceptional basis only, as it has been documented that the majority of privately sponsored refugees are able to resettle within a relatively short time.

Note: For more information on the Private Sponsorship of Refugees Program please refer to the following Web site: <http://www.cic.gc.ca/english/refugees/private-menu.html>

15.3. Self-supporting refugees

Can the applicant be processed as a self-supporting refugee?

To determine the ability of applicants to be self-supporting, the officer must be satisfied that the applicants have sufficient financial resources, without outside financial support, to provide for their own lodging, care and maintenance and resettlement in Canada, as well as for those of dependants. In most cases this will mean until they obtain employment that will support the refugee and their family.

The officer may also want to take into consideration other factors, such as the presence of family and friends in Canada who may be in a position to help the refugee and any dependants to resettle themselves successfully. These factors will give the officer a sense of the length of time a refugee will require to become resettled.

Does the applicant have sufficient financial resources?

The officer must interpret the phrase "sufficient financial resources" flexibly and on a case-by-case basis, based on each applicant's establishment ability, family size, the ability of other family

OP 5 Overseas Selection and Processing of Convention Refugees Abroad Class and Members of the Humanitarian-protected Persons Abroad Classes

members to contribute economically, etc. Financial resources must be measured in liquid assets; they do not include the potential value of property or other items the refugee might own.

When the financial resources of applicants is being assessed, officers can use the general guideline that self-supporting applicants will require sufficient funds to cover:

- the cost of transportation and medical examinations;
- the cost of temporary accommodation and start-up costs in Canada; and
- support for the applicant and dependants until continuing employment can be obtained.

The officer should consider 6 to 12 months as the time generally needed to find employment.

A benchmark for determining “sufficient financial resources” until the refugee finds a suitable job would be the rate a comparable refugee family unit would receive under the Resettlement Assistance Program (RAP) for start-up costs and income assistance. For information on RAP, see Section 6.44, Government-assisted refugees and IP 3, Part 2, Resettlement Assistance Program (RAP).

Counselling refugees

When counselling refugees selected as self-supporting, it is important for officers to ensure they understand that they will not be eligible for government assistance when they arrive in Canada. They must also understand that they must have sufficient cash funds at the time their visa is issued in order to be authorized to enter Canada under this program, and that officers at the port of entry will check to see that they have these funds.

15.4. Joint Assistance Sponsorship

In order to be assessed for a Joint Assistance Sponsorship, an applicant:

- must be a member of Convention refugee abroad class or a member of the source country or country of asylum classes; and
- must be expected to need a longer and/or more difficult resettlement period due to the serious nature of the problems faced, including but not limited to one or a combination of the following:
 - emotional problems resulting from the refugee experience; these could include:
 - incidents of trauma or torture;
 - the threat of physical violence or emotional duress;
 - the threat to physical safety or human rights violations in a country of asylum; or
 - a long-term stay in a refugee camp which makes adjustments to new surroundings, freedoms and responsibilities difficult.
 - physical or mental disability which could require treatment in Canada (see A38(1)(a)(b) and A38(2) for details on medical inadmissibility);
 - unusual family configuration such as families with large numbers of children, elderly parents, single-parent families with several young children or families consisting only of siblings, one or more of whom has assumed parental responsibilities; and
 - separated minors

The problems should be of such a serious nature that the officer doubts applicants would be able to resettle themselves successfully in Canada through either the normal government assistance or private sponsorship programs. They must, however, be able to demonstrate a potential to resettle over an extended period of time.

Note: In some instances, a JAS case could also meet the definition of “vulnerable case” which would mean the person is exempted from the requirement to demonstrate a potential to resettle.

OP 5 Overseas Selection and Processing of Convention Refugees Abroad Class and Members of the Humanitarian-protected Persons Abroad Classes

If the applicant is being considered for JAS, please refer to the table below.

If the applicant is	Then...
eligible for a JAS	request a sponsor from the Matching Centre. Refer to Section 17.2, Processing Joint Assistance Sponsorships.
not eligible for JAS and is a government-assisted refugee (GAR)	re-assess ability to establish and whether or not to refuse the applicant. Refer to Section 13.14 and Section 27
not eligible for JAS and is a privately-sponsored refugee (PSR)	request that the sponsorship period be extended Refer to Section 17.5, Extending a private sponsorship.

15.5. Converting to Joint Assistance Sponsorship after arrival in Canada

The terms and conditions for the Resettlement Assistance Program (RAP) permit officers in Canada to convert government-assisted refugees with special needs to the Joint Assistance Sponsorship category after their arrival in Canada. From time to time, inland officers make this determination and a sponsor is found for the refugee(s). The Resettlement Division at NHQ, in cooperation with the International Region, the visa office and the sponsoring community, may also undertake isolated refugee selection projects that aim to convert a number of regular streams GARs to JAS in a systematic fashion after arrival.

16. Procedure: Finalizing the interview

16.1. Selection decision

There are two factors in the selection decision:

- eligibility; and
- admissibility.

If the officer is satisfied that the applicant meets eligibility and admissibility criteria, they enter the information in CAIPS. This decision will be confirmed or refuted when the applicant's security and criminal checks are returned.

For privately sponsored refugees, the visa office must carry out the second processing benchmark after the selection decision has been reached. A message must be sent to the sponsor and the local CIC. The message must contain the following information:

- For a positive selection decision: "The case has been provisionally approved, statutory requirements must still be completed. The average time to visa issue is (insert number) months."
- For a negative selection decision: "The case has been refused. A refusal letter was sent on (insert date) and a copy of the refusal letter is enclosed."

Eligibility

Should the officer find that the principal applicant does not qualify as a Convention refugee or member of the country of asylum or source country class, the officer must assess the eligibility and admissibility of the spouse, common-law partner and of any dependants. The officer should not assume that a spouse, common-law partner or a child, particularly an older one, does not have their own story to tell. Each family member should be given the opportunity to tell their story; officers should explore all possibilities. Where any one family member qualifies, that status applies to all other family members.

An applicant is refused on eligibility if they do not meet the definitions of:

- member of the Convention refugee abroad class;
- member of the country of asylum class; or

OP 5 Overseas Selection and Processing of Convention Refugees Abroad Class and Members of the Humanitarian-protected Persons Abroad Classes

- member of the source country class.

When considering refusing a case, the officer should ensure that the applicant has been assessed under all applicable resettlement classes (CR, RA and RS).

After a refugee application is refused, and it is evident that an applicant may qualify under another immigration category (e.g., family class), the officer should advise the applicant accordingly.

Refusing an application on ability to successfully establish

If the officer is not satisfied that a member of the Convention refugee abroad class or a member of the country of asylum or source country classes will resettle successfully within a reasonable period of time (current guidelines suggest 3-5 years), the application may be refused.

If the applicant is not eligible, proceed to Section 27 Refusing applications.

Admissibility

Where the application is refused, the decision-maker will clearly explain to the client the reasons why the application is refused, in writing. The refusal process is the same as for other refusals. Refer to Section 27 Refusing applications.

Resettlement plans and sponsorship agreements

An officer can approve a sponsorship application that includes a settlement plan and an undertaking only if they determine that the sponsor has “made adequate arrangements in anticipation of the arrival of the foreign national and their family members in the expected community of settlement” R154(1)(b). The medical status of the refugee being sponsored clearly affects this determination. For example, if specialist care, hospitalization, or home care is to be required, then the sponsor’s financial resources, spare time, abilities, and location are all factors that might affect the decision.

Specifically, medical officers may have some information as to waiting lists and waiting list procedures in some provinces in Canada. By knowing what the applicant’s condition is and how severe it may be, their treatment can be more easily and appropriately arranged according to the proposed resettlement location. In addition, the ability to receive treatment may also affect the foreign national’s ability to establish successfully.

To some extent, this is explicitly reflected in “special needs” cases. One of the enumerated categories of “special needs” is medical disabilities under R157(2)(c), in which case the client may be eligible for assistance under the Joint Assistance Sponsorship program (JAS). The importance of objectively establishing the existence and consequences of such disabilities are clear for the refugee, the sponsor, and the Government. For more information about the JAS program, see http://www.ci.gc.ca/Manuals/Documents/PDF/IP/ip3part4_e.pdf

Credibility

The results of the medical assessment can also be used by officers to assist in assessing an applicant’s competency to give information about the refugee application. It could explain possible credibility-affecting gaps in an applicant’s refugee application if they were suffering from trauma, shock or a psychological disorder.

Travel arrangements

The medical results may also be necessary for making appropriate travel and transportation arrangements as well as accommodation arrangements on arrival.

Note: If the visa office does not have a target allocation for refugees, please refer to Section 17.1, Processing applicants from visa offices without allocations.

16.2. Issue medical instructions

Where the International Organization for Migration (IOM) organizes transportation, IOM doctors may also perform a medical examination, or the IOM may arrange for the medical examination to be performed by a DMP and reimburse the DMP for their service. The IOM absorbs the

OP 5 Overseas Selection and Processing of Convention Refugees Abroad Class and Members of the Humanitarian-protected Persons Abroad Classes

examination costs of unsuccessful refugee applicants. The officer should therefore stage processing to keep the number of applicants who have a medical examination but do not proceed to Canada as small as possible.

Refugees who have the means to do so may, of course, pay for their own medical examination. Otherwise, the officer may authorize a loan through the Loan Program. Refer to OP 17, Loans.

Sharing medical information

The Supplemental Medical and Resettlement Needs Assessment Form [IMM 5544] is a practical tool developed to help private sponsors and resettlement workers in Canada plan appropriate reception and make resettlement arrangements for refugees. It facilitates the collection and distribution of pertinent information on significant medical conditions that would impact on the ability of newcomers to successfully resettle in Canada.

Information on significant medical conditions—for example, hearing or vision impairment, mobility difficulties, learning impairments, trauma/injury—is essential not only to ensuring the provision of effective reception arrangements, but also to ensuring that the refugee is destined to a city in Canada that has the appropriate support services available. Such medical information enables resettlement workers to plan and provide refugees selected abroad with the assistance appropriate to their needs.

Under the federal *Privacy Act*, medical history is considered protected “personal information.” The Act states that such information cannot be collected “unless it relates directly to an operating program or activity of the institution” and cannot be used except for the “purpose for which the information was obtained or compiled by the institution or for a use consistent with that purpose.” Further, it cannot be disclosed without consent except in prescribed circumstances including “for the purpose for which the information was obtained or compiled by the institution or for a use consistent with that purpose.”

It is therefore essential that all released information relate exclusively to the applicant's resettlement needs. In many instances, it might be necessary to inform settlement workers of the symptoms or objective signs and not the specific diagnosis. For example, it is important that a settlement worker be prepared to assist an applicant who is in need of a wheelchair or who is partially blind, but it is not necessarily essential that the settlement worker be made known of the disease behind the condition.

Sharing information on HIV

Under current guidelines, HIV positive clients are counselled by the Designated Medical Practitioner abroad on the implications of being HIV-positive and are instructed to seek medical care upon arrival in Canada.

As there is no conjugal relationship between the client and the service-providing organization (SPO) or the private sponsor, the sharing of a client's HIV status is not legally defensible. Information on medical conditions resulting from the disease that are pertinent to the applicant's resettlement needs, i.e., bronchial asthma and the need for a pump, etc., may be released, but not information on HIV itself.

The applicants with HIV, including those without any obvious symptoms present at the time of arrival, may require regular infectious-disease support. They will also likely require more extensive care and settlement needs in the long term and as such, they should be in a larger centre where these facilities might be available.

Medical information may be released in the following circumstances:

- Directly to the applicant. The applicant may be given a copy of the medical officer's diagnosis and narrative description of the medical condition.
- To reception centres to ensure adequate arrangements on arrival.
- With the applicant's permission (signature in the IMM 5475E Authority to release to designated persons), officers may release information to authorized representatives, sponsors, employers, provincial public health or medical personnel.

OP 5 Overseas Selection and Processing of Convention Refugees Abroad Class and Members of the Humanitarian-protected Persons Abroad Classes

If an applicant desires additional medical information, they should be advised to have their doctor contact CIC medical staff. Only medical staff may release information from a medical file.

Note: Regarding the release of medical information to potential sponsors, it should be noted that other sensitive information found in CAIPS, such as detailed medical information, descriptions of trauma, physical or mental abuse, should also be protected to the greatest extent possible. Potential sponsors need to know if a refugee has a serious medical condition or requires psychological counselling, but they do not need to know the complete details of the refugee's condition, nor what trauma the refugee may have endured. At this stage of the process, when the sponsor has not yet committed to the sponsorship, the objective is to provide sponsors with enough information to allow them to make an informed decision on whether or not they have the necessary resources and expertise at hand to provide for the refugee's needs and whether the sponsor wishes to sponsor the case.

Procedures on completion and distribution of the form [IMM 5544B] by the Designated Medical Officer (DMP)

The DMP will complete the form during routine medical examinations for cases with observable medical conditions ONLY (i.e., if no special needs are identified, then no form is required).

The DMP will record the Unique Client Identification file number in the top right-hand corner of the form in the box titled "UCI." The DMP will disregard the boxes titled "NAT" and "DMR" as it is to be filled in by the visa officer.

Note: Until the deployment of GCMS, the box titled "UCI" should be filled with the client's "B number".

For DMPs with access to a computer: The DMP will complete the form in electronic format and save it to a diskette, which will be provided to the Medical Officer who will give it to the visa officer in a timely manner. The DMP will also place a copy of the resettlement medical form on the client's medical file.

For DMPs without access to a computer: The hard copy of the completed form will be forwarded to the medical officer who will give it to the visa officer.

Instructions for medical officers to share with DMPs:

The purpose of the form is for the DMP to provide information regarding care requirements (not including diagnosis) in terms of resettlement to the visa officer who may not otherwise have this information. The information will be used to help establish the services that the refugee may need in order to resettle in Canada.

This Supplemental Medical and Resettlement Needs Assessment Form [IMM 5544] will be used infrequently by DMPs. It is to be completed only for refugees (who are excessive-demand exempt) who will require significant health and/or social services support.

The DMP may consider charging a fee for this form. This should be established at a reasonable rate according to their medical governing bodies and comparable to those charged for similar form completion services. The suggested fee would be up to a maximum of \$20.00.

The form leaves room for interpretations. The underlying premise is for the DMP to report those individuals who will require significant health or social services assistance to resettle in Canada, notwithstanding that some DMPs would not be familiar with the Canadian context and services available.

Without necessarily indicating a specific medical diagnosis, condition or etiology, the DMP will indicate on the form [IMM 5544] in the corresponding numbered sections, the following information:

Section 1. "SIGNIFICANT MEDICAL CONDITIONS"

- whether the condition will affect the applicant's ability to hear, see, learn, communicate, move or otherwise limit their ability to settle easily;
- the severity in terms of the amount of assistance required either by a family caregiver or a medical specialist.

OP 5 Overseas Selection and Processing of Convention Refugees Abroad Class and Members of the Humanitarian-protected Persons Abroad Classes

Section 2. “CONSEQUENCES ON DAILY ACTIVITIES/ASSISTANCE REQUIREMENTS”

- their abilities in the activities of daily living.

Section 3. “HOUSING REQUIREMENTS”

- for example, whether they will require ramps for wheelchair access, or minimal stairs for amputees, etc.

Section 4. “POST ARRIVAL TREATMENT REQUIREMENTS (IN CANADA)”

- ◆ stable - no treatment (e.g., this might be indicated for a condition such as deafness where the applicant is already proficient in sign language and lip-reading and is already self-sufficient and requires no further specialized vocational or other training);
- ◆ treatment by a family physician or general practitioner, (e.g., for those with common, chronic conditions not requiring specialist intervention);
- ◆ dentist;
- ◆ obstetrician (e.g. for pregnant women);
- ◆ other specialists such as infectious diseases (e.g., for those with HIV/AIDS or other infections requiring treatment but who would otherwise not be a risk to public health; oncologist for those with cancer; endocrinologist for those with diabetes or thyroid disease; nephrologist for those with kidney disease; etc.);
- ◆ surgical intervention;
- ◆ Non-extensive care (e.g., requiring few visits for assessment, no stay or minimal stay in hospital, minor or day surgery, and no regular follow-up required; cataracts, hernia repair);
- ◆ “Treatment frequency” - “once” can be used for single surgeries including cataracts, hernia repair, single valve replacements, CABG surgery. Subsequent follow-up requirements, though, may require checking off the section under “Other specialist” and/or “Family practitioner”—“Ongoing”;
- ◆ “Treatment delay” means an indication whether they are in critical condition requiring urgent surgery—“immediate” meaning within 4 weeks of arrival.

Section 5. “SPECIAL TRAVEL REQUIREMENTS”

- whether they are presently fit to fly - i.e., if they are fit with no special travel requirements then “none” should be checked;
- whether they require special preparation or services. If they are not fit to fly even with a medical escort and special devices, this should be indicated in Section 7 under “Other Comments.”

Section 6. “TRAVEL MEDICAL ESCORT”

- whether they are presently fit to fly with a medical escort. It should be remembered that the port of entry into Canada may be several hours from their final destination.

Section 7. “Other comments relating to resettlement needs”

- any other information that may assist service providers or sponsors to help the refugee in their resettlement should be added in this section.

The form should be dated and signed and include where it was completed (e.g., city and country where the examination was completed.)

For government-assisted refugees cases

The Canadian visa office will:

OP 5 Overseas Selection and Processing of Convention Refugees Abroad Class and Members of the Humanitarian-protected Persons Abroad Classes

- confirm that the UCI number is correctly recorded and will save the form electronically, upon receipt of a completed medical form from the DMP;
- enter the DMR number in the top right-hand corner of the form; and
- send the form to the Matching Centre as an attachment to the DMR.

Note: If the form was received as a hard copy, the visa officer will fax the form to the Matching Centre at (613) 957-5849.

The Matching Centre will:

- upon receipt of the medical form, match it to the relevant case listed on the DMR;
- in keeping with established DMR procedures, send the DMR and corresponding medical form to the local CIC, with a copy to the regional HQ; and
- closely monitor the completed forms by tracking and recording the types of medical conditions noted on the forms, how many have been received, and from which visa office.

Note: Québec cases: For cases destined to Québec, the Matching Centre will send the DMR and corresponding medical form to the “*ministère de l’Immigration et des Communautés culturelles*” (MICC).

The local CICs will:

- ensure that the pertinent settlement service-providing organization (SPO) is informed of any medical conditions that they need to be aware of in order to more effectively deliver their services.

Note: For Québec cases: MICC will ensure that the pertinent settlement service-providing organization is informed of any medical conditions that they need to be aware of in order to more effectively deliver their services.

For privately sponsored refugees cases

The Canadian visa office will:

- confirm that the UCI number is correctly recorded and will save the form electronically, upon receipt of a completed medical form from the DMP;
- enter the NAT number in the top right-hand corner of the form; and
- send the form to the Matching Centre as an attachment to the NAT, specifying the name of the private sponsor as well as the city of final destination.

Note: If the form was received as a hard copy, the visa officer will fax the form to the Matching Centre at (613) 957-5849.

The Matching Centre will:

- send the form to the appropriate local CIC with a copy to the regional HQ; and
- closely monitor the completed forms by tracking and recording the types of medical conditions noted on the forms, how many have been received, and from which visa office.

Note: Québec cases: For cases destined to Québec, the Matching Centre will send the Notice of Arrival Transmission (NAT) and the corresponding medical form to the “*ministère de l’Immigration et des Communautés culturelles*” (MICC).

The Local CIC will:

- ensure that the private sponsor is informed of any medical conditions that they need to be aware of in order to more effectively assist the newcomer resettle in Canada.

OP 5 Overseas Selection and Processing of Convention Refugees Abroad Class and Members of the Humanitarian-protected Persons Abroad Classes

Note: **For Québec cases:** MICC will ensure that the pertinent settlement service-providing organization is informed of any medical conditions that they need to be aware of in order to more effectively deliver their services.

For Joint Assistance Sponsorship cases

The Canadian visa office will:

- confirm that the UCI number is correctly recorded and will save the form electronically, upon receipt of a completed medical form from the DMP;
 - enter the NAT number in the top right-hand corner of the form; and
 - send the form to the Matching Centre as an attachment to the JAS DMR request at the time of the JAS request.
-

Note: If the form was received as a hard copy, the visa officer will fax the form to the Matching Centre at (613) 957-5849.

The Matching Centre will:

- send the form to the appropriate local CIC with a copy to the regional HQ;
- hold the form until a private sponsor has been found (in cases where a private sponsor has not yet been identified); and
- closely monitor the completed forms by tracking and recording the types of medical conditions noted on the forms, how many have been received, and from which visa office.

The local CIC will:

- ensure that the private sponsor is informed of any medical conditions that they need to be aware of in order to more effectively assist the newcomer resettle in Canada.
-

Note: Only the information on the form will be forwarded by the local CIC to the SPO or the private sponsor, NOT the form itself.

Note: The NAT will not indicate whether or not an IMM 5544 form was completed for each case; therefore, it is the responsibility of the region and/or local CIC to ensure this information is saved from the earlier notification. Nevertheless, the NAT should, as per normal procedures, indicate the immediate medical requirement.

16.3. Recording the interview

Officers should keep detailed notes of interviews. These notes should include a conclusion with a summary of the decision and a clear statement of how the applicant meets or does not meet the definition of a member of the Convention refugee abroad class or of a member of the country of asylum or source country classes. There is also a requirement to include details that will assist in settlement services. The officer must enter notes in CAIPS and in a paper file if CAIPS is not available. CAIPS is a key support for monitoring the Refugee and Humanitarian Resettlement Program and provides important information when cases are appealed to the Federal Court of Canada (see Section 27.4, Judicial review of refusals).

17. Procedure: Post-interview processing

This section outlines different procedures that take place after the interview and prior to making a final decision.

OP 5 Overseas Selection and Processing of Convention Refugees Abroad Class and Members of the Humanitarian-protected Persons Abroad Classes

17.1. Processing applicants from visa offices without allocations

Applications received by visa offices without refugee allocations must be accompanied by a referral or undertaking unless the application is from a geographic area with direct access.

When an officer receives a case that meets Canada's criteria (refer to definition of eligibility and admissibility in Section 6), the officer should contact the Resettlement Division (SRE) Matching Centre, and send a copy of the file to the appropriate geographic desk in the International Region.

SRE is normally able to allocate room in these cases and will reply by e-mail. Once a place is granted, the officer will send a Destination Matching Request (DMR). Refer to Section 19.2, Example of a DMR for procedures.

17.2. Processing Joint Assistance Sponsorships (JAS)

The table below outlines the different steps in requesting a sponsor for JAS cases. Please refer to the definition of a Joint Assistance Sponsorship (JAS), in Section 6.31. For the In-Canada processes, please refer to IP 3.

Step	Action
1 Officer ensures refugee information may be released	<p>Officers will ensure that JAS-referred applicants have signed the IMM 5475, Authority to Release to Designated Persons. Once signed, it allows for the release of information regarding the refugee case to potential sponsors; it must be signed prior to submitting the request to the Matching Centre for a JAS or private sponsor.</p> <p>Officers should aim to release all available information that is relevant to the sponsorship such as family size and composition, education, work experience, health conditions, disabilities and even general information on traumatic experiences (e.g., torture victim, endured long-term incarceration, etc.).</p> <p>Note: Officers are asked to place an asterisk (*) against any information that should not be released to a sponsor. Such information may include information that the refugee has asked to be kept confidential as long as it would not impact on the sponsor's decision; medical information that has not yet been provided to the refugee; or specific details concerning traumatic experiences (i.e., refugee can withhold fact they have been raped but not the fact that trauma counselling may be needed);</p>
2 Officer ensures admissibility criteria have been fully assessed	Officer ensures that medical, security and criminality screening have been completed prior to sending the JAS referral to the Matching Centre.
3 Visa office submits JAS DMR and any other applicable attachments	<p>Officer completes JAS DMR (template provided in section 17.3 below) and submits to Matching Centre along with the Supplemental Medical and Resettlement Needs Assessment Form [IMM 5544] (if applicable).</p> <p>The JAS DMR template can be cut and pasted into an email message and the medical form is to be sent as an attachment to the message.</p> <p>All JAS referrals must be made using the JAS DMR.</p>
4 Matching Centre posts information on secure Web site	<p>The MC will review the referral and complete a refugee profile. If information is missing, the MC will go back to the visa office.</p> <p>The refugee profile will be posted on a secure section of the CIC Web site http://www.cic.gc.ca/jas-pac/. Profiles will be posted for 6 months (in some cases, short-term extensions may be given).</p>
5	Once a sponsor is found, the officer sends a Notification of Arrival

OP 5 Overseas Selection and Processing of Convention Refugees Abroad Class and Members of the Humanitarian-protected Persons Abroad Classes

Officer processes or refuses the case	Transmission (NAT) within 10 days. For procedures, please refer to Section 21.2, Preparing Notification of Arrival Transmission (NAT). If a sponsor is not found, the Matching Centre will contact the visa office to discuss next steps. The officer may have to refuse the case. Refer to Section 27, Refusing applications.
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17.3. JAS DMR Template

<u>JAS DMR</u>	
Visa Office:	
B #:	
Urgency (high, medium, low):	
Ethnic origin:	
Country of origin:	
Country of asylum (or Sources Country):	
Family Size:	
Head of Family	Male / Female: DOB: Education (none, primary, secondary, college/trade school, university): Official Language(s) Spoken: Other Language(s) Spoken: Work Experience / Skills: A "Supplemental Medical and Resettlement Needs Assessment Form" is attached (Yes / No):
Spouse	Male / Female: DOB: Education: Official Language(s) Spoken: Other Language(s) Spoken: Work Experience / Skills: A "Supplemental Medical and Resettlement Needs Assessment Form" is attached (Yes / No):
Dependants (include the following information for each dependant):	Relationship to HOF: DOB: Education: Male / Female: Official Language(s) Spoken: Other Language(s) Spoken: Work Experience / Skills: A "Supplemental Medical and Resettlement Needs Assessment Form" is attached (Yes / No):
Reason for Sponsorship:	

OP 5 Overseas Selection and Processing of Convention Refugees Abroad Class and Members of the Humanitarian-protected Persons Abroad Classes

Family size _____
Medical needs/Disability _____
Victim of Trauma or torture _____
Illiterate/Limited education _____
Elderly _____
AWR _____
UPP _____
Other (specify) _____

Case Summary:

Initiative, resourcefulness, adaptability (for HOF and dependants, if applicable):

Non-Sponsored Accompanying Family Members (Yes / No):

If yes, indicate number of persons, relationship to HOF and DOB:

Non-accompanying family members listed on IMM 0008, i.e., possible OYW (Yes / No):

If yes, indicate number of persons, relationship to HOF and DOB:

Travel ready (Yes / No):

Note: Travel ready means eligibility assessment and security, criminality and medical screening have been completed. Travel arrangements, such as exit permits and flight booking are arranged once a sponsor is found. If no, provide details.

Expiry date of medicals:

Approximate # of days to departure once sponsor found:

Recommended destination:

Note: The information below will not be posted to the JAS matching Web site:

Religion, if applicable:

Name of refugee camp, if applicable, and length of stay:

Contact(s) in Canada (family or friends):

Name:

Address:

Phone / Fax number:

E-mail:

Relationship:

For CIC purposes only:

Type of Sponsorship: Joint Assistance Sponsorship _____
Visa Office referred _____
Other: _____

Contribution – Requested: _____ Yes
_____ No

Approved: _____ Yes
_____ No

**OP 5 Overseas Selection and Processing of Convention Refugees Abroad Class
and Members of the Humanitarian-protected Persons Abroad Classes**

____ Partial:

If partial contribution, details:

OP 5 Overseas Selection and Processing of Convention Refugees Abroad Class and Members of the Humanitarian-protected Persons Abroad Classes

17.4. Processing visa office-referred sponsorships (unnamed sponsorships)

There are two ways in which a sponsorship may be referred by a visa office:

- the sponsoring group asks CIC to refer a refugee applicant for their consideration; or
- the visa office requests that the Matching Centre (MC) find a sponsor for an approved refugee applicant.

The tables below describe both scenarios. For the In-Canada procedures, please refer to IP 3, Part 3, section 39.4, Processing of visa office-referred cases.

If a local CIC asks the Matching Centre to refer a refugee case, then perform the following 2 steps:

Step	Action
1	The MC will contact the visa office by e-mail requesting an approved refugee case in need of a sponsorship.
2	The visa office will respond with either a case that is awaiting a sponsorship and will process as usual (refer to Section 20, Visa issuance and travel documents) or will advise the MC to contact another visa office.

If the visa office requires a sponsor for an approved case, then perform the following steps:

Step	Action
1 Officer ensures refugee information may be released	<p>Officers will ensure that visa office-referred refugees have signed the section "Authority to disclose personal information and declaration" listed in Schedule 2 of IMM0008.</p> <p>Once signed, this section allows for the release of information regarding the refugee case to potential sponsors; it must be signed prior to submitting the request to the Matching Centre for a private sponsor.</p> <p>Note: Officers are asked to place an asterisk (*) against any information that should not be released to a sponsor. Such information may include: information that the refugee has asked to be kept confidential; medical information that has not yet been provided to the refugee; or information that could be communicated to refugee's family in Canada, if the refugee does not want their family to be notified of their arrival in Canada.</p>
2 Officer ensures admissibility criteria have been fully assessed	Officer ensures that medical, security and criminality screening has been completed prior to sending a case referred by a visa office to the Matching Centre.
3 Visa office submits JAS DMR and any other applicable attachments	<p>Officer completes a DMR for case referred by a visa office using the JAS DMR template provided in section 17.3 and submits it to the Matching Centre along with the Supplemental Medical and Resettlement Needs Assessment Form [IMM 5544B] (if applicable).</p> <p>The DMR template can be cut and pasted into an email message and the medical form is to be sent as an attachment to the message.</p> <p>All cases referred by a visa office must be transmitted using the JAS DMR template at 17.3.</p>
4 Matching Centre posts information	<p>The MC will review the request and complete a refugee profile. If information is missing, the MC will go back to the visa office.</p> <p>The profiles of the refugees will be posted on a secure section of the CIC Web site http://www.cic.gc.ca/jas-pac/. Profiles will be posted for 6 months</p>

OP 5 Overseas Selection and Processing of Convention Refugees Abroad Class and Members of the Humanitarian-protected Persons Abroad Classes

on secure Web site	(in some cases, short-term extensions may be given)
5 Case is matched with sponsor or not	Once a sponsor is found, the officer sends a Notification of Arrival Transmission (NAT) within 10 days. For procedures, see Section 21.2, Preparing Notification of Arrival Transmission (NAT). If a sponsor is not found, the Matching Centre will contact the visa office to discuss next steps. The officer may have to refuse the case. See Section 27, Procedure: Refusing applications.

17.5. Extending a private sponsorship

Follow the 4 steps outlined in the table below when requesting an extension of a private sponsorship.

Step	Action
1	Ensure that the following basic criteria are met before referring the case: <ul style="list-style-type: none"> the applicant is not eligible for consideration under Joint Assistance Sponsorship (refer to Section 15.4, Joint Assistance Sponsorship); the decision is documented in CAIPS notes; it is believed the applicant would establish themselves successfully if given the benefit of assistance beyond the normal 12-month private sponsorship period; and in all other respects, the applicant meets eligibility criteria and admissibility criteria.
2	If the basic criteria are met, refer the case by e-mail to the Matching Centre with a detailed rationale for the recommendation to extend the period of sponsorship. Indicate the proposed length of the total undertaking period. (It is suggested that the extended sponsorships be set at either 18 or 24 months or, in exceptional circumstances, 36 months.) The officer may provide case details in either the e-mail or CAIPS notes. The Matching Centre will reply to the visa office with a recommendation on whether or not to proceed with the request.
3	Upon receipt of a positive reply from the Matching Centre, the officer will send a letter to the representative of the sponsoring group advising that the applicant: <ul style="list-style-type: none"> cannot be approved on the basis of a sponsorship of twelve months; and will be approved if the group agrees to the extended sponsorship period that is recommended. The officer must: <ul style="list-style-type: none"> send a copy of the letter to the originating local CIC office for information; and append to it a form indicating the sponsor's agreement to accept the specified sponsorship period. The group members, or the contact person in the case of a SAH or Constituent Group, must sign this form. Note: If the mail system abroad is unreliable, the visa office should request the local CIC which accepted the undertaking to contact the sponsor.
4	Upon receipt of a reply from the local CIC, the designated officer proceeds as follows:

OP 5 Overseas Selection and Processing of Convention Refugees Abroad Class and Members of the Humanitarian-protected Persons Abroad Classes

	<ul style="list-style-type: none">• if the sponsorship group agrees to the extended sponsorship, accept the case and process as usual. Ensure that the confirmation of permanent residence document indicates the amended length of the sponsorship period; or• if the sponsorship group does not agree to accept the extended sponsorship, process the case as usual, refusing on ability to establish.
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18. Procedure: Final decision

18.1. Review criminal/security results

If the application has been furthered for criminal or security reasons, the officer will review the case at this point.

For criminally furthered cases, the RCMP Liaison Officer may be able to provide input for consideration before the final decision is made. Once the input has been reviewed, the officer may choose to refuse or continue processing the case. For information on exceptions to criminal inadmissibility, please see Section 18.3 below.

For security furthered cases, the SLO may require an interview. Following the interview, the SLO will provide the officer with input for consideration before the final decision is made. Once the input has been reviewed, the officer may choose to refuse or continue processing the case.

It is strongly recommended that the officer consult the IC manual chapters on Security and Criminality and review the correct procedures.

18.2. Exceptions to medical inadmissibility

Officers may not issue a visa or authorization to anyone who is deemed to be a risk to public health or safety. A24 gives the officer the authority to issue a temporary resident permit if the officer is of the opinion that the circumstances justify the issuance of a temporary resident permit. If such a case should arise, officers should be aware that special travel and public health protection procedures may be necessary. Advice should be sought from the medical officer responsible for the area. For information on temporary resident permits, see OP 20.

Note: A38(2)(b) exempts refugees from medical inadmissibility on the grounds that the applicant will place excessive demand on the health care system.

Loans and contributions

A medically inadmissible refugee with a temporary resident permit is eligible for a contribution, rather than a loan, to cover transportation and other costs, see OP 17. The officer must request the (non repayable) contribution from SRE. When approval has been granted, the officer will need to indicate on the IMM 0500 that the individual is exempt from repayment of the contribution. If a head of family receives a contribution, the dependants do also.

18.3. Exceptions to criminal inadmissibility

Refugees found to be inadmissible on criminal grounds would normally be refused. If, however, there is reason to believe that the prosecution was the result of persecution, the refugee may be admissible. It should also be noted that Article 31 of the 1951 Convention stipulates that refugees should not be found criminally inadmissible for a criminal conviction relating to illegal entry or use of false documents in an effort to reach safety from persecution.

There may be public policy, national interest or humanitarian and compassionate considerations that exist in such a case. For more complete information regarding temporary resident permit, please refer to chapter ENF 2/OP 18, Evaluating inadmissibility.

The officer may wish to consult with SRE prior to making a final decision. In doing so, comprehensive case details should be included as well as any relevant background that is believed to be relevant. Refer to both ENF 2/OP 18 and ENF 14/OP 19 for more detailed guidelines concerning criminal inadmissibility and criminal rehabilitation, respectively.

OP 5 Overseas Selection and Processing of Convention Refugees Abroad Class and Members of the Humanitarian-protected Persons Abroad Classes

18.4. Is the applicant approved?

If the criminal and security checks as well as the medical results have not revealed any problems, the officer should:

- accept the refugee applicant(s); and
- enter final decision in CAIPS;

For government-assisted refugees: see Section 19, Destining government-assisted refugees (GARs).

For privately sponsored refugees and self-supporting refugees: see Section 20, Visa issuance and travel documents.

If the criminal and security checks as well as the medical results have revealed concerns:

For more details concerning criminal inadmissibility,

- see ENF 2/OP 18, Evaluating Inadmissibility and ENF 14/OP 19, Criminal Rehabilitation; or
- consult the Program Manager for the possibility of an exception and the issuance of a temporary resident permit; or
- refuse the application and proceed to Section 27, Procedure: Refusing applications.

19. Procedure: Destining government-assisted refugees (GARs)

The Destination Matching Request (DMR) is the process used to destine government-assisted refugees selected abroad to a final destination in Canada.

19.1. Preparing a Destination Matching Request

See the definition of a Destination Matching Request (DMR) at Section 6.19 above. A DMR is used for regular-stream government-assisted refugees only.

Different procedures are followed for JAS cases and cases referred by a visa office since the destination will be determined by the sponsor who accepts the case. The procedures for matching JAS and cases referred by a visa office can be found in Sections 17.2, 17.3, 17.4.

Each message should:

- be entitled "DMR;"
- indicate the name of the visa office sending it;
- be numbered sequentially beginning at 001, followed by the year in which the refugees will be traveling (e.g., NROBI DMR 001/06);
- and not contain more than 50 persons for a single DMR.

Note: If the officer believes an accepted applicant has special needs, such as requiring counselling as a survivor of trauma or torture or has need of specialized medical care, they should advise the Matching Centre on the DMR. This will allow the Matching Centre to destine the applicants to an appropriate centre to meet these needs.

Detailed information should be presented in the following order:

Information required	Details
Refugee identification	<ul style="list-style-type: none">▪ Family number (each separate family unit indicated);▪ Person number (each person on DMR numbered consecutively);▪ The visa office file number (the B#) of the principal applicant (PA);▪ Surname (within brackets);▪ Given names;▪ Date of birth;

OP 5 Overseas Selection and Processing of Convention Refugees Abroad Class and Members of the Humanitarian-protected Persons Abroad Classes

	<ul style="list-style-type: none"> ▪ Sex; ▪ Country of last permanent residence; ▪ Relationship to PA; ▪ Language(s) spoken; ▪ Work experience or number of years of formal education; ▪ Immigrant category, ▪ Special program code.
Relatives/contacts in Canada	<ul style="list-style-type: none"> ▪ Any information on relatives or contacts in Canada to help choose a final destination. For OYW cases, please include the relative in Canada's name, date of birth and complete address. Where possible, specify relationship to applicants and provide full name, address and phone numbers.
For Quebec destination	<ul style="list-style-type: none"> ▪ CSQ number
Special needs	For example: survivor of torture who will need counselling or where a wheelchair will be required. If medical conditions are known, use lay terms to describe them.

19.2. Example of a DMR

To: Matching-Centre@cic.gc.ca

Subject: MOSCOW DMR 447/2005

1 (1) B046698386 (MIRZAI) AKIM 12-11-1957 M AFGHANISTAN MARRIED PASHTOO/DARI 17 POLICEMAN 11 TRADER 12 CR1

(2) (EMBIALE), FEREJA 21-04-1963 F AFGHANISTAN WIFE PASHTOO/DARI 16 HEAD OF DEPT OF EDUCATION 2 RADIO ANNOUNCER 2 CR1

(3) (MIRZAI) SAVYO 04-06-1987 M AFGHANISTAN SON DARI/SOME ENGLISH 9 CR1

(4) (MIRZAI) AMEERA ROHINA 01-08-1988 F AFGHANISTAN DAUGHTER DARI 9 CR1

PA'S SON B046697490 MOHAMMAD MIRZAI WAS DESTINED TO OTTAWA, ON (MOSCOW DMR 312/2005)

PA'S SPOUSE ALSO HAS A SISTER HANIFA AND BROTHER SALIM EMBIALE RESIDING IN TORONTO. NO ADDRESS, ONLY TEL NUMBER PROVIDED: (416) 746-8423

2 (5) B046691691 MOHAMMAD OMAR MOHAMMAD SHAKIR 01-01-1954 M AFGHANISTAN MARRIED DARI / ENGLISH 18 MASTER'S DEGREE IN BIOLOGY STATE EMPLOYEE FOR THE MINISTRY OF EDUCATION 3, BUSINESSMAN 11, DEPUTY DIRECTOR FOR AMERICAN TRADE COMPANY 3 CR1

(6) MOHAMMAD SHARIF, MARI 14-12-1966 F AFGHANISTAN WIFE DARI 12 NON-UNIVERSITY DIPLOMA TEACHER 4 CR1

NO CONTACTS IN CANADA. MISSING

Up to 50 persons may be listed on a DMR, except JAS or cases referred by a visa office which must have their own individual JAS DMRs.

19.3. Sending DMR

The following three steps occur in the processing of a DMR:

Step	Action
1	The visa office sends the DMR to the Matching Centre not less than 6 weeks before the refugees are ready to travel, unless the refugees are identified as in need of urgent processing. The Matching Centre will determine the appropriate destination based on information contained in the DMR and CAIPS notes for the file. The Matching Centre will then forward a copy of the DMR to the appropriate region(s).

OP 5 Overseas Selection and Processing of Convention Refugees Abroad Class and Members of the Humanitarian-protected Persons Abroad Classes

	<p>DMRs should be addressed as follows: To: Matching-Centre@cic.gc.ca DMRs for cases destined for Quebec are to be addressed to the same address as above. However, the Matching Centre will forward the DMR to MICC who will respond directly to the visa office by email with a copy to the Matching Centre with a destination. The Matching Centre has no involvement with the destining and matching of refugees destined to Quebec. Quebec DMRs should be addressed as follows: To: Matching-Centre@cic.gc.ca and cc: MICC by fax (514) 864-1897</p> <p>Note: In the event of email failure, please fax DMR to Matching Centre at (613) 957-5849.</p>
2	<p>Visa offices should receive a confirmation of a destination within 5 working days from the date of request. If a response has not been received within this period, send the DMR again, indicating that it is a duplicate, with a backup by facsimile.</p>
3	<p>A NAT must be sent within 3 months of receiving a destination from the Matching Centre. For procedures, refer to Section 21.2 Preparing Notification of Arrival Transmission (NAT). If the visa office abroad is unable to book a flight and send a NAT within 3 months of receiving a response to a DMR, the response will be considered as cancelled and a new DMR is to be sent to the Matching Centre by the visa office. DMRs at year-end: The destinations for all cases that do not travel by the end of the calendar year are considered cancelled and new DMRs should be issued along with the previous year's DMR number and destination indicated. When making corrections, amendments or additions to a DMR, use the same DMR number and be sure to identify what the changes are.</p>

20. Procedure: Visa issuance and travel documents

20.1. Issuing permanent resident visa and Confirmation of permanent residence [IMM 5292]

Privately sponsored refugees

When the private sponsorship period is extended, officers should place the exact duration of the sponsorship period on the IMM 5292.

20.2. Requirements for refugee travel

Persons considered to be refugees may be unable to get a passport or may fear applying for one. Refugees without travel documents risk being mistaken for improperly documented passengers.

To facilitate refugee travel, the International Organization for Migration (IOM) staff or officers may accompany refugees to the airport to assist in dealings with:

- airline check-in staff; and
- host-country immigration officials.

Refugees without travel documents who must transit through foreign airports may encounter difficulties with immigration authorities. If officers expect that a refugee will encounter such difficulties, they may ask the visa office responsible for the transit point to inform airline staff and immigration officials that refugees without passports but holding one of the travel documents listed below are indeed properly documented.

20.3. Travel documents

Refugee travel documents may be:

OP 5 Overseas Selection and Processing of Convention Refugees Abroad Class and Members of the Humanitarian-protected Persons Abroad Classes

ICRC travel documents

If a refugee does not possess a valid travel document or cannot travel with just a permanent resident visa, they can be referred to the International Committee of the Red Cross (ICRC) who may issue a travel document to facilitate the journey. Refugees may also need exit permits or transit visas, which must be affixed to the ICRC travel document.

Local ICRC offices receive applications for ICRC travel documents. Applicants must submit an application form, photographs and fingerprints. As the ICRC travel document has a maximum validity of three months, applicants should wait until they meet all other immigration requirements before requesting it.

It is important to note that the ICRC does not verify identity and that the travel document is not secure. It is not intended to replace national passports or travel documents. Officers should agree with the local ICRC office on guidelines for requesting this document and only do so only when necessary.

UNHCR “Provisional Travel Certificate”

In exceptional circumstances, the UNHCR may issue a “Provisional Travel Certificate.” Such documents are given in extraordinary circumstances when no other travel document can be obtained by the refugee. They are single-use documents and they usually serve to provide the country from which the refugee is leaving with a document on which to place an exit visa.

Single Journey Document for Resettlement to Canada [IMM 5485]

Note: This travel document is similar but not identical to the IMM 5565 issued to permanent residents and temporary resident permit holders.

All foreign nationals travelling to Canada are issued a permanent resident visa in the form of a generic counterfoil coded for immigration (IM-1). In the case of refugees who are stateless, or cannot otherwise obtain passports from their countries of nationality, some form of documentation is required in which to affix the counterfoil in order to facilitate the refugees’ travel to Canada. The recommended documentation for refugees remains that issued by the UNHCR or ICRC, as described in R151, but in the absence of these, the Single Journey Document for Resettlement to Canada [IMM 5485] may be used. It is only to be used for the first trip to Canada for entry as a permanent resident.

The IMM 5485 is a document provided to clients or to the IOM to assist refugees’ travel out of their country of residence. The IOM would be involved in situations where travel arrangements would make it operationally feasible.

This document serves as travel identification for refugees requiring additional documentation for travel to Canada or within Canada immediately upon arrival. It is to be used only in exceptional cases. The document is only to be used in specific refugee and refugee-like situations as follows:

- where the person possesses no other acceptable passport or travel document and cannot, in a reasonable time, obtain an acceptable travel document from an issuing organization; and
- where the person is a member of a class prescribed by Division 1 (Refugee classes) of Part 2 of the *Immigration and Refugee Protection Act*.

To maintain program and document integrity, strict compliance with these conditions is expected; NHQ closely monitors the issuance of single-journey documents.

Instructions for completing the SJD for Resettlement to Canada [IMM 5485]

The IMM 5485 is designed as an Adobe form to facilitate distribution. It can either be filled electronically and printed, or printed and filled manually. It is expected that flight details will be added by hand after the form is printed.

Where the IOM is engaged in the travel arrangements of refugees, officers should apply the die-cut photograph and completed visa of the applicant (Immigration Program Manager must apply a seal to both visa and photo), and give the form to the IOM. The IOM can then use the visa

OP 5 Overseas Selection and Processing of Convention Refugees Abroad Class and Members of the Humanitarian-protected Persons Abroad Classes

to assist in the arrangements (i.e., securing exit permits) and fill in (by hand or with a manual typewriter) the flight details.

Step-by-step instructions

This document is valid for one journey from (please insert the name of the country where the holder will begin their journey) to Canada.

To be completed by authorized agent: A representative of the IOM or UNHCR who is assisting in the travel arrangements may complete this part of the form. In the absence of any such assistance, the visa office must complete this section. The officer or the representative must sign and date the form.

Port of departure: Please enter the city and country of the port of departure.

Port of entry: Please enter the city of the expected port of entry in Canada.

Final destination: Please enter the city of the expected resettlement in Canada.

Date of departure: Please enter the expected date of departure.

Flight No(s): Please enter the expected flight numbers of all flights that will be taken by the client, from departure to final destination. As space is limited, the cities of the route do not need to be listed.

Signature of representative: Where the form is given to the authorized agent to be completed once arrangements are made, this area must be signed and dated by the representative. Where the form is completed at the visa office, the form should be signed and dated by the Canadian officer.

The person whose name and photograph...: Please enter the location of the visa office that issued the visa.

The photograph must be affixed at the visa office. It must be die-cut and affixed to the form in the area indicated before the form is issued to the client or CIC's agent. The photo is secured with a visa seal. The visa seal must cover the entire photograph.

Visa area: Please affix the visa within the space provided. A visa seal should be affixed over the visa foil using the protocol for affixing seals to the Canadian temporary resident visa.

Signature of Canadian officer: The officer should sign in this space once the visa is sealed.

20.4. Port of entry handling for all travel documents

Port-of-entry (POE) officers may see these forms at the time of the client's arrival. Due to difficulties that have arisen for certain clients in the process of resettlement, POE officers must NOT remove the travel document from holders who are issued IM-1 visas in the immigrant categories of CR, RA and RS (1, 3 and 5). As travel documents are used by the refugee to obtain their social insurance number and provincial medical card, they must be allowed to keep them until then. The settlement officer or the private sponsoring group will retrieve these documents once the refugee has obtained other valid ID.

Where the refugee must connect with a flight to the resettlement destination, the POE officer will stamp the form with the port-of-entry stamp in the indicated space and draw a diagonal line through the counterfoil using a black pen. The client is allowed to continue with the form, as it will serve as photo identification satisfactory to Air Canada.

20.5. Settlement officer's handling of all travel documents

Once the refugee has reached their final resettlement destination within Canada and obtained their PR card, their travel document must be retrieved. Settlement officers must collect these documents where possible or recommend to their settlement partners that these documents be collected and turned over to the respective issuing authority. It is usual for settlement officers to collect such documents when they meet the refugee to issue their start-up cheque shortly after their arrival. As travel documents are used by the refugee to obtain their social insurance number and provincial medical card, they must be allowed to keep them until then.

OP 5 Overseas Selection and Processing of Convention Refugees Abroad Class and Members of the Humanitarian-protected Persons Abroad Classes

- Single Journey Documents for Resettlement to Canada [IMM 5485] must be sent to this address: Refugees Branch, CIC, 365 Laurier Avenue West, 17th Floor, Ottawa, Ontario, K1A 1L1. Refugees Branch will forward the documents to the Canadian Border Services Agency, Enforcement Branch, Interoperability Division, Document Section.
- ICRC travel documents are gathered by the settlement officer and returned via registered mail to the ICRC office in Geneva, Switzerland.

21. Procedure: Refugee travel

21.1. Preparing travel arrangements

Preparation of travel arrangements varies from visa office to visa office. Where available, the services of the International Organization for Migration (IOM) will be used. If the IOM is not present, travel arrangements are made by:

- the visa office; or
- the refugee.

For a more detailed explanation on scheduling and other requirements, please refer to Appendix D, Guide for refugee travel to Canada.

21.2. Preparing Notification of Arrival Transmission (NAT)

NAT is defined in section 6.35. Visa offices send NATs to the Matching Centre when a final destination is selected and refugee travel arrangements are complete. Refugees sharing the same itinerary and travel dates should be on the same NAT. No more than 50 persons should be included on a single NAT.

Information to include

In the subject line, each message should be entitled "NAT" and indicate the name of the visa office sending it. NATs should be numbered sequentially beginning at 001, followed by the year in which the refugees will be travelling (e.g., NROBI NAT 001/06).

Detailed information on the travellers should be presented in the text of the message in the following order:

Information required	Details
Flight information	<ol style="list-style-type: none">1. Cross-reference to the IOM's Advance Booking Notification (ABN) number, where applicable2. NAT identifier (same as subject line)3. Flight date (day/month/year) and number4. Departure/Arrival times (ETA/ETD)5. Point of origin and all connecting flights6. Canadian port of entry

OP 5 Overseas Selection and Processing of Convention Refugees Abroad Class and Members of the Humanitarian-protected Persons Abroad Classes

Refugee identification	<ol style="list-style-type: none"> 1. DMR reference (DMR number); 2. Final destination (for PA only); 3. Family number before each principal applicant (each separate family unit is numbered); 4. Person number for principal applicant and accompanying dependants (each person on NAT is numbered consecutively); 5. The visa office file number (the B#) of the Principal Applicant (PA); 6. Surname (within brackets); 7. Given names; 8. Date of birth; 9. Sex; 10. Country of nationality; 11. Relationship to PA; 12. Language(s) spoken; 13. Visa or temporary resident permit serial number; 14. Immigrant category; 15. Special program code.
Relatives or sponsor in Canada	<ol style="list-style-type: none"> 1. For OYW files, name, address and phone number of relative in Canada; 2. For privately sponsored refugees, name, address and phone number, contact name and CIC file number of sponsor in Canada.
For Quebec destination	<ol style="list-style-type: none"> 1. CSQ number
Special needs	For example: survivor of torture who will need counselling; wheelchair required; medical condition requiring immediate attention – provide details; accompanied by pets, etc.

21.3. Example of a NAT

To: Matching-Centre@cic.gc.ca

FM MSCW WAIM7095 23OCT06
MOSCOW NAT 303/2006

BA 6582 TAS Tashkent LHR London 21-Nov-2006 - 0700/1200
BA 099 LHR London YYZ Toronto ON 21-Nov-2006 - 1540/1840
AC 446 YYZ Toronto ON YOW Ottawa ON 22-Nov-2006 - 1010/1110

MOSCOW DMR 447/2006
DESTINATION: OTTAWA, ON

1 (1) B046699380 (MIRZAI) AKIM 12-11-1957 M AFGHANISTAN MARRIED PASHTOO/DARI T533015201 CR1

(2) (EMBIALE), FERREJA 21-04-1963 F AFGHANISTAN WIFE PASHTOO/DARI T533015202 CR1

(3) (MIRZAI) SAVYO 04-06-1987 M AFGHANISTAN SON DARI/SOME ENGLISH T533015203 CR1

OP 5 Overseas Selection and Processing of Convention Refugees Abroad Class and Members of the Humanitarian-protected Persons Abroad Classes

(4) (MIRZAI) AMEERA ROHINA 01-08-1988 F AFGHANISTAN DAUGHTER DARI T533015204 CR1

PA'S SON B046697490 MOHAMMAD MIRZAI WAS DESTINED TO OTTAWA, ON (MOSCOW DMR 31/2/2006)

* Please note that PA's spouse has been recently diagnosed with gangrene which resulted in loss of her two toes. There is a high risk that gangrene will recur. Spouse will require medical treatments immediately upon her arrival in Canada. We are therefore trying to process this file on an urgent basis and are asking you to add it to your 2006 DMR inventory. PA's son was destined to Ottawa, ON, so Program Manager is requesting that their destination also be Ottawa.

2 (5) B046691691 MOHAMMAD OMAR MOHAMMAD SHAKIR 01-01-1954 M AFGHANISTAN MARRIED DARI / ENGLISH CR1

(6) MOHAMMAD SHARIF, MARI 14-12-1966 F AFGHANISTAN WIFE DARI CR1

21.4. Sending NAT

The following four steps occur in the processing of a NAT.

Step	Action
1	<p>The visa office sends the NAT to the Matching Centre at least 10 working days prior to the arrival date of the refugee(s).</p> <p>NATs should be addressed as follows:</p> <p>To: Matching-Centre@cic.gc.ca</p> <p>NATs for Quebec are to be addressed as follows:</p> <p>Matching-Centre@cic.gc.ca and cc: MICC by fax (514) 864-1897</p> <p>Note: In the event of an email failure, please fax NAT to Matching Centre at (613) 957-5849.</p> <p>Note: In the event of a major communication breakdown with the Matching Centre in Ottawa (e.g., city-wide power outage), the NAT information should be forwarded directly to the port of entry and receiving local CIC (or MICC).</p>
2	<p>The Matching Centre:</p> <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 the next business day, the NAT must be resent to the Matching Centre immediately. This process is repeated until an acknowledgment is received.</p>
3	<p>The Matching Centre immediately forwards the information to the local CICs and POE. The local CIC sends the NAT to the sponsor and/or SPO.</p>
4	<p>The visa office will be informed of the following incidents by the region or local CIC:</p> <ul style="list-style-type: none"> unannounced arrivals; no shows; changes in schedule; other pertinent information, such as <ul style="list-style-type: none"> a refugee arrived requiring a wheelchair and this requirement was

OP 5 Overseas Selection and Processing of Convention Refugees Abroad Class and Members of the Humanitarian-protected Persons Abroad Classes

	not indicated on NAT; or
	<ul style="list-style-type: none">any other unmet requirements.

21.5. Amendments and cancellations of NATs

When making corrections, amendments or additions to a NAT, use the same NAT number and identify the changes.

If an amendment or cancellation of a NAT is necessary (i.e., change of final destination, change of flight itinerary, cancellation, etc.), the visa office must advise the Matching Centre as soon as possible. If available, provide a reason for cancellations.

Note: This information is forwarded immediately to the local CIC in the city of final destination as well as the POE, in order to save reception services and private sponsors the expense and effort of preparing for the refugee's arrival.

21.6. Refugee travel contingency procedures

Visa offices should consider implementing contingency procedures such as those that follow in order to ensure the timely transmission of the travel information between the IOM and the visa office in the event of e-mail failure or some other local communications breakdown.

Advance Booking Notifications (ABN) are produced by the IOM and contain the travel details for refugees selected for resettlement. ABNs are normally transmitted to the visa office by e-mail or facsimile.

- The visa office should acknowledge receipt of the ABN within two business days of receipt.
- If the IOM does not receive acknowledgment in two business days, the IOM resends the ABN with a note that it is being RESENT DUE TO MISSING RECEIPT.
- If receipt of a second transmission is not provided that same day, the IOM is to deliver by hand or courier the ABN to the visa office that same day (where practicable). The IOM should also e-mail the ABN to the IOM-Ottawa (iomottawa@on.aibn.com) to be shared with the Matching Centre.

22. Procedure: Special-needs refugees

22.1. Women at risk (AWR)

The officer should note the importance attached to women at risk and must make every effort in consultation with the UNHCR and other operational partners to ensure that appropriate candidates are identified and processed as a matter of priority.

The officer can review the 1994 CIC *Declaration on Refugee Protection for Women* attached as Appendix B.

This section covers:

- determining eligibility;
- the ability to resettle;
- resettlement assistance;
- procedures; and
- program monitoring.

Determining eligibility

All AWR applicants will be members of the Convention refugees abroad class or members of the humanitarian-protected persons abroad classes.

Women at risk are women:

OP 5 Overseas Selection and Processing of Convention Refugees Abroad Class and Members of the Humanitarian-protected Persons Abroad Classes

- without the normal protection of a family unit;
- who find themselves in precarious situations; and
- who are in a place where the local authorities cannot ensure their safety.

This includes women who are experiencing significant difficulties, such as harassment by local authorities or by members of their own communities. Some women may need immediate protection, while others are in permanently unstable circumstances that allow for no other remedy.

Ability to resettle

The AWR program offers resettlement opportunities to women in precarious or permanently unstable situations who do not have the settlement potential usually required for applicants of the Convention refugee abroad or humanitarian-protected persons abroad classes. While it should be expected that the women and/ or their dependants selected under this program will eventually establish themselves in Canada, their integration period may well be more difficult and of longer duration than it is for other Convention refugees or members of the humanitarian-protected persons abroad classes.

When making a decision regarding the settlement potential of a woman-at-risk case, or any special-needs case, please remember that protection is the most important goal of this program and, in most cases, should outweigh consideration of settlement potential.

Note: AWR cases considered to be either in “urgent need of protection” or “vulnerable” are exempt from the regulatory requirement to successfully establish.

Resettlement assistance

AWR cases may be processed as government-assisted or privately sponsored refugees. If appropriate, some cases may be processed as JAS (for appropriate coding, please see Appendix A). As AWR cases by their nature have very special needs, they will usually require specialized assistance. Some women may have good long-term settlement prospects, but due to the traumatic effects of their refugee experience, will require additional integration assistance from a variety of service providers, including torture and trauma counselling. Others will have poorer settlement prospects because their education, linguistic or employment skills are inadequate, or because their adjustment will be hampered by the presence of young children. As a result, in most cases, women at risk will qualify for a Joint Assistance Sponsorship.

Procedures

Persons who deal with refugee women require the ability to question with sensitivity, an awareness of the signs of gender-related persecution, and knowledge of conditions affecting women in source countries. See Section 11 concerning factors to keep in mind during refugee interviews.

When an applicant appears eligible for the program, the officer should interview her as quickly as circumstances permit. The officer should:

- identify and process the person concerned speedily, in order to remove her as soon as possible from the milieu in which she is at risk. The processing standard from identification to resettlement in Canada is three months. Medical instructions will be issued and the security check initiated at the time of interview. Medical officers and SLO (Security Liaison Officer) officers should be informed that the process should be as expeditious as possible. If this cannot be done, a temporary resident’s permit is recommended for early admission.
- send a message to the Matching Centre outlining the refugee background of the applicant, the reason she is in a precarious or permanently unstable situation, the degree of urgency, possible resettlement difficulties and whether a Joint Assistance Sponsorship is required. Make it clear why the woman is considered to be at risk. The message should also identify any special needs such as day care, professional services or job search counselling that the woman and her family are likely to need. The message should include all Destination

OP 5 Overseas Selection and Processing of Convention Refugees Abroad Class and Members of the Humanitarian-protected Persons Abroad Classes

Matching Request (DMR) information. The more complete the family profile, the easier it is to find an appropriate sponsor.

- where possible, send Notification of Arrival Transmissions (NATs) separately, and include “AWR” in the subject line. If it is not possible to send separate NAT, insert “AWR” immediately after the family name in the regular NAT.

All communications, both from abroad and within Canada, must bear the words “Women at Risk” in the subject line. “AWR” should be entered in the special program box of the IMM 5292 (Generic Document used for the Confirmation of Landing) and in the appropriate CAIPS field.

If the officer determines that a woman does not fall under the Woman at Risk Program, the officer may accept her as a member of the Convention refugee abroad class or a member of the humanitarian-protected persons abroad classes, but without the “Women at Risk” or “AWR” designation.

Male relatives

Women at risk are normally, but not always, women who have no adult male relatives to protect or provide for them. In some cases, it may be the adult male relatives who pose the risk.

Women at risk must be counselled that they are being resettled as a result of their unique circumstances. They must be made aware that sponsoring a previously undeclared spouse will *not* be possible under the family class program. Also, undeclared spouses will *not* be authorized to enter Canada under the one-year window provisions.

Program monitoring

Because of the nature of this program, the Resettlement Division (SRE) will continue to monitor both selection procedures abroad and the resettlement of these women in Canada. Visa offices, CICs and regional offices will be requested to provide data and comments on the program from time to time.

22.2. Medically inadmissible

Refugees who fail the medical examination are inadmissible for one of the two following reasons:

- they are a danger to public health; or
- they are a danger to public safety.

If the officer finds that a refugee is medically inadmissible and resettlement is still the best solution, they should refer the case to the Matching Centre.

The Matching Centre will then refer the case to regional immigration officials who, in turn, will seek concurrence of provincial authorities to admit the applicant for permanent residence. If the refugee has relatives in Canada, the Matching Centre will refer the case to the regional office (RHQ) concerned. If there are no known relatives in Canada, it will refer the case to the RHQ of a province where the case has a reasonable chance of being accepted.

In either scenario, the RHQ concerned will consult with a representative of the provincial health authority to obtain provincial concurrence. In some regions, this may only be necessary where treatment or institutional care will be required in a provincial treatment centre.

The appropriate authorities in the province of destination must agree to the admission of the medically inadmissible refugee.

The Matching Centre will seek a sponsor for the (unnamed) refugee referred by a visa officer, and in the case of a (named) refugee referred by a sponsor, they will inform the sponsor.

22.3. Separated minors

The preferred solution for most minor refugees is to reunite them with their immediate family. Reunion with immediate family relatives in Canada is desirable where there are none abroad. The officer should work closely with the UNHCR to determine whether resettlement is an appropriate

OP 5 Overseas Selection and Processing of Convention Refugees Abroad Class and Members of the Humanitarian-protected Persons Abroad Classes

solution for a separated minor refugee. In such cases the officer must ensure that long-term arrangements have been made for the care of the minor refugee in Canada.

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.

If the refugee is a minor with no known relatives to support them abroad, but who has extended family in Canada, refer the case to the Matching Centre, which in turn will refer the case to the RHQ concerned. It is very important to indicate in the CAIPS notes the relationship of the minor to the family in Canada or to identify which family members are *de facto*. The Matching Centre depends on the information found in CAIPS and the notes to help destine these cases. RHQ depends on the notes to identify what type of separated minor they are dealing with. RHQ will contact the relative(s) to discuss their willingness and ability to provide support to the minor. RHQ will at the same time ensure that provincial requirements regarding guardianship are met and, where appropriate, arrange a home visit with the provincial authorities responsible for youth protection. Should the relative be unable to support or assist the minor, RHQ will seek the assistance of the provincial authorities. As procedures vary from province to province, it is important to consult SRE.

22.4. Elderly refugees and relatives

The principle of keeping families together outweighs establishment factors when the officer is examining elderly refugees. Specific consideration should be given to consideration of a traditional family household which could, and often does, include *de facto* and extended family members who are likely to be emotionally, socially and/or financially dependent or interdependent and who are likely to live in the same household.

Elderly refugees with sons or daughters in Canada should be examined sympathetically and consistent with efforts to keep families united. Those who are not likely to enter the labour force should be processed as JAS, with a request for contributions where appropriate. In these cases, the officer will need to contact the Matching Centre.

Elderly refugees with other, more distant, relatives in Canada should be examined sympathetically, regardless of immigration category. Those who are not likely to enter the labour force should be considered as JAS and the officer should make a request for contributions where appropriate (refer to OP 17).

These principles apply equally to elderly refugees who should be considered as family members, although no immediate relationship may exist. They may be members of an extended family that has been accepted for resettlement, or depend upon another family (perhaps unrelated, but which constitutes a *de facto* family unit) which has been accepted. When considering the nature of dependence, the officer will want to examine a range of factors, including the degree of economic and social dependence over a period of time. For further guidance on these considerations, please contact SRE.

Elderly refugees without close family ties in Canada or who are not accompanied by family members who could provide support once the family is resettled can be considered under the special-needs category. A Joint Assistance Sponsorship might be appropriate if the officer believes that eventual establishment in Canada is a reasonable possibility with the extra assistance provided through this type of resettlement arrangement (please refer to Section 15.4, JAS, concerning the processing of requests from applicants with extended families). If the officer encounters an elderly refugee with compelling protection needs, the officer should also consider whether the refugee meets the definition of "vulnerable". In such cases, the refugee does not need to demonstrate the ability to establish successfully in Canada but could receive the help needed through the JAS program.

OP 5 Overseas Selection and Processing of Convention Refugees Abroad Class and Members of the Humanitarian-protected Persons Abroad Classes

23. Procedure: Processing urgent-protection cases

23.1. UNHCR definition of emergency vs. urgent processing

The UNHCR provides guidelines to its own staff about which cases may be referred to Canada under the Urgent Protection Program (UP). The UNHCR and CIC use similar but not identical terminology to describe the protection needs of refugees. Care should be taken to understand the differences.

The UNHCR *Resettlement Handbook* defines “emergency” cases as those in which the threat faced by the refugee necessitates removal within a few days, if not hours. For the sake of clarity, a notional limit of a maximum of five days is understood. Therefore, the word “emergency”, when used by UNHCR members, can be translated to mean a case requiring “urgent” consideration under CIC’s UP.

The Handbook defines “urgent” cases as those where refugees face conditions requiring “expeditious resettlement”. Expeditious resettlement may take more than the five-day maximum understood for emergency cases. UNHCR may refer an “urgent” case or a case needing “urgent processing” that on review, would likely fall into our “vulnerable” case definition requiring “expedited processing”.

Officers are encouraged to communicate clearly with local UNHCR counterparts to ensure a common understanding of terminology so as to avoid any delays for those UNHCR emergency cases that fall under the UP.

23.2. Urgent Protection Program (UP) general guidelines

There are five general processing guidelines to assist CIC in meeting the program objectives:

- the visa office should ensure that urgent protection cases receive immediate attention;
- officers are to make the decision whether to accept and process the case under the UP within 24 hours of the case being referred;
- admissibility checks (medical, security and criminality) are to be accelerated and, if not finalized, the cases will be processed with temporary resident permits (see Section 23.3);
- close liaison with the UNHCR or referral organizations is essential during the process; and
- the person should be en route to Canada within 3 to 5 days of referral to the visa office, whenever possible.

The underlying principles guiding the program are to:

- provide rapid processing measures to ensure the safety of refugees in urgent need of protection;
- ensure UP cases receive settlement services appropriate to their needs; and
- ensure that urgent-protection cases referred to Canada are managed in the quickest way possible that maintains both client safety and program integrity.

Issuing a temporary resident permit

Visa office

Visa offices will process eligible refugees under the Refugee and Humanitarian Resettlement Program as per normal procedures. When a visa officer determines that a refugee may only be authorized to enter Canada under a temporary resident permit, visa officers are to add “Protected temporary residents class” under the remarks section of the IMM 1263 *Permit to come into or Remain in Canada*. In most instances, cases are authorized to enter Canada under temporary resident permits when the admissibility checks (medical, security and criminality) are not finalized in time to ensure the safety of the refugee in urgent need of protection. Visa officers are to inform

OP 5 Overseas Selection and Processing of Convention Refugees Abroad Class and Members of the Humanitarian-protected Persons Abroad Classes

members of the PTR class that they will need to apply for permanent resident status after arrival in Canada once the necessary requirements are met.

Post departure follow-up (Visa office)

When an urgent protection case arrives in Canada on a temporary resident permit (TRP), the visa office will forward the complete file to CPC-Vegreville (including the IMM 0008 schedule2) with a copy to the local CIC. The file should note what admissibility assessments have been initiated by the visa office and the current status of these assessments. The results of all assessments initiated by the visa office are to be forwarded to CPC-Vegreville immediately upon receipt by the visa officer.

Informing the client to apply (CPC-Vegreville)

Where the results of all assessments initiated by the visa office are satisfactory and the applicant is found to be admissible, CPC-Vegreville (CPC-V) will send a letter advising the applicant to submit an application for permanent residence from within Canada using the amended application kit IMM 5205 as a member of protected temporary residents class (PTRC).

Processing applications for permanent resident status from within Canada

Screening the application for completeness

Upon reception of an application for permanent residence in Canada under the PTR class, CPC-V is responsible for screening the application and the supporting documentation to ensure that:

- the application IMM 5202 is completed properly:
 - the application is signed by the applicant;
 - any family members in Canada over 18 years of age have completed a separate IMM 5202 application;
- the applicant has enclosed the following documentation:
 - ◆ Temporary resident permit indicating the applicant is a member of the protected temporary residents class (PTRC) or Minister's Permit issued under the former Act
 - ◆ Single Journey Travel Document (applicable in most but not all cases)
 - ◆ Two passport-sized photographs of each family member in Canada (in addition to the photographs that are already on the original file submitted to the visa office).

Note: If the application is incomplete, it should be returned to the client following the procedure as described in section 7 of the PP 4 chapter.

Processing fee (regulatory sections concerned: R301(1.1), R303(2)(c.1))

Like all refugees selected for resettlement from abroad, members of this class and their dependants are not required to pay cost recovery fees nor the right of landing fee. Under the new R301(1.1), members of this class are exempted from cost-recovery fees in Canada. The fee exemption applies to both the application and the permanent resident card. This includes members of this class who entered Canada on Minister's permits prior to the coming into force of IRPA and who are eligible to apply for landing because they were initially inadmissible due to a medical condition deemed to create an excessive demand or because they were authorized to enter Canada under the UPP program before all clearances were finalized.

Eligibility of family members

Once it is determined that a member of the protected temporary residents class is eligible to apply for permanent residence, their spouse and dependent children in Canada are also eligible, provided that they meet the definition of "family member" in R1(3).

Family members who still reside abroad **who were included in the protected person's initial application for permanent residence** and who meet the statutory and regulatory requirements

OP 5 Overseas Selection and Processing of Convention Refugees Abroad Class and Members of the Humanitarian-protected Persons Abroad Classes

(see R141) may apply to an officer outside Canada within one year after the day on which the principal applicant arrives in Canada. For further information on One-year window provisions (OYW), see R141 and section 25 below.

Assessing admissibility

Members of the PTR class and their family members applying for permanent residence, as per R72, are required to have valid medical, security and criminality clearances prior to being granted permanent residence. CPC-Vegreville will ensure that all PTR class applicants and their accompanying family members 18 years of age and over have not become inadmissible since entry to Canada.

R65: A foreign national is a permit holder and a member of the permit holder class if

...

(c) they have not become inadmissible on any ground since the permit was issued ...

- **Medical examination**

The applicant and their accompanying family members will not be required to undergo another medical examination [R30(1)(a)] if they have a valid medical certificate that indicates that they are not inadmissible on health grounds.

Members of the protected temporary residents class and their accompanying family members are health-excessive-demand-exempt (EDE) as they are protected persons. See A38.

Note: Should their medical certificate be expired, the applicant and/or their accompanying family members will have to undergo another medical examination. Usual in Canada procedures will apply in this case.

- **Security clearance**

The applicant and their accompanying family members will not be required to undergo another security check if their security check is still valid.

Note: Should their security clearance be expired (valid for 18 months) another security clearance will need to be done. CPC-V will initiate the second clearance as necessary.

- **Criminality clearance**

The applicant and their accompanying family members will be required to undergo an in-Canada criminality clearance to ensure that they have not become inadmissible since their arrival in Canada. CPC-Vegreville will initiate this clearance procedure.

What to do if applicant or family member is inadmissible

Should the applicant or any accompanying family member be found to be inadmissible on security or criminality grounds, they will have to wait five years before they can apply for permanent residence. Should they be found to be inadmissible on health grounds, they will have to wait three years before they can apply for permanent residence. See R65.

Requirement for passport, travel document, or satisfactory identity document

Like most refugees resettled from abroad, members of the PTR class and their dependants will likely not hold a passport or travel document as described in R50(1)(a) to (h). They should, however, be in possession of a:

- temporary resident permit or Minister's permit;
- single-journey travel document; and
- provincial or federal identification issued in Canada since entry (example, driver's license, medical card)

OP 5 Overseas Selection and Processing of Convention Refugees Abroad Class and Members of the Humanitarian-protected Persons Abroad Classes

Processing family members abroad

Only family members listed on the original application [IMM 0008] submitted at the visa office and who are listed in Part C of the application form [IMM 5202] may be considered for processing. (See section 3 (c) of the IMM 0008). CPC-V may finalize permanent residence applications received from members of the PTR class applicants without waiting for the statutory processing of family members who remain outside Canada. Officers at CPC-V are not required to contact the visa office to initiate concurrent processing abroad of family members of the PTR applicant.

23.3. Eligible candidates for urgent processing

Refugees whose cases are eligible for urgent processing under the UP **may** include, but are not limited to:

- those who are under threat of *refoulement*, expulsion, prolonged arbitrary detention or extra-judicial execution;
- those who are facing a real, direct threat to their physical safety; or
- those who are at risk of abduction, rape, sexual abuse, harassment or exploitation.

Example: A couple, with children, leaves their country of origin together. The family is registered as being Convention refugees with the UNHCR and is in a refugee camp. The male head of the household admits to the UNHCR to having a long history of violent behaviour toward his wife and children. The woman leaves the camp with her children and asks the UNHCR for protection. The woman is rejected by her own family and so is unable to obtain protection from them. She is not able to secure a divorce from her husband. The husband has repeatedly threatened to set fire to himself and the children if he can locate them and has repeatedly threatened to kill his wife. The wife and children are facing a real, direct threat to their physical safety.

23.4. Initial contact

Applications submitted by the UNHCR will be accompanied by a hardcopy of the Resettlement Registration Form (RRF). The RRF outlines the circumstances that qualify the applicant as a refugee in need of urgent protection. The RRF makes reference to any government service and any group(s) or organization(s) to which the applicant has belonged or belongs, including any government and/or military service performed, providing details of ranks, dates of service and whether active duty was undertaken. It may also include any medical information collected by the UNHCR.

Information submitted by referral organizations should include sufficient details to confirm the applicant's claim for urgent protection. The IPM will ensure that the file is brought to their attention immediately rather than being routed through the routine mailroom/file room process that could result in delays. Some referring agencies fill out the IMM 0008 for cases and attach required photos. The forms are then forwarded to the visa office.

23.5. The first 24 hours

On receiving the formal notification, the IPM will assign the file to an officer. On receipt of the actual file, the responsible officer will:

- completely review the file provided by UNHCR or other referral organization;
- determine if the case warrants further processing; and
- reply to the referral organization by the fastest reliable means within 24 hours of receipt.

This reply will confirm the anticipated length of time needed to process the case; will confirm whether an interview is needed; and will confirm approval in principle, subject to further admissibility checks.

Once a decision has been made to provisionally accept the case, the officer should then initiate and coordinate all required selection activities. This includes initiating contacts for:

OP 5 Overseas Selection and Processing of Convention Refugees Abroad Class and Members of the Humanitarian-protected Persons Abroad Classes

- medical assessment;
- security/criminality screening;
- issuing visa;
- travel arrangements;
- loans and contributions through the Matching Centre;
- request for sponsor (PSR or JAS); and
- exit permits or travel documents, where applicable.

23.6. Waiving the interview

When the Immigration Program Manager (IPM) is confident about the quality of the referral and about the applicant's credibility or admissibility, the IPM may wish to consider exercising their discretion to waive the interview. The decision may be based on a review of the information provided by the referral organization.

23.7. Arranging the interview

Arrangements for the interview, if required, should be made for it to occur within 24 - 48 hours of the positive decision to proceed with the case. The referring organization will facilitate the interview by assisting in contacting the individual and, in some cases, transporting applicants to the interview.

23.8. Medical screening and health coverage

Topic	Description
Contacting the DMP	The medical assessments will be initiated and coordinated by the visa office immediately following a positive decision to process the application. This means making arrangements with a Designated Medical Practitioner (DMP) or acceptable alternate for an immediate assessment. Depending on circumstances, it may be preferable to use an IOM physician or the best available local physician/medical facility to meet the 3-5 day target. The DMP should be advised of the need for preliminary feedback to the Canadian medical officer at the earliest possible opportunity.
Medical admissibility- risk assessment	<p>In cases where the medical examination cannot be finalized within the time available, the Canadian medical officer will provide an assessment of the risk associated with approving the applicant to the officer.</p> <p>Example: While it may not be possible to determine if the applicant has active tuberculosis, the medical officer may provide an assessment concerning the likelihood of active TB for the particular refugee case.</p> <p>In cases where the Canadian medical officer indicates no apparent serious reasons to refuse, the refugee should be sent to Canada on a temporary resident permit. The medical examination will be completed once in Canada. If there is a well-founded suspicion that the applicant may have a medical condition that is a contagious disease that would pose a health threat, the officer must weigh potential risks against the applicant's protection needs.</p> <p>Note: Refer to OP 20, Section 9 for further guidance in processing a case where the applicant arriving on a temporary resident permit, is later found to be medically inadmissible.</p>
Further medical investigations	<p>In some cases, it may be necessary to transfer the medical file to Canada for completion after arrival. There are two situations in which medical results will be transmitted after the refugee has departed for Canada:</p> <ul style="list-style-type: none"> • medical investigations are complete but results are not available prior to the refugee travelling to Canada (risk assessment only has been

OP 5 Overseas Selection and Processing of Convention Refugees Abroad Class and Members of the Humanitarian-protected Persons Abroad Classes

	<p>provided); or</p> <ul style="list-style-type: none"> • further medical investigations are needed to complete the medical assessment. <p>In both cases, the medical officer abroad should provide an assessment of the medical risk.</p> <p>When the medical and stage B assessments have not been completed by the time the refugee departs for Canada, the final results are forwarded to the CPC-Vegreville so that confirmation of permanent resident status or other follow-up may occur. A copy should also be sent to the local CIC so that the CIC may issue the medical furtherance.</p> <p>When further medical investigations are needed to complete the medical assessment, the local CIC in Canada will be responsible for providing the refugee's medical determination. The results are forwarded to CPC-Vegreville.</p>
Medical surveillance	The visa office issues a medical surveillance undertaking IMM 0535B if it has been determined that a refugee has a medical condition requiring public health surveillance in Canada. The IMM 0535B will be processed as per the regular procedures. Port of entry (POE) officers should ensure that the destination address in item 6 is complete.
Medical examination in Canada	It is important that providers of reception services ensure that all refugees whose medical examinations were not completed abroad have a medical examination immediately upon arrival in Canada. SPOs and providers of reception services should be made aware by the local CIC of the possibility of health risks. As well, the SPO should liaise with the medical doctor to ensure any required assistance is provided (e.g., specialized counselling or medical treatment). Any information that could be of importance to the receiving community should be forwarded to the community of final destination, copied to RHQ and the NHQ-MC. The sponsor or SPO will make referrals to an appropriate service.
Medical coverage	Refugees authorized to enter Canada under the Urgent Protection Program are entitled to the same benefits as refugees processed through the regular process. Where the refugee enters on a permit, it is important to state on the temporary resident permit that the individual is a member of the Convention refugee abroad class or a member of a humanitarian-protected person abroad class seeking resettlement. This notation is necessary to ensure refugees receive entitlement to health coverage. See chapter IP 3, Part 1 for details on health coverage.

23.9. Criminality and security screening

Once a decision has been made to process the case as “in need of urgent protection”, security checks should be initiated.

Step	Action
Initiate security and criminality checks	The visa office should initiate criminality and security screening immediately following a tentative positive decision. Urgent background checks will require liaison with the SLO, whether at the visa office or in another location, in person or by phone.
Refer cases to Case Management Branch (BCD), if necessary	The officer refers a case to Case Management Branch (BCD) for more investigation where there are negative results of a security or criminal background check. BCD can advise the officer if there are other considerations for admissibility and the officer should consider the information provided by BCD when making their decision on admissibility. When cases are referred to the Case Management Branch for investigation, the 3-5 day target may not be met. An estimated turn-

OP 5 Overseas Selection and Processing of Convention Refugees Abroad Class and Members of the Humanitarian-protected Persons Abroad Classes

	<p>around would be determined by Case Management and the officer can inform the UNHCR in the event that UNHCR may wish to refer the case to another resettlement country.</p> <p>Please ensure that copies of the applicant's IMM 0008, any additional referral information and any other information that can assist with screening are forwarded to the appropriate unit at NHQ.</p>
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Criminality and security risk management

On the basis of country conditions and local information, profiling and any other available tools, the SLO will provide an assessment of the risks to the officer regarding the nature and degree of any risk. The officer will decide whether any perceived risk outweighs the need for urgent protection.

23.10. Financial requirements

The category in which an urgent protection case is processed has implications for the amount and type of assistance received in Canada. Urgent-protection cases, by their nature, may have needs that require specialized assistance in Canada. Resettlement Assistance Program (RAP) and Joint Assistance Sponsorship (JAS) services can be provided to those resettled as urgent protection cases.

The officer determines whether a refugee meets the eligibility requirements and determines the financial requirements. The officer will determine whether a refugee requires sponsorship. Cases are not to be delayed while the search for a sponsor continues; if a sponsor cannot be identified, the refugee(s) will be sent to a city chosen by the Matching Centre until a sponsor is found (see below).

If the refugee has family in Canada, the Matching Centre will locate a sponsor near the family.

Final destinations in Canada will be established on the basis of a number of factors, including location of any family in Canada, availability of required services (e.g., counselling), refugee's ability to communicate in English or French and/or location of a sponsor.

Refugees not requiring a sponsor should be destined as usual. See IP 3.

For those refugees for whom a sponsor has been identified prior to departure for Canada, the refugee will be destined directly to the city of final destination, where the sponsor is located.

23.11. Destining urgent-protection-cases

Step	Action
1 Send DMR	<p>In all cases, the officer will send a Destination Matching Request (DMR) to the NHQ Matching Centre at the same time a notification of acceptance to the UNHCR or other referral organization is sent.</p> <p>In addition to all required information for regular refugee cases, the message to the Matching Centre (MC) should outline:</p> <ul style="list-style-type: none"> • the applicant's family profile; • refugee background; and, in particular, • any special-needs requirements including a request for contribution funds to cover part of the transportation costs. <p>The more complete the family profile and the more detailed the needs assessment, the easier and faster it will be to find a sponsor, when one is required.</p> <p>For DMR procedures, please refer to Section 19.</p>
2 Matching Centre responds	<p>The MC will respond to the visa office within one day with details about contributions, loans, sponsor and destination.</p> <p>The MC works closely with local CICs across Canada, with Sponsorship Agreement Holders (SAHs) and with the MICC, where applicable, to complete the destining process. The MC will ensure that all special needs information sent by the visa office has been received by the appropriate local CIC/POE/</p>

OP 5 Overseas Selection and Processing of Convention Refugees Abroad Class and Members of the Humanitarian-protected Persons Abroad Classes

	SPO/sponsor to ensure that the required services will be available upon arrival. If a sponsor is not found prior to departure, please refer to Section 23.12.
3 Keep records in CAIPS	All information should be fully detailed in CAIPS according to the principal applicant's (PA) application form IMM 0008sch2, including all family names and relationships, even when the family has been separated. This will also help facilitate family reunification later, if needed. For cases destined to Quebec, the CAIPS notes will also indicate the CSQ number and the fact that it is a Quebec case.

Note: Because these cases are being processed within a short time frame, there may be instances where refugees arrive with very little advance notification or without a sponsor.

23.12. Post-departure sponsorship cases

When a sponsor has not been identified prior to departure, the refugee will be destined to a location chosen by the Matching Centre that appears to best suit the refugee's needs. The MC will work with the local CIC and a local SPO to ensure that appropriate arrangements for reception services, including counselling, are made until a sponsor can be located. These cases are coded as if the sponsorship undertaking is completed prior to departure.

In rare instances, it may happen that a refugee is destined to a reception centre and the sponsor when found, is in another city. If this should happen, the initial SPO will ensure that the receiving SPO is made aware of any services that have been provided and any special needs that have been identified. The local CIC is responsible for ensuring the file, with complete case notes, is transferred to the local CIC at the final destination. The local CIC is also responsible for ensuring that the new address is entered in FOSS. It is especially important for CPC Vegreville to have current information about cases being processed by the CPC.

Any outstanding or additional orientation will be provided upon arrival at the final destination. In-Canada travel costs will be determined on a case by case basis. See Section 23.15, Travel arrangements.

23.13. Urgent-protection-cases—privately sponsored

In cases where the applicant is named on an undertaking for private sponsorship and is in urgent need of protection, the applicant must present themselves to the UNHCR for an assessment. It is the mandate of the UNHCR to provide protection in the country of refuge. Should the UNHCR find the applicant to be in need of urgent protection, they will advise the visa office who will proceed as above.

23.14. Urgent-protection-cases destined to Quebec

For cases destined to Quebec, the *ministère de l'Immigration et des Communautés culturelles* (MICC) will be responsible for selecting the final destination in Québec, the services and settlement activities.

Step	Action
1 Contact SIQ	The officer will send an e-mail or a fax to the <i>Service d'Immigration du Québec</i> (SIQ) with the words " Urgent Protection Program " in the subject line of the message. The message must be accompanied by: <ul style="list-style-type: none"> • an IMM 0008Esch2; • the UNHCR Resettlement Registration Form (RRF); and • medical information gathered by the UNHCR.
	Note: For urgent protection cases, the IMM 0008Esch2 may replace the <i>demande de certificat de sélection</i> (DCS).
	Although urgent protection cases are not assessed on the basis of their capacity to integrate, this information is required to: <ul style="list-style-type: none"> • determine whether a sponsorship undertaking is needed under the Quebec Joint Sponsorship Program;

OP 5 Overseas Selection and Processing of Convention Refugees Abroad Class and Members of the Humanitarian-protected Persons Abroad Classes

	<ul style="list-style-type: none"> determine whether the person should in fact be going to Quebec; and give the SIQ an opportunity to assess the officer's opinion about the management of any risk of excessive costs. <p>Note: Unaccompanied minors must not be directed to Quebec.</p>
2 SIQ responds	<p>The SIQ immediately sends its response to the Canadian visa office, along with the number of any <i>certificat de sélection du Québec</i> (CSQ) and its validity date. The SIQ also indicates whether the case is eligible for the Quebec Joint Sponsorship Program.</p> <p>For medically inadmissible cases involving possible excessive costs, the SIQ may ask for a period of 48 hours in order to submit the case to MICC in Montreal.</p>
3 Send DMR and NAT	<p>The Destination Matching Request (DMR) and Notification of Arrival Transmission (NAT) should indicate that the case is a UP case and must be sent to the Matching Centre in accordance with normal procedures. The Matching Centre will contact MICC. A response will be sent back within hours.</p> <p>For DMR procedures, please refer to Section 19.1.</p> <p>For NAT procedures, please refer to Section 21.2.</p> <p>Note: Where there is no family outside of Montreal and where there is no known sponsor before-hand, the refugee will be destined to Montreal. One sponsor group in Montreal has been engaged to provide the reception services for all UP cases destined to Quebec who are joint assistance cases. This sponsor group also acts as the sponsor for all unnamed sponsorship cases where the refugee has no family outside of Montreal. In these cases, the refugee will be destined to Montreal.</p>

Quebec Joint Assistance Sponsorship Program

In Quebec, the Joint Sponsorship Program exclusively targets Convention refugees or members of a humanitarian-protected persons abroad class who have a physical disability, need medical treatment, or have been the victim of torture or other traumas, including women at risk.

Under this program, refugees are given reception and settlement services, integration advice, ongoing emotional support and assistance for learning French for two years.

Whether or not they are involved in the Joint Sponsorship Program, urgent-protection cases will receive support through Quebec's refugee reception and settlement (PAIR) program.

Refugee reception program

Representatives of the *ministère de l'Immigration et des Communautés culturelles* (MICC) meet the refugees at Pierre Elliot Trudeau International Airport and take the refugees to their city of destination where they are provided with hotel accommodations for a few days (normally about four working days).

Representatives of service providing agencies speak French and help the refugees apply for health insurance coverage, register for school, apply for financial assistance, choose an apartment, and get settled in the apartment. Furniture, home appliances and clothes are provided.

Soon after their arrival, the refugees are registered in either a French-language training program or an integration program if they already speak French.

23.15. Travel arrangements

This section covers:

- general liaison with the IOM;
- transportation arrangements;
- Notice of Arrival Transmission (NAT);

OP 5 Overseas Selection and Processing of Convention Refugees Abroad Class and Members of the Humanitarian-protected Persons Abroad Classes

- In-Canada travel arrangements; and
- transportation costs.

General liaison with the IOM

At visa offices where the International Organization for Migration (IOM) is generally involved in the post-selection process, the visa office should liaise with the responsible IOM representative to make them aware of the urgent nature of the case and the need to process the case on an urgent basis. This may include making arrangements for travel documents, transit visas and exit clearances, as well as transportation arrangements, including completion of immigration loan forms for transportation IMM 0500.

If the visa office generally contacts the International Red Cross or other agencies to arrange travel documents, this contact should also be made as soon as the decision to process the case is made.

Transportation arrangements

The IOM should arrange the earliest possible transportation, even if this involves a weekend arrival at the POE and/or a more expensive class of ticket.

If possible, the IOM will make efforts to have the refugees arrive during regular hours to simplify reception services provided by the service provider organizations (SPO) or reception house staff. Otherwise, where arrivals are possible only late at night or on weekends, the SPO and POE must be prepared to arrange overnight accommodation and onward flight. The SPO will inform airport reception of any layovers at the POE.

Any additional transportation arrangements that the officer may be able to make, such as ensuring that a host country and/or any transit countries regard the temporary resident's permit or the permanent residence visa as an acceptable travel document are encouraged. Note that some asylum countries have accepted the permanent residence visa IMM 1000 for this purpose.

Notice of Arrival Transmission (NAT)

The visa office should send the NAT to the Matching Centre as soon as possible. The Matching Centre will ensure that copies are also sent to the appropriate port of entry (POE), regional office, local CIC, airport reception service, and service provider organization (SPO). This is particularly important given the short notice that will be provided in most of these cases and given that some arrivals may be outside normal working hours or on weekends.

For NAT procedures, please refer to Section 21.2.

In-Canada travel arrangements

Where the IOM has not made onward transportation arrangements to the place of final destination in Canada, an IMM 0500 will be completed at the POE and the POE will make any necessary travel arrangements.

Transportation costs

The nature of urgent protection cases means travel arrangements are being made quickly. Travel costs may be somewhat higher than for regular refugee cases. In cases where the travel costs are excessive, a contribution can be requested from NHQ (Matching Centre) to cover all or part of the loan. Only JAS cases are eligible for a contribution.

The POE may request an additional contribution for in-land travel for JAS cases whenever the balance of the transportation loan was also covered by a contribution. A transportation loan (form IMM 0500) will be used in all cases to record the transportation and related costs. (For more details on refugee travel, see Appendix D, Guide for Refugee Travel and IP 3.)

23.16. One-year window of opportunity—non-accompanying family members (following family members)

Efforts will be made to process all family members concurrently. Where family members are separated and unable to travel together, the visa office will make arrangements to reunite the

OP 5 Overseas Selection and Processing of Convention Refugees Abroad Class and Members of the Humanitarian-protected Persons Abroad Classes

family later in Canada. All family members must be identified on the principal applicant's application form and on the undertaking, where applicable. The Matching Centre, reception centres/SPOs, and sponsors need to be informed that the family has been separated when provided with the arrival information about the principal applicant.

If the separated family is not in need of urgent protection, they will not be processed urgently but should be processed on an expedited basis. The Reception Centre/SPO should inform the family/sponsors of these procedures. The case will be coded "OYW" instead of UPX.

Under the "one-year window of opportunity", non-accompanying family members may be eligible to be processed in the same class as the principal applicant for up to one year. In this case, a family class sponsorship is not required. The officer should verify the settlement plan with the local CIC and/or sponsor as part of assessing non-accompanying family members.

Applicants for urgent protection need to be counselled that there is no commitment to admit family members who are found to be inadmissible. It is important to inform the referring agency of any possible complications caused by inadmissible family members so that the agency may make decisions regarding resettlement alternatives. For more details on processing dependants under the one-year window of opportunity, please refer to Section 25.

23.17. Pre-departure counselling

Prior to departure, if there is sufficient time, the applicant should be counselled concerning their participation in the JAS program, if applicable, or in the government-assisted programs and what to expect on arrival in Canada. If the officer does not have direct access to the applicant, the referral organization or IOM officers may be asked to conduct a brief orientation. IOM offices and UNHCR offices can be provided with a copy of OP 5, containing a description of the JAS program.

23.18. Post-departure follow-up

The visa office will forward a complete copy of the case file to the CIC at the refugee's final destination (information regarding final destination will be provided to the visa office by NHQ-Matching Centre). This complete file will include the signed IMM 0008Esch2.

When an urgent protection case arrives in Canada on a temporary resident permit (TRP), the visa office will forward the complete file to CPC-Vegreville (including the IMM 0008Esch2) with a copy to the local CIC. The file should note what admissibility assessments have been initiated by the visa office and the current status of these assessments. The results of all assessments initiated by the visa office are to be forwarded to CPC-Vegreville immediately upon receipt by the officer.

Once the refugee arrives in Canada, CPC-Vegreville (CPC-V) will complete the processing. In-Canada confirmation of permanent residence status procedures will be followed. Refer to OP 20 for further guidance relating to the issuance of temporary resident permits.

Note: Where CPC-V receives a file that is missing the IMM 0008, it will contact the visa office directly to request it.

23.19. Authorizations for persons on temporary resident permits (TRPs)

If the refugee arrives in Canada on a TRP, employment/student authorizations will be required and will be issued through CPC-V or local CICs in accordance with normal procedures. Applications are available through the Call Centres. All individuals attending school from grade 1 and onward require student authorizations.

23.20. Positive decision

Where final admissibility results have not been received and the officer approves the case, the officer may consider issuing a temporary resident permit to allow for early admission. The complete case must be forwarded to the CPC in Vegreville as soon as possible for immediate processing.

OP 5 Overseas Selection and Processing of Convention Refugees Abroad Class and Members of the Humanitarian-protected Persons Abroad Classes

Where final admissibility results have been received and are acceptable, a permanent residence visa IMM 5292B should be completed. Officers are encouraged to issue permanent residence visas rather than temporary resident permits whenever feasible.

In cases where final results are known and the applicant is inadmissible, consideration may be given to issuing a temporary resident permit, depending on the nature of the inadmissibility. For example, a person may be technically inadmissible due to a health reason but could be considered for early entry into Canada providing the person undergoes medical treatment. The complete case must be forwarded to the CPC in Vegreville as soon as possible for immediate processing.

23.21. Negative decision

Where the application is rejected, the decision-maker will clearly explain to the client, through written reasons, why the application is rejected. The refusal process is the same as for other refusals. The referring agency needs to be notified immediately of the refusal and of the reasons for the refusal so that the agency may refer the case to another country.

23.22. Documentation in CAIPS notes

Urgent processing may mean less attention than is usually paid to record-keeping in CAIPS. Nonetheless, it is important that the usual notes retained in a file are maintained for UP cases. Information that is required to be collected on an on-going basis includes:

- reasons for urgency;
- reasons for refusal (if applicable); and
- length of time between referral and departure for Canada.

Officers are to pay particular attention to ensuring that CAIPS notes include pertinent processing information such as immigration codes, fees, and notes regarding which admissibility checks were completed and the results of those checks.

In addition, the local CIC and/or Matching Centre must ensure a current address is provided in FOSS for processing at CPC-Vegreville. FOSS notes should also include a contact person or sponsor, if applicable.

23.23. Program evaluation

CIC is committed to measuring the quality of work and to ensuring the quality and consistency of decision making. In addition to being included as part of the ongoing quality assurance program for the Refugee Resettlement Program, the urgent protection program will also be evaluated for effectiveness and resource requirements. It is important that appropriate codes are used to capture the data on numbers of urgent cases coming out of each visa office and how many are referred to specific units in Canada (e.g., how many cases need to be reviewed by the Modern War Crimes Unit). As this is a new program, resource requirements must be carefully monitored to ensure visa offices and units within Canada are able to provide the services.

To assist in future resource allocation models, it is important to collect information that is not normally captured. Information such as major steps in processing the case, including any reasons for processing delays, should be fully outlined in the CAIPS file. These notes should also indicate what elements of the processing worked well and those where difficulties were experienced.

The evaluation and quality assurance program will also assist in identifying changes or clarifications required to policies and procedures in order to improve the quality of the delivery of the urgent protection program.

24. Procedure: Processing vulnerable cases

24.1. General guidelines

Please, refer to the definition of "Vulnerable" in Section 6.58.

OP 5 Overseas Selection and Processing of Convention Refugees Abroad Class and Members of the Humanitarian-protected Persons Abroad Classes

Cases identified as vulnerable should be processed within a one-to-four-month time frame to remove the risk or prevent further erosion of a person's mental or physical safety.

24.2. UNHCR definition of urgent vs. expedited processing

The UNHCR and CIC use similar but not identical terminology to describe the protection needs of refugees. Care should be taken to understand the differences.

The UNHCR *Resettlement Handbook* defines "urgent" cases as those where refugees face conditions requiring "expeditious resettlement". Expeditious resettlement may take more than the five-day maximum understood for emergency cases. UNHCR may refer an "urgent" case or a case needing "urgent processing" that on review, would likely fall into our "vulnerable" case definition requiring "expedited processing".

Visa offices are encouraged to communicate clearly with local UNHCR counterparts to ensure a common understanding of terminology so as to avoid any delays for those UNHCR emergency cases that fall under the UP program.

24.3. Eligible candidates for expedited processing

Refugees whose cases are eligible for expedited processing **may** include, but are not limited to:

- victims of torture or other trauma;
- women meeting the definition under the Women-at-Risk (AWR) Program;
- non-accompanying family members of a principal applicant who has been identified as being in need of urgent protection under the Urgent Protection Program (UP); or
- non-accompanying (i.e., following) family members under the one-year window (OYW) provision.

Example: A principal applicant with urgent protection needs may have family members who have been separated and who are not in need of urgent protection. The future physical safety of the family members may be at risk, however, due to possible retaliation by the agents who were initially responsible for the principal applicant's urgent protection needs. Reunification of vulnerable family members in this case may require expedited processing to ensure family reunification of a family that has faced acute hardship and trauma.

Compatibility and consistency with UNHCR guidelines

The UNHCR does not define vulnerable in its *Resettlement Handbook*. The UNHCR links resettlement to protection needs and divides protection needs into eight categories. Although the UNHCR has no standard phrase or wording to convey the same meaning as we are striving to in considering some refugees to be in more vulnerable situations than others, Chapter 4 of the *Resettlement Handbook* does list some scenarios that give rise to greater physical protection needs. In forming an opinion as to whether a case should be processed as "vulnerable," officers should consider the following scenarios which may place an applicant in vulnerable circumstances. In referring such cases to Canada, the UNHCR would refer to these cases as requiring urgent processing, Canada's case processing priority 2, which is the equivalent of expedited processing.

The scenarios are:

1. Physical and legal threat to personal safety in a country of refuge

Refugees who have been admitted to a country of asylum may be threatened not by the authorities of that state, but by other hostile groups or governments. If, under such circumstances, the host country is not willing or able to provide protection from such threats, they may be referred to Canada as vulnerable cases for resettlement.

OP 5 Overseas Selection and Processing of Convention Refugees Abroad Class and Members of the Humanitarian-protected Persons Abroad Classes

2. Survivors of violence and torture

Survivors of torture or other forms of deliberate and systematic violence will require coordinated medical care, counselling and other types of special assistance, especially when they suffer from physical and/or serious psychological problems. When resettlement is determined to be the appropriate durable solution, cases of torture survivors submitted by the UNHCR for protection reasons may be considered vulnerable cases, depending on the severity of their protection needs. In some cases, they may have urgent protection needs.

3. Medical needs

(The UNHCR Handbook outlines very specific determination criteria. Without this sort of exhaustive list, such a loose and all-encompassing term would be impossible to manage successfully in an open and transparent manner.)

Medical cases are analyzed by the UNHCR on a case-by-case basis. The resettlement of persons with medical needs is challenging, and resettlement opportunities are limited. The UNHCR identifies cases with the most serious problems that can only be addressed through resettlement.

The UNHCR gives priority to the needs of persons whose medical condition is directly related to their persecution, flight, or exile, as well as to children and to women alone or with children/dependants.

Disabled refugees who are well-adjusted to their disability and are functioning at a satisfactory level will generally not be referred for resettlement based on their disability. For example, blind refugees who are able to exercise a profession, or who can benefit from training in the country of refuge, would not need resettlement. Only when such disabilities are untreatable locally, and when they seriously threaten the person's physical safety, will resettlement be explored by the UNHCR

4. Women-at-risk (similar to Canada's Women-at-Risk (AWR) Program

See Section 22.1)

5. Family reunification

Single women, who are responsible for households, children separated from their families, unaccompanied minors and others, are at greater risk of exploitation and abuse. In the context of crossing international borders in search of safety, such refugees who are without the benefit of family support, are also more likely to fall prey to human traffickers and thus be victimized a second time. For children, being separated from their family puts them at risk of other threats to their physical safety and legal security, including abuse and neglect and even military recruitment.

In the resettlement country, the refugee family is a major contributor to the emotional and spiritual well-being of its individual members. For example, therapeutic interventions for highly traumatized persons work best when the family is restored to a functional level. One of the goals of torture is not only to destroy the psyche of the individual person, but also to annihilate the social support systems that support and nourish the individual. The UNHCR *Resettlement Handbook* contains guidelines consisting of several subsets including minors and the elderly accompanied by detailed explanations of context.

Please refer to the UNHCR *Resettlement Handbook* at <http://www.unhcr.org/cgi-bin/texis/vtx/protect?id=3d4545984> for more detailed information.

The definition of "vulnerable" allows the officer the flexibility to respond to the scenarios outlined in the UNHCR *Resettlement Handbook*. The definition is intended to provide the flexibility needed to accommodate those most in need of protection by restricting the use to protection needs.

24.4. Processing vulnerable cases

Once a case has been identified as vulnerable and in need of expedited processing, the case will be processed according to regular procedures, keeping in mind the one-to four-month time frame.

OP 5 Overseas Selection and Processing of Convention Refugees Abroad Class and Members of the Humanitarian-protected Persons Abroad Classes

Coding

There is no special code associated with vulnerable cases.

Identification of vulnerable protection cases

For the purposes of the Refugee and Humanitarian Resettlement Program, a case is identified as being a “vulnerable protection case” and in need of “expedited processing” when:

- a person has a greater need of protection than other applicants for protection abroad because of the person’s particular circumstances that give rise to a heightened risk to their physical safety.

Many refugees wait in refugee camps for years before they can be assessed and resettled in another country where they can begin new lives. “Vulnerable” cases are those that require resettlement relatively quickly. Such cases are usually referred to Canada by the UNHCR. If Canada is unable to resettle these individuals on an expedited basis, the UNHCR will try to find another resettlement country that can accommodate such individuals. The degree of physical protection required is higher than most refugees, but lower than “urgent protection” cases.

Usually, such individuals are in greater need of protection because the persecution they had initially fled continues in the country where they thought they would be safe, although the persecution may take on new forms. In most cases, the local authorities are unable to provide adequate protection for these individuals who may find themselves at risk of being sexually exploited, raped, abducted for the purposes of trafficking, etc.

The vulnerability may result from circumstances such as:

- the lack of protection normally provided by a family unit (e.g., women who are at risk of abduction, rape, sexual abuse, etc., due to the absence of the normal protection of a family unit, children without the benefit of parental protection, the elderly who have no family or support network to assist them and are at greater risk as a result); or
- medical conditions (e.g., medically at-risk/disabled persons, victims of torture or other trauma).

For the sake of clarity, an expedited time frame is the time period needed to resettle a person.

In order to qualify for expedited processing as a vulnerable protection case, an applicant must:

- be referred to the visa office by the UNHCR or be self-referred;
- be accepted by the visa office as either a member of the Convention refugee abroad class or a member of the country of asylum class or the source country class; and
- be accepted as meeting the definition of “vulnerable protection case” which is in need of expedited protection.

The officer is responsible for determining whether or not the case referred is a vulnerable protection case. The above list of examples of vulnerability is not exhaustive and it is expected that the officer will exercise appropriate discretion in identifying similar cases. Such cases may also be flagged by private sponsors should they be privy to such information. However, the final determination rests with the officer. Officers working in areas that have direct access in place are responsible for identifying vulnerable cases at the time applications are received for processing.

25. Procedure: One-year-window-of-opportunity provision (OYW)

25.1. Policy context

The rationale for this policy initiative is based on the need to implement facilitative measures that help reduce separation periods during the processing of refugee families.

One of the objectives of the *Immigration and Refugee Protection Act*, with respect to immigration, is to see that families are kept together and, where that is not possible, that they are reunited in Canada as quickly as

OP 5 Overseas Selection and Processing of Convention Refugees Abroad Class and Members of the Humanitarian-protected Persons Abroad Classes

possible. In order to facilitate the rapid reunification of families, the Refugee and Humanitarian Resettlement Program allows for the concurrent processing of refugee families. In some situations, however, family members' whereabouts are unknown. In others, the conditions in the country of origin prohibit them from being processed with the principal applicant. To facilitate family reunification in these cases, the "one-year window" (OYW) regulations were introduced in 2002. Separated family members are referred to as non-accompanying family members. The regulatory provisions allow non-accompanying family members to derive the principal applicant's (PA) refugee status and to apply without the need for a family class sponsorship.

The following factors demonstrate some of the challenges faced by resettled refugees and the need for this initiative:

- in the early periods of their arrival, refugees have limited income and often do not have sufficient resources to meet income requirements or to pay for a family class sponsorship (FC);
- many resettled refugees have the added financial burden of having to repay large transportation loans;
- in some circumstances, refugees arrive in Canada on Temporary Resident Permits (TRP) and therefore cannot sponsor under FC;
- when FC is not an option, many refugees try to secure a private sponsorship for separated family members and thus increase the number of requests for assistance made to the sponsorship community; and
- the refugee's ability to establish is hindered by anxiety, guilt and separation.

25.2. Eligibility under the OYW

The principal applicant

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

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

Non-accompanying family members

The OYW applies to specific family members. Not all persons eligible to be sponsored under the family class program are eligible for consideration under the OYW. The non-accompanying family member must be a family member of the PA as defined in R1(3). Family members are identified as:

- spouses,
- common-law partners,
- dependent children, and
- dependent children of dependent children of the PA.

To minimize unnecessary work in the visa offices abroad, and to better inform relatives in Canada, local CICs are asked to screen persons for eligibility.

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). However, if a non-accompanying family member abroad identifies a *de facto* dependant, the application should be considered for concurrent processing as per sections 13.6, 13.7 and 13.8 above, meaning that the *de facto* dependant must submit a separate application, be listed on the non-accompanying family member's IMM 0008, must be found to be a refugee in their own right, and must meet all admissibility requirements.

OP 5 Overseas Selection and Processing of Convention Refugees Abroad Class and Members of the Humanitarian-protected Persons Abroad Classes

25.3. Requirements for the OYW

As per R141(1) and R142, to be processed as non-accompanying family members, family members must:

- have been identified on the PA's Application for Permanent Residence [IMM 0008] before the PA departed for Canada;
- have been a family member as defined in R1(3) at the time the PA originally submitted their Application for Permanent Residence [IMM 0008];
- continue to be a family member at the time the one-year window application is filed and at the time the final decision is made (for exception, see the section titled "age exemption" below)
- have submitted their own Application for Permanent Residence [IMM 0008] at a visa office within one year of the date of arrival of the PA in Canada.

Non-accompanying family members must submit their application to the visa office that serves their area. The application does not need to be accompanied by a referral by the UNHCR, another referral agency or an undertaking.

Under R140, non-accompanying family members are automatically processed under the same refugee class as the PA. In cases where the non-accompanying family member is residing in a source country that is no longer on Schedule 2, under the OYW, the member will still be processed in the same class as the PA; in this case as a member of the source country class.

Age exemption

Age is the only exception to the requirement that a non-accompanying family member meet the definition of "family member" of the PA both at the time the PA's application is made and at the time the decision is reached on the non-accompanying family member's permanent resident application. 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.

Private sponsorship

In those cases where the PA was privately sponsored, the sponsor must be notified of the non-accompanying family member's application to ensure that the sponsor is still able and willing to make adequate settlement arrangements.

Ability to establish

The ability to establish was already assessed for the whole family at the time the PA applied for a permanent resident visa R139(1)(g). Refer to the case notes in the PA's application if needed.

In urgent protection and vulnerable cases, the PA is exempt from meeting the requirement of ability to establish. However, an assessment of non-accompanying family members should still be completed for the purpose of:

- determining if any family member has special settlement needs;
- determining that there is an adequate settlement plan in place; and
- helping the family member establish successfully in Canada.

Please refer to Section 13.9, Ability to establish.

25.4. Admissibility under OYW

As with all applications, the principal applicant and the non-accompanying family members must meet the statutory requirements (medical, security and criminality) under IRPA Division 4.

OP 5 Overseas Selection and Processing of Convention Refugees Abroad Class and Members of the Humanitarian-protected Persons Abroad Classes

25.5. Completing IMM 0008 Schedule 2

All non-accompanying family members must complete parts B, C, and D of the IMM 0008 Schedule 2, Refugees Outside of Canada. It is not required that Part A be completed since family members derive status from the principal applicant. If necessary, family members may be interviewed for verification purposes. It is to be noted that this requirement applies to dependent children of any age applying under the OYW.

25.6. Changes in CAIPS and FOSS

Coding

- “OYW “will be used for this special program on the visas of the non-accompanying family members. Since only one special program code gets transferred from CAIPS to the IMM 5292B, where there is more than one special code that applies, officers should enter OYW as the first code.

PA’s CAIPS file

- Non-accompanying family members will be listed in the PA’s CAIPS file. The PA’s file will be closed when the permanent resident visa is issued and will be cross-referenced with the non-accompanying dependant’s file when processing is initiated.

Access to FOSS

- The existing CAIPS-FOSS integration will be enhanced to allow CAIPS users to view the Date of Confirmation of Permanent Residence status or Entry.
-

25.7. Processing non-accompanying family members

The following table describes the in-Canada and abroad procedures for processing non-accompanying family members. It should be noted that the procedures are different for Quebec, notably those which concern communication between Quebec and CIC Quebec region and the visa offices, the responsibilities assumed by Quebec relative to the sponsorship program and the financing of refugees. See Section 26.4, Privately sponsored refugees destined to Quebec.

Inland procedures for screening and processing

Upon receipt of the “Request to process following family members under the One-Year Window of Opportunity Provisions” [IMM 5571] from the principal applicant, the local CIC should screen the identified family members for eligibility. Screening for eligibility should include:

- determining whether the identified person(s) meet the definition of family member contained in R1(3).
- confirming that the family member was listed on the PA’s original application for permanent residence [IMM 0008]. This confirmation may be done by reviewing notes in the Computer Assisted Immigration Processing System (CAIPS). Where it is unclear in the CAIPS notes, the local CIC should contact the applicable visa office that issued the PA’s permanent resident visa in order to confirm that the family member was listed on the IMM 0008. To ensure that the nature of the message is clearly indicated, all such requests should be titled “One-Year Window Case: Eligibility Query.”

Visa offices are asked to respond to requests for confirmation within four weeks. In those instances where the visa office does not respond within this four-week period, or in instances where the deadline for the one-year window is fast approaching and a timely response from the visa office is not possible, the local CIC will forward the request form directly to the visa office without confirming eligibility. Where appropriate, the visa office will then ensure that the eligible family members are sent a copy of the IMM 0008.

- consulting FOSS, or the PA’s permanent resident card, to establish the PA’s date of confirmation of permanent residence in order to determine the qualifying one-year period applicable to the non-accompanying family member.

OP 5 Overseas Selection and Processing of Convention Refugees Abroad Class and Members of the Humanitarian-protected Persons Abroad Classes

Note: While the date of confirmation of permanent residence is usually synonymous with the PA's date of arrival in Canada, this is not the case for refugees resettled under temporary resident permits (TRP). Therefore, in determining the one-year window for such cases, the PA's date of arrival should be used; not their date of confirmation of permanent residence.

In those cases where family members are found not to meet eligibility criteria, the local CIC should:

- send a letter to the PA explaining why particular family members listed on the request form were found to be ineligible and advising them that applications for permanent residence in Canada cannot be submitted for these individuals under the one-year window program; forward both the completed request form and a copy of the letter sent to the PA to the responsible visa office.

In those cases where family members are found to meet eligibility criteria, the local CIC should:

- send a letter to the PA indicating that their family members have been found to be eligible for OYW and instructing them to send copies of the IMM 0008 directly to their eligible family members abroad. The PA should also be reminded to instruct their family members to ensure that the completed application is submitted to the appropriate visa office within the one-year window.

In the case of government-assisted refugees, the PA should also be informed that their family members are not automatically eligible for financial assistance under the Refugee Assistance Program (RAP). Rather, an eligibility assessment based on the total family income will be undertaken by the local CIC upon the family member's arrival in Canada.

- forward both the completed request form and a copy of the letter sent to the PA to the responsible visa office. A Non-Computer Based (NCB) entry should also be made in FOSS.

Note: There may be instances where it is difficult for the local CIC to determine eligibility or where it is believed circumstances may warrant an exception. In these instances, the local CIC should note their concerns in the "Comments" section at the bottom of the request form.

Procedures for screening and processing abroad

In cases where applications for resettlement are submitted to the visa office even though the person is clearly not eligible due to:

- the person not meeting the definition of family member, or
- the submission of the application outside the designated one-year window, or
- the person not being listed on the PA's original application.

There is no need for the visa officer to convoke the person for an interview. The refusal letter should clearly state why the person is not eligible for resettlement under the OYW program. The officer must apply the principle of procedural fairness in all cases (refer to OP 1, Section 8: Procedural Fairness). In cases where it is not clear whether the person is ineligible, the officer may assess them as refugees in their own right.

The visa officers counsel, and will continue to counsel, refugees at the interview to list all their dependants on their IMM 0008, including those who are accompanying, non-accompanying, missing (whereabouts unknown), or thought to be deceased. Visa offices should require all refugee applicants to complete a declaration listing the names of all family members. The declaration, Annex L is intended to:

- enhance program integrity by encouraging applicants to declare family members at the time of the initial application;
- provide an opportunity to the visa officers to counsel refugees about the OYW provisions and the requirement to declare all family members at the time of the permanent residence application; and

OP 5 Overseas Selection and Processing of Convention Refugees Abroad Class and Members of the Humanitarian-protected Persons Abroad Classes

- serve as a record of refugee's fully informed knowledge that their undeclared family members will be excluded from OYW and family class processing.

When processing the principal applicant's case under the private sponsorship program, it is important to ensure that any family members identified on the PA's IMM 0008 have also been included in the sponsoring group's undertaking. If family members are not included on the undertaking, their processing under OYW may become complicated if the sponsoring group is unable or unwilling to add them to the undertaking at a later date.

Further, in light of CIC's stated objective of family reunification, in cases where the family members' locations are known, concurrent processing is the preferred option. Sponsoring groups are, therefore, required to make suitable arrangements to facilitate the arrival of the entire family, rather than the PA alone with family members to follow under OYW.

It is, therefore, important that in such cases the visa office contact the local CIC who will contact the sponsoring group in order that they may:

- amend the undertaking to include all family members and
- re-assess the settlement plan; or
- withdraw the sponsorship.

The processing of the PA's application should not recommence until such time as all family members are included on the undertaking. If the sponsoring group refuses to add all family members to the undertaking and does not withdraw the sponsorship, then the sponsorship application can be refused in accordance with R154(1)(b), as the sponsoring group has not "made adequate arrangements in anticipation of the arrival of the foreign national and their family members in the expected community of settlement."

If the visa officer feels it is appropriate, the case may be referred to the Matching Centre as a case referred by a visa office so another sponsoring group may be located or, if they meet the Convention refugee abroad class definition, the applicants may be processed as Government-assisted refugees.

Difficulty in obtaining exit permits:

In some instances, complications in processing OYW applications may arise as a result of the applicant's difficulties in obtaining an exit permit. CIC is not obliged to negotiate for individual exit permits.

Generally speaking, such files should be kept open as long as possible and visa officers should not issue a permanent resident visa until such time as they feel the applicant is likely to be issued an exit permit. However, in those instances where the issuance of an exit permit at any time in the future is extremely unlikely, the visa officer may choose to finalize the case (issue the permanent resident visa) and hold the visa on file until expiry. Even in this last scenario it is recommended that visa officers keep the file open as long as possible, perhaps re-doing medical examinations once.

In every case, it is important to remember that officers are dealing with dependants of refugees who may never qualify for permanent residence under the family class. Extra flexibility should, therefore, be shown when processing such cases.

Arranging loans and transportation

Processing transportation and admissibility loans by the local CIC and visa office

The local CIC will:

- have the PA sign an Immigration Loan and Undertaking to Repay [IMM 0501B]; and
- request that the officer have dependent children (other than minors) sign an Immigration Loan/Contribution [IMM 0500E] and fax to the local CIC a copy of the signed form. Refer to OP 17.

OP 5 Overseas Selection and Processing of Convention Refugees Abroad Class and Members of the Humanitarian-protected Persons Abroad Classes

Note: Non-accompanying family members would have been included previously in the assessment for loan approval by an officer. See OP 17, Sections 13.7 & 13.17. Although the PA can put the dependent children on their own transportation loan, 18- to 22 year-old dependent children can also have their own transportation loans.

Processing of travel arrangements by local CIC and visa office

Once the non-accompanying family members have received their permanent resident visas, the visa office will:

- contact the International Organization for Migration (IOM) office and/or a travel agent, whoever is most appropriate in that country, to make the travel arrangements; or
- contact the local CIC who will advise the PA to contact the IOM New York or a travel agent to make the travel arrangements. See OP 17, Section 13.17; and
- send a Notification of Arrival (NAT) once the travel arrangements have been made.

In cases where the IOM has made the travel arrangements, the IOM or the visa office will send a NAT to the local CIC with copy to the Matching Centre with the date and time of arrival of the non-accompanying family members. In cases where a travel agent other than the IOM was used, the visa officer will send a NAT to the local CIC, copy to the Matching Centre, with the date and time of arrival of the non-accompanying family members.

25.8. Processing Joint Assistance Sponsorship cases (JAS) under the OYW

In cases where the PA was selected under a JAS, the PA will submit an application for the processing of the non-accompanying family members at the local CIC responsible for providing their RAP income support benefits. The local CIC will evaluate the level of support required with the inclusion of the following non-accompanying family members under OYW.

For example, a case may no longer qualify as a JAS if the arrival of the non-accompanying family members will provide adequate care and support to the PA. The reverse could also happen. The circumstances of the non-accompanying family member(s) may be such that the officer will recommend the support of a JAS. The local CIC can switch the level of assistance and should consult with NHQ for procedures.

Procedures for processing JAS cases under the OYW are the same as those described in Section 25.7, Processing non-accompanying family members.

26. Procedure: Refugees destined to Quebec

Refugees destined to Quebec fall under the Canada/Quebec Accord on Immigration which has a number of provisions concerning the division of responsibilities between Canada and Quebec.

In accordance with its international obligations, Canada shall determine who is a refugee within the meaning of the *United Nations Convention relating to the Status of Refugees*, and who are persons in similar circumstances in need of Canada's protection.

26.1. Responsibilities of officers

The officer, not the *Service d'immigration du Québec* (SIQ), is responsible for determining which applicants are members of the Convention refugees abroad class or members of the humanitarian-protected persons abroad classes.

Refugees and persons in similar circumstances identified by Canada who are destined to Quebec and who meet Quebec's selection criteria shall be admitted by Canada if they are not inadmissible under the laws of Canada.

Thus, the officer, not the SIQ, determines admissibility on statutory grounds.

Canada shall not admit a refugee or person in similar circumstances identified by Canada who is destined to Quebec but who does not meet Quebec's selection criteria. Where a GAR has been refused by Quebec, the visa office shall notify the Matching Centre which will destine the case to

OP 5 Overseas Selection and Processing of Convention Refugees Abroad Class and Members of the Humanitarian-protected Persons Abroad Classes

another province. Privately sponsored cases will most probably have already been withdrawn by the province.

26.2. Responsibilities of the *Service d'immigration du Québec* (SIQ)

The SIQ counsellors determine whether a refugee will successfully establish in Quebec.

The *ministère de l'Immigration et des Communautés culturelles* (MICC) sets a three-year plan to determine the level of immigration, by class, in Quebec. Following consultations with CIC, the MICC sets selection targets for each of its SIQ offices for the following calendar year. Selection targets are assigned for refugees and persons in similar circumstances.

To select the applicants most likely to integrate into Quebec society and remain in Quebec, SIQ immigration counsellors consider the following factors:

- language skills, i.e., whether the applicant is Francophone or allophone, and not Anglophone;
- family situation, giving priority to families with children, followed by couples without children and single persons;
- motivation for establishing in Quebec, such as relatives and friends already in the province;
- personal qualities, such as vitality and initiative and, as indicators, education, training and work experience; and
- support programs that exist through group sponsorship and PAIR (*Programme d'accueil et d'installation des réfugiés*).

26.3. Government-assisted refugees destined to Quebec

Government-assisted refugees will be referred first to the officer who must determine whether an applicant is a Convention refugee abroad or a member of the humanitarian-protected persons abroad classes. Having done so, the officer will consider referring applicants in the following categories to the SIQ:

- applicants who have family or friends in Quebec, or who indicate an interest in going there; and
- applicants who speak neither English nor French.

The SIQ immigration counsellor will consider the applicant under Quebec's criteria. This can be done with a separate interview or through a file review, depending on the arrangements that have been made with the SIQ office concerned. If Quebec accepts the applicant, a *Certificat de Sélection du Québec* (CSQ) is issued (see Appendix A for a complete list of MICC/SIQ codes). Processing for statutory requirements continues at the Canadian visa office.

Once all requirements are met, the officer sends a DMR. See Section 19 and Section 21 above for instructions on how to send a DMR and NAT.

Refugees destined to Quebec have access to the *Programme d'accueil et d'installation des réfugiés* (PAIR) and to financial support from Quebec upon arrival.

26.4. Privately-sponsored refugees destined to Quebec

Quebec has sole responsibility for the program of group sponsorship of persons in situations of distress who are destined to Quebec. This being the case, it is the sole contact for groups and agencies in Quebec that wish to sign an undertaking or group sponsorship framework agreement.

The sponsoring group may be a group of five Quebec residents or a non-profit agency. This agency may have concluded a group sponsorship framework agreement with Quebec.

In addition to Convention refugees abroad and members of the humanitarian-protected persons abroad classes, Quebec will also be able to use its own humanitarian class to select applicants covered by group sponsorship (see R139(1)(h) respecting the selection of foreign nationals). An undertaking of sponsorship for a refugee sponsored by a group of five or an agency will be sent to the officer. Once the officer has opened a file and made a decision on class membership, they

OP 5 Overseas Selection and Processing of Convention Refugees Abroad Class and Members of the Humanitarian-protected Persons Abroad Classes

should then transfer the file to the SIQ, which, being solely responsible for reviewing ability to establish, will make its own selection decision.

Sponsored refugees in Quebec are neither eligible for PAIR upon arrival in Quebec nor for financial support from Quebec.

26.5. Refugee Reception Program

Representatives of the *ministère de l'Immigration et des Communautés culturelles* (MICC) meet the refugees at Pierre Elliot Trudeau International Airport, take the refugees to their city of destination where they are provided with hotel accommodations for a few days (normally about four working days).

Representatives of service-providing agencies speak French and help the refugees apply for health insurance coverage, register for school, apply for financial assistance, choose an apartment, and get settled in the apartment. Furniture, home appliances, and clothes are provided.

Soon after their arrival, the refugees are registered in either a French-language training program or, an integration program if they already speak French.

An information brochure for refugees destined to Quebec and prepared by MICC is available in French, Arabic, Dari, Spanish, and Farsi. Copies can be obtained from the SIQ.

26.6. Self-supporting refugees destined to Quebec

Financially independent refugees are not eligible for PAIR except under exceptional circumstances.

26.7. Joint Assistance Sponsorship cases destined to Quebec

The Joint Assistance Sponsorship Program is exclusively intended for refugees and members of the humanitarian-protected persons abroad classes who have special needs. This may include persons who:

- have a physical disability or need medical care;
- have been victims of torture or other trauma;
- are women at risk; or
- have a large number of family members.

The two-year joint sponsorship undertaking is signed by the sponsorship agreement holder (SAH).

These applications are forwarded to the SIQ. Before issuing a CSQ, the SIQ must obtain authorization from MICC. Refugees selected under this program are eligible for PAIR in Quebec and are financially supported by Quebec.

27. Procedure: Refusing applications

27.1. Documenting refusals

The officer must enter notes in CAIPS, or in a paper file if CAIPS is not available. The notes must include a conclusion with a summary of the decision and a clear statement of how the applicant does not meet the relevant criteria.

Officers should keep detailed notes to support their decisions; these will be needed should the case be brought to the Federal Court (see Section 27.4, on Judicial review of refusals).

27.2. Issuing refusal letter

Refusal letters are sent to:

- the applicant;

OP 5 Overseas Selection and Processing of Convention Refugees Abroad Class and Members of the Humanitarian-protected Persons Abroad Classes

- the sponsoring group, if applicable; and
- UNHCR, if applicable.

Refusing on admissibility

The refusal letter must give clear and detailed reasons why the applicant does not have the potential to resettle successfully in Canada. A sample generic refusal letter can be found in Appendix E; and sample letter for refusal on behalf of the *Service d'Immigration du Québec* can be found in Appendix F.

Refusing on eligibility

A refusal letter:

- must explain why the officer does not think an applicant is a:
 - ◆ Convention refugee abroad; or
 - ◆ a member of one of the humanitarian-protected persons abroad classes; and
- should refer to evidence provided by the applicant, and how and why this evidence does not meet the requirements for recognition as a:
 - ◆ Convention refugee abroad; or
 - ◆ a member of the country of asylum class; or
 - ◆ a member of the source country class.

A sample generic refusal letter can be found in Appendix E; and sample letter for refusal on behalf of the *Service d'Immigration du Québec* can be found in Appendix F.

27.3. Informal review of refusals

Applicants whose cases have been refused often write to the visa office, Refugees Branch or the Minister requesting a review of the refusal decision.

The officer should enter such requests in CAIPS or place them on file and may review the information. In some cases, the applicant may provide new information or claim now to be a victim of changed circumstances. This may change the final decision or cause the officer to request that the applicant submit a new application based on the new information.

On the other hand, the letter may contain no new information and the officer will decide to maintain the refusal. In either case, the officer should respond to the applicant and enter the response in CAIPS. The onus, however, is on the applicant to provide all relevant evidence and information at their disposal in support of the application at the time of the initial interview.

27.4. Judicial review of refusals

The Act does not, in general, provide for a direct appeal of officer decisions, with the exception of the right of appeal granted to the sponsors of applications under the family class contained in A72 to A74.

As with most other decisions and orders made under the *Immigration and Refugee Protection Act*, a refugee class applicant who is refused abroad can seek leave for judicial review before the Federal Court of Canada (Trial Division).

See OP 22, Judicial Review.

28. Procedure: Guidelines for immigration program managers

28.1. Visa office allocation

Once the overall resettlement target is set and the number of government-assisted refugees determined, comments are requested from visa offices, geographic divisions and the *ministère de*

OP 5 Overseas Selection and Processing of Convention Refugees Abroad Class and Members of the Humanitarian-protected Persons Abroad Classes

l'Immigration et des Communautés culturelles (MICC) of Quebec. Individual visa office targets for government-assisted refugees are then established. The Immigration Program Manager at each visa office is responsible for achieving its allocated government-assisted refugee target.

Visa offices do not have targets for privately-sponsored refugees (PSRs) *per se*, but based on discussions with the visa offices, planning targets are set to ensure CIC falls within the announced range of PSR cases.

28.2. Reporting and liaison

The consistency and effectiveness of the Refugee and Humanitarian Resettlement Program depends on both timely and sensitive processing of applications, and reporting and liaison concerning issues and developments that affect refugee resettlement.

All visa offices should report regularly to the Resettlement Division (SRE) of the Refugees Branch, with a copy to the IR geographic desk, and to the Canada permanent visa office in Geneva on the following matters:

- international migration and population movements and related human rights developments;
- situations related to mass inflows or outflows of people; and
- background information on root causes, circumstances and routes of flight, reactions and attitudes of local government authorities and international organizations, and special protection needs.

Officers with a mandate to cover for “countries of origin” should try to report on country conditions when significant changes of circumstances occur, and make the link to the various durable solutions. For example, improved conditions in governance, societal infrastructure, and observance of fundamental human rights may lead to a general conclusion that repatriation is a possible solution for many refugees.

Visa offices with target allocations should report to SRE descriptions of the refugee populations within their area of responsibility, including information on locations, accessibility, perceived need for resettlement, and concerns expressed by UNHCR branch offices in the region.

The program manager should also report regularly to SRE:

- a description of the refugee caseload;
- a work plan to meet overall and Quebec targets;
- a forecast of anticipated numbers of Convention refugees and humanitarian-protected persons abroad classes applicants in (one, two, three) years;
- the number of urgent-protection or vulnerable cases and the need for JAS;
- the number of Convention refugees and humanitarian-protected persons abroad classes applicants; and
- particular problems or difficult issues, innovative strategies, issues related to the management of the program, and proposals for change.

28.3. Processing priorities

Immigration program managers should, therefore, regard applications in the refugee category as distinct from other immigration applications in terms of such work elements and functions as screening applications, scheduling interviews and processing approved cases, and make any required processing changes to accommodate these differences. Advancing cases in the queue based on identified priorities is not “queue jumping”. The following priorities have been established for refugee applications:

- **Priority 1-Urgent processing (UNHCR “Emergency Rescue” equivalent):** Cases identified as being in need of urgent protection, see Section 23 above. In such cases the

OP 5 Overseas Selection and Processing of Convention Refugees Abroad Class and Members of the Humanitarian-protected Persons Abroad Classes

immediacy of the threat to the physical safety of the refugee necessitates removal from the threatening conditions within a few days (a notional limit of 3-5 days).

- **Priority 2-Expedited processing (UNHCR “Urgent” equivalent):** Cases where the applicant is in vulnerable circumstances that give rise to a heightened risk to their safety, see Section 24 above. Also included are non-accompanying dependants. Such cases require expeditious resettlement.
- **Priority 3-Regular processing:** All other protection cases.

28.4. Relations with international agencies

A good working relationship with organizations dealing with refugees in an officer’s area can be critical to the success of a resettlement program. Officers should maintain regular contact with the UNHCR, IOM, ICRC, and NGOs working with refugees, and ensure that they understand Canada’s resettlement program.

Agency/ organization	Description
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 <i>Resettlement Handbook</i> , a copy of which can be found in all visa offices. Officers should be familiar with these factors. The text of the handbook is also available from the UNHCR Web site at http://www.unhcr.org . The office of the UNHCR is an extremely important partner in Canada’s resettlement program. Solid working relations between Canadian visa offices and local UNHCR offices are vital to the success of the program. Officers should ensure that their local UNHCR office understands the Canadian resettlement program and be proactive in requesting referrals of appropriate cases.
International Organization for Migration (IOM)	The International Organization for Migration (IOM) has a primary mandate to make arrangements for the organized transfer of permanent residents, including refugees, displaced persons and other individuals in need of international migration services. It arranges transportation and medical examinations for refugees. The IOM also provides an in-depth Canadian Orientation Abroad (COA) program on a contractual basis to refugees and permanent residents before they arrive in Canada. Officers are encouraged to identify situations in which it may be beneficial for Canada to operate programs of this type. Canada is a full member of the IOM and works closely with the organization. Officers should ensure regular contact with the IOM office or representative in their area. The IOM has its headquarters in Geneva and has 72 offices around the world. It has a web page at http://www.iom.int/ .
Other organizations	Many NGOs, church groups, and aid organizations work with refugees around the world. As a result of their close contact with refugees, such groups may be in a position to recommend candidates for resettlement in Canada. Where appropriate, officers should establish contacts with such groups present in their area of responsibility in order to explain Canada’s resettlement criteria and to discuss the possibility of referrals for resettlement. In areas of direct access, these referrals may be accepted directly but in areas with no direct access the referrals must come

OP 5 Overseas Selection and Processing of Convention Refugees Abroad Class and Members of the Humanitarian-protected Persons Abroad Classes

	<p>through the UNHCR. In the program manager's community relations and outreach activities, the program manager is encouraged to provide referral agencies with information about Canada's resettlement programs. It allows them to:</p> <ul style="list-style-type: none">• determine whether they wish to refer an individual for resettlement to Canada;• learn what criteria will be used in assessing the application;• know what documents to submit with an application;• know the processing times at their visa office; and• identify how and where to submit a referral. <p>Visa office feedback indicates that efforts to establish and maintain ongoing contacts with referral agencies, including general follow-up on referrals, proves enormously valuable in ensuring a regular flow of applicants who are more likely to meet Canada's resettlement criteria.</p>
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28.5. Refugee travel: Managing departures

It is critical that the flow of refugee arrivals be evenly distributed throughout the year. A large number of arrivals at one time put a severe strain on settlement services. The program manager is therefore requested to plan selection and departures in order to maintain a relatively even flow of refugee arrivals over the course of the year (see Guide for Refugee travel to Canada in Appendix D).

The in-Canada regions participate in a similar exercise to that of the visa offices abroad for the distribution of resettlement targets within Canada. Under the Resettlement Assistance Program (RAP), financial resources are approved for regions to provide income support and a range of immediate essential services for government-assisted refugees. The level of financial resources transferred to regions is based upon annual targets established for each province.

A relatively even flow is necessary to ensure that the infrastructures in place and the resources available can meet the service needs. Uneven flows, departures from the established annual targets and departures from the arrivals planning exercise will jeopardize the delivery of services to arriving refugees. The resources available come from the fixed resources of RAP, with little flexibility to cover departure from the annual planning and budget exercise.

28.6. Exit documents

Program managers are encouraged to enter into formal arrangements with host countries so that they recognize IMM 5292B or the visa counterfoil and temporary resident permits as acceptable exit documents.

28.7. Training and support

For more information on programs and processes that are relevant to resettlement, the following Web sites may be helpful:

CIC Explore: provides updated *Immigration and Refugee Protection Act* information, questions and answers and communication strategies, among other topics for managers, see <http://cicintranet/> and <http://www.cisr-irb.gc.ca/index.htm>

29. Guardianship Protocol: Procedures for processing *de facto* dependants and consanguineous minors

29.1. Background

The purpose of this Protocol is aimed at preventing resettled refugee children from becoming victims of abuse and exploitation once in Canada. It addresses the importance of being part of a *bona fide* familial relationship and is intended to mitigate circumstances that give rise to family

OP 5 Overseas Selection and Processing of Convention Refugees Abroad Class and Members of the Humanitarian-protected Persons Abroad Classes

breakdown and exploitation. It is also intended to ensure that refugee minors are brought into, or are part of a *bona fide* familial relationship that can provide the necessary safety and protection of the minor until the minor reaches the age of majority in the province in which they reside.

29.2. Summary of Protocol

The adult in a *de facto* or a consanguineous situation will be informed of the importance of securing legal guardianship in order to ensure the care and protection of the minor until they reach the age of majority in the province in which they reside.

There are guidelines outlining a travel policy for separated minors under the age of 10.

Mechanisms are introduced to identify trends and keep track of statistics.

The minor is consulted and given the opportunity to express their views about the arrangements being made.

29.3. Current policy on separated minors

The preferred solution for most separated minor refugees is to reunite them with their immediate family. Reunification with immediate family relatives in Canada is desirable where there are none abroad. The officer should work closely with the UNHCR, the regional Headquarters, and NHQ, to determine whether resettlement is an appropriate solution for a separated minor refugee. In such cases the officer must ensure that long-term arrangements have been made for the care of the separated minor refugee in Canada.

Where separated minors are without the protection of an adult guardian, officers must be alert to the risk to which the children may be exposed if there are delays in the finalization of the application for permanent residence. Officers should arrange for the expedited medical examination of children [under the age of 18 years] where the particular circumstances give rise to a heightened risk to their physical safety. Once the medical examination is completed, or where rapid medical clearance is not feasible and the child is at risk, officers should consider the option of early entry into Canada through the use of a temporary resident permit.

At the present time, the moratorium on resettling separated minors is still in place, with exceptions being made for minors that are *de facto* dependants, consanguineous minors, or separated minors in exceptional circumstances where resettlement to Canada is in their best interests.

Note: Cases involving separated minors without a *de facto* family or blood relative in Canada are dealt with on a case-by-case basis.

29.4. Travel policy

Separated minors and minors accepted under the OYW provision, under the age of 10, are required to be in the care of a responsible adult in order to travel to Canada. In cases where minors under the age of 10 are travelling together with older minor siblings the care of an adult is still required. There may be exceptions to this policy, determined on a case-by-case basis, to allow minors under the age of 10 to travel with an older sibling, who is 17 for example.

Before finalizing the selection process, family members or relatives in Canada shall be made aware of this policy and where necessary, will sign an Immigration Loan/Contribution IMM 0500E to cover all costs associated with the minor's travel to Canada.

The family member or relative in Canada also has the option of paying for an IOM escort to bring the minor from the point of origin to the final destination. The cost of arranging this escort will include a return ticket, meals and any other expenses including overnight accommodation where necessary, for the IOM representative. The family member or relative should be aware that this is the most expensive alternative. See Section 29.9 on Making Travel Arrangements.

Note: Cases involving separated minors without a *de facto* family or blood relative in Canada are dealt with on a case-by-case basis.

OP 5 Overseas Selection and Processing of Convention Refugees Abroad Class and Members of the Humanitarian-protected Persons Abroad Classes

29.5. Procedures for processing *de facto* dependants

GOVERNMENT-ASSISTED REFUGEES (GAR)

Process abroad—Visa office

1. The visa office receives referral from the UNHCR of a case involving a principal applicant (PA) and a minor in which the minor does not meet the definition of family member but is considered to be an integral part of the PA's family unit.
2. At the interview, the visa officer is satisfied that the relationship between the minor and the PA is a *bona fide de facto* dependent relationship. Any concerns about the child's safety should be noted on the file for protection purposes by the provincial authorities in Canada.
3. The visa officer consults the minor about their prospective resettlement solution. The minor is given the opportunity to express their views regarding the arrangements being made for them. These views should be noted on the file.
4. The PA is informed that as guardian of the child they will be expected to ensure the care and protection of the child until they reach the age of majority. The PA is encouraged to legalize the guardianship relationship once in Canada. Information on how to initiate this process will be available once they arrive.
5. The visa office has the PA sign the Acknowledgment of Responsible Adult Form [IMM 5590] indicating that they understand their responsibilities as guardian of the minor.
6. The visa officer creates separate files for the *de facto* dependants. All files are linked to the PA and are processed together.
7. The visa office flags, in the subject line, the PA's file as having *de facto* dependants (specifically a separated minor) when the Destination Matching Request (DMR) is forwarded to the Matching Centre. If there are any concerns for the child's safety, the officer makes sure that they are brought to the attention of child welfare in Canada.

In-Canada Process—NHQ / Matching Centre

1. Through the DMR process, the Matching Centre will inform the local CIC (cc Regional Headquarters) that a case will be arriving with *de facto* dependants.

Local CIC

The local CIC:

1. checks the CIC Intranet site for information on the guardianship process and contact information for the province where the PA and minor will reside.
2. informs the provincial director of child welfare that there is a *de facto* minor arriving in their province.
3. makes sure to specify if the DMR indicates any concern for the child's safety.
4. informs the RAP service provider that a family will be arriving with a *de facto* dependant.
5. forwards guardianship information to the RAP service provider for use during the orientation.

Arrival of the minor—RAP service provider

Once the PA and the minor have arrived, the RAP service provider:

1. reminds the PA of their guardianship responsibilities until the minor reaches the age of majority in that province;

OP 5 Overseas Selection and Processing of Convention Refugees Abroad Class and Members of the Humanitarian-protected Persons Abroad Classes

2. provides the necessary guardianship information and encourages them to start the guardianship process for that province;
3. if there is any suspicion about the safety of the child, the RAP service provider informs the local CIC office immediately so that appropriate child welfare authorities can be informed accordingly.

Monitoring/Tracking

Local CIC

1. The local CIC will conduct a monitoring interview with 100% of the cases (as part of their regular monitoring requirements) 7 months after their arrival. This will include a reminder to the PA of the importance in following through with the guardianship process. Where necessary, the RAP officer will re-supply the PA with the guardianship information and encourage the PA to start the guardianship process.
2. If there are any concerns regarding the safety of the child, the local CIC checks the Intranet for information on how to report abuse in that province.
3. The ISAP worker should be made aware of the guardianship issues related to the family and should reinforce the importance of initiating the guardianship process.
4. The local CIC updates the Matching Centre (cc Regional Headquarters) once the monitoring interview has been completed and the file is closed.

Joint Assistance Sponsorship (JAS)

Process abroad—Visa office

1. The visa office receives referral from the UNHCR of a case involving a PA and a minor in which the minor does not meet the definition of family member but is considered to be an integral part of the PA's family unit.
2. At the interview, the visa officer is assured that the relationship between the minor and the PA is a *bona fide de facto* dependent relationship.
3. The visa officer consults the minor about their prospective resettlement solution. The minor is given the opportunity to express their views regarding the arrangements being made for them. These views should be noted on the file.
4. The PA is informed that as guardian of the child, they will be expected to ensure the care and protection of the child until they reach the age of majority. The PA is encouraged to legalize the guardianship relationship once in Canada. Information on how to initiate this process will be available once they arrive.
5. The visa office has the PA sign the Acknowledgment of Responsible Adult Form [IMM 5590] indicating that they understand their responsibilities as guardian of the minor.
6. The visa officer creates separate files for the *de facto* dependants. All files are linked and processed together.
7. The visa office flags, in the subject line of the email, that the PA file has *de facto* dependants (specifically a separated minor) when submitting the request for a JAS to the Matching Centre. If there are any concerns for the child's safety, the officer makes sure that they are brought to the attention of child welfare in Canada.

Finding a sponsor—NHQ/Matching Centre

1. The case will be posted on the JAS Web site so an appropriate sponsor may be found.
2. Details indicating that the family includes *de facto* dependants and that the family will rely on the sponsor for help in following through with the process to become a legal guardian will be forwarded to the local CIC when potential sponsors inquire.

OP 5 Overseas Selection and Processing of Convention Refugees Abroad Class and Members of the Humanitarian-protected Persons Abroad Classes

Local CIC

The local CIC

1. checks the CIC Intranet site for information on the guardianship process and contact information for the province where the PA and minor will reside.
2. provides the sponsor with the guardianship information relevant to the province where the PA and the *de facto* dependent minor will reside.
3. ensures that the sponsor understands they have a role in assisting the PA follow through with the guardianship process.
4. confirms the sponsorship undertaking.
5. instructs the visa office and the Matching Centre to proceed (cc Regional Headquarters) with the case.
6. informs the provincial director of child welfare that there is a *de facto* minor arriving in their province. The local CIC will specify if the JAS request indicates any concern for the child's safety and let them know that the case is receiving support from a private sponsor.

Visa office

1. The visa office flags, in the subject line, the PA file as having *de facto* dependants (specifically separated minors) during the NAT process.

Matching Centre

1. The Matching Centre maintains a *de facto* spreadsheet for statistical purposes.

Monitoring/Tracking

Local CIC

1. The local CIC will conduct a monitoring interview with 100% of the cases (as part of their regular monitoring requirements) 7 months after their arrival. This will include a reminder to the PA and sponsor of the importance in following through with the guardianship process. Where necessary, the RAP officer will re-supply the PA with the guardianship information and encourage the PA to start the guardianship process.
2. If there are any concerns regarding the safety of the child, the local CIC checks the Intranet for information on how to report abuse in that province.
3. The local CIC updates the Matching Centre (cc RHQ) once the monitoring interview has been completed and the file is closed.

29.6. Privately Sponsored Refugees (PSR)

Receiving an Undertaking

Local CIC

1. Where the family composition for the undertaking consists of *de facto* dependants, the local CIC confirms with the sponsor that they will be expected to assist the PA in following through with the responsibility to take on legal guardianship once they arrive in Canada.
2. The local CIC checks the CIC Intranet site for information on the guardianship process and contact information for the province where the PA and minor will reside.
3. The local CIC provides the sponsor with the guardianship information relevant to that province.

OP 5 Overseas Selection and Processing of Convention Refugees Abroad Class and Members of the Humanitarian-protected Persons Abroad Classes

Process abroad

Visa office

1. Once the undertaking is received at the visa office, the visa officer must be satisfied that the relationship between the PA and the minor is a *bona fide de facto* dependent relationship.
2. At the interview, the visa officer is assured that the relationship between the minor and the PA is a *bona fide de facto* dependent relationship. Any concerns about the child's safety should be noted on the file for protection purposes by the provincial authorities in Canada.
3. The visa officer consults the minor about their prospective resettlement solution. The minor is given the opportunity to express their views regarding the arrangements being made for them. These views should be noted on the file.
4. The PA is informed that as guardian of the child, they will be expected to ensure the care and protection of the child until they reach the age of majority. The PA is encouraged to legalize the guardianship relationship once in Canada. Information on how to initiate this process will be available once they arrive.
5. The visa office will have the PA sign the *Acknowledgement of Responsible Adult Form* [IMM 5590] indicating that they understand their responsibilities as guardian of the minor.
6. The visa officer creates separate files for the *de facto* dependants. All files are linked and processed together.
7. The visa office flags, in the subject line, the PA file as having *de facto dependants* (specifically separated minors) during the NAT process. If there are any concerns for the child's safety, they should be brought to the attention of child welfare in Canada.

Matching Centre

1. The Matching Centre maintains a *de facto dependant* spreadsheet for statistical purposes.

Local CIC

1. The local CIC checks the CIC Intranet site for information on the guardianship process and contact information for the province where the PA and minor will reside. It ensures the sponsor has this information.
2. The local CIC informs the provincial director of child welfare that there is a *de facto* minor arriving in their province. It makes sure to specify if the NAT indicates any concern for the child's safety.

29.7. Government-Assisted Refugees (GAR)

Process abroad—Visa office

1. Referrals from the UNHCR of separated minors with blood relatives in Canada shall include a best interests determination (BID) indicating that it is in the best interests of this minor to be united with the specified relative currently residing in Canada. Where possible, the visa office applies expedited processing when the principal applicant is under 18.
2. The visa officer consults the minor about their prospective resettlement solution. The minor is given the opportunity to express their views regarding the arrangements being made for them. These views should be noted on the file.

OP 5 Overseas Selection and Processing of Convention Refugees Abroad Class and Members of the Humanitarian-protected Persons Abroad Classes

3. The visa office flags, in the subject line, the PA file as having consanguineous minors (specifically a separated minor) when the Destination Matching Request (DMR) is forwarded to the Matching Centre.

In-Canada process—Local CIC

The local CIC

1. checks the CIC Intranet site for information on the guardianship process and contact information for the province where the relative and minor will reside.
2. contacts the relative to confirm that they understand their responsibilities as guardian of the child once in Canada. It makes sure the relative understands that as guardian they will be responsible for the care and protection of the minor until the minor reaches the age of majority in the province in which they reside. It encourages them to secure legal guardianship, letting them know that the RAP officer will be in touch with information on how to initiate that process once the child arrives in Canada.
3. where necessary, has the relative sign the Immigration Loan/Contribution form [IMM 0500E].
4. informs the RAP service provider that a consanguineous minor will be arriving to be united with a relative in Canada. It provides the RAP service provider with the necessary guardianship information for use during the orientation.
5. informs the provincial director of child welfare that a separated minor will be resettled with a family member in their province.
6. informs the Matching Centre and the visa office to proceed (cc Regional Headquarters) with the case.

Visa office

1. Once all the steps are complete, the visa office forwards the NAT to the Matching Centre indicating in the subject line that the PA is a separated minor and whether or not an overnight stop is required.

Matching Centre

1. The Matching Centre maintains a *consanguineous minor* spreadsheet for statistical purposes.

Arrival of the minor

Local CIC/RAP SPO

1. The RAP officer will make arrangements with the relative to go over the details involving RAP and guardianship.

Monitoring/Tracking

Local CIC

1. The local CIC will conduct a monitoring interview with 100% of the cases (as part of their regular monitoring requirements) 7 months after their arrival. This will include a reminder to the relative of the importance in following through with the guardianship process. Where necessary, the local CIC will re-supply the relative with the guardianship information.
2. If there are any concerns regarding the safety of the child, the local CIC checks the Intranet for information on how to report abuse in that province.
3. The ISAP worker should be made aware of the guardianship issues related to the family and should reinforce the importance of initiating the guardianship process.

OP 5 Overseas Selection and Processing of Convention Refugees Abroad Class and Members of the Humanitarian-protected Persons Abroad Classes

4. The local CIC updates the Matching Centre (cc Regional Headquarters) once the monitoring interview has been completed and the file is closed.

29.8. Joint Assistance Sponsorship (JAS)

Note: This section applies when the local CIC, upon meeting the blood relative, determines that the relative does not have the resources necessary to care for the minor without additional support.

Process abroad

Visa office

1. Referrals from the UNHCR of separated minors with blood relatives in Canada shall include a best interests determination (BID) indicating that it is in the best interests of this minor to be united with the specified relative currently residing in Canada. Where possible, the visa office applies expedited processing when the principal applicant is under 18.
2. The visa officer consults the minor about their prospective resettlement solution. The minor is given the opportunity to express their views regarding the arrangements being made for them. These views should be noted on the file.
3. The visa office requests the Matching Centre to contact the local CIC to inform them that there is a consanguineous minor in process to be united with a relative in Canada. The local CIC will contact the relative in Canada to determine if they are able to provide care and support for the child without additional support. If not, the case can be referred for a JAS.
4. The visa office flags, in the subject line, the PA file as having consanguineous minors (specifically a separated minor) when submitting the request for a JAS to the Matching Centre.

In-Canada process

Local CIC

The local CIC

1. checks the CIC Intranet site for information on the guardianship process and contact information for the province where the relative and the minor will reside.
2. contacts the relative to confirm that they understand their responsibilities as guardian of the child once in Canada. It makes sure the relative understands that as guardian they will be responsible for the care and protection of the minor until the minor reaches the age of majority in the province in which they reside. It encourages them to secure legal guardianship, letting them know that the RAP officer will be in touch with information on how to initiate that process once the child arrives in Canada.
3. where necessary, has the relative sign the Immigration Loan/Contribution form [IMM 0500E]
4. contacts the Matching Centre and the visa office recommending that the case be converted to a JAS.

NHQ/Matching Centre

1. The JAS case will be posted on the Web site with a recommended destination. The Matching Centre indicates on the file, and forwards to the local CIC, that this is a situation of a consanguineous minor being united with a relative in Canada. The relative will rely on the sponsor for support to provide care for the minor and help in following through with the process to become a legal guardian.

OP 5 Overseas Selection and Processing of Convention Refugees Abroad Class and Members of the Humanitarian-protected Persons Abroad Classes

Local CIC

1. when approached by an interested sponsor, ensures that the sponsor understands their role in assisting the family to follow through with the guardianship process. It provides the sponsor with the guardianship information relevant to that province.
2. confirms the undertaking.
3. informs the RAP service provider that a consanguineous minor will be arriving to be united with a relative in Canada. It provides the RAP service provider with the necessary guardianship information for use during the orientation.
4. informs the visa office and the Matching Centre to proceed (cc Regional Headquarters) with the case.
5. informs the provincial director of child welfare that a separated minor will be resettled with a family member in their province. It indicates that a sponsor is in place to help the relative because this situation has special needs.

Visa office

1. The visa office sends the NAT to the Matching Centre and indicates in the subject line that it involves a separated minor and whether an overnight stop over is required.

Arrival of the minor

Local CIC

1. The RAP officer will arrange a meeting with the relative to go over the details involving RAP.

Monitoring/Tracking

Local CIC

1. The local CIC will conduct a monitoring interview with 100% of the cases (as part of their regular monitoring requirements) 7 months after their arrival. This will include a reminder to the PA and sponsor of the importance in following through with the guardianship process.
2. The local CIC updates the Matching Centre (cc Regional Headquarters) once the monitoring interview has been completed and the file is closed.

29.9. Making travel arrangements

Visa office

1. The visa office will confirm with the IOM that the minor, if under the age of 10, is not travelling alone for any portion of the trip. Once tentative arrangements are made, the visa office will forward the information to the local CIC.

Local CIC

1. The local CIC will confirm with the relative that they can meet the minor at the POE or, if necessary, can meet the minor en route. If the relative is unable to meet the minor, they will be informed that this travel arrangement will be cancelled and alternate plans will be made to send the minor at a later date when the minor can be accompanied for the duration of the trip and received at the POE.
2. If the arrangements meet the travel policy requirements, the local CIC will inform the visa office that all is confirmed and instruct them to proceed.
3. OR
4. If alternate arrangements have to be made, the local CIC will inform the IOM Ottawa office that alternate arrangements are necessary. The IOM Ottawa will work with the

OP 5 Overseas Selection and Processing of Convention Refugees Abroad Class and Members of the Humanitarian-protected Persons Abroad Classes

IOM overseas and the local CIC to finalize arrangements. When arrangements are finalized the local CIC will ensure that the visa office is informed.

OP 5 Overseas Selection and Processing of Convention Refugees Abroad Class and Members of the Humanitarian-protected Persons Abroad Classes

Appendix A — Coding for resettlement categories and special programs

1. CIC Coding

Convention refugee seeking resettlement class

CR1 - Convention refugee seeking resettlement, government assistance required for up to 12 months

CR4 - Convention refugee seeking resettlement, self-supporting, government assistance not required

CR5 - Convention refugee seeking resettlement, special needs case selected under Joint Assistance Sponsorship

CRC - Convention refugee abroad with a community sponsorship

CRS - Convention refugee abroad sponsored by a SAH

CRG - Convention refugee abroad sponsored by a group of five

Source country class (Resettlement—source)

RS1 - Source country, government assistance required for up to 12 months

RS4 - Source country, self-supporting, government assistance not required

RS5 - Source country, special needs case selected under Joint Assistance Sponsorship

RSC - Source country, with a community sponsorship

RSS - Source country, sponsored by a SAH

RSG - Source country, sponsored by a group of five

Country of asylum class (Resettlement—asylum)

RA4 - Country of asylum, self-supporting, government assistance not needed

RA5 - Country of asylum, special needs cases selected under joint assistance sponsorship

RAC - Country of asylum, with a community sponsorship

RAS - Country of asylum, sponsored by a SAH

RAG - Country of asylum, sponsored by a group of five

RAX* - Country of asylum, sponsored by a group of five or corporation for 12-24 months

Post-determination refugee claimants in Canada

PD1 - Member of the Post-determination refugee claimant in Canada class and dependants residing in Canada

PD2 - Dependant of a member of the Post-determination refugee claimant in Canada class residing abroad

DEPENDANTS OF A CR8 REFUGEE

DR1 - Dependant residing in Canada of a CR8

DR2 - Dependant residing abroad of a CR8

Note: CR8s are Convention refugees and their dependants who are recognized as Convention refugees in their own right by the IRB. If all members of a family have been recognized as refugees by the IRB, they will all be coded CR8.

2. MICC/SIQ Coding

In the following list R stands for CR and D stands for HPC

R1/D1 - Government-assisted refugees

OP 5 Overseas Selection and Processing of Convention Refugees Abroad Class and Members of the Humanitarian-protected Persons Abroad Classes

R2/D2 - Refugee sponsored by a family member

R3/D3 - Unaccompanied minor

R4/D4 - Financially independent refugee

R5/D5 - Joint assistance sponsorship

R7/D7 - Refugees with relatives in Quebec who are financially unable to submit an undertaking of assistance

R9 - Refugee sponsored by a private group

DE - Privately sponsored refugee from a source country

DB - Privately sponsored refugee from an asylum country

3. Special program codes chart

HC1 - Humanitarian and compassionate consideration

OYW - One-year window

AWR - Women at risk

UPX - Urgent protection program

DFD - *De facto* dependant

REF - Convention refugee selected abroad

HIAS – HIAS

AI – Amnesty International

KAK – Group Processing (Kakuma)

MLO – Group Processing (Burmese)

Only one special program code will be transferred to the IMM 5292 (Confirmation of Permanent Residence) even though CAIPS allows for up to 5 entries to be made. All entries will be transferred to the Data Warehouse for statistical purposes. The following priority list establishes in what order the special program codes should be entered on the CAIPS screen.

4. CAIPS coding changes under IRPA

Field – DIRECT ACCESS

Direct Access means a particular visa office is accepting applications directly from applicants (i.e., no need for a referral or private sponsorship). The information that is entered at Paper Screening will be copied over to the Selection screen.

Valid values are:

Yes

No

Field – REFERRAL ORGANIZATION

Valid values are:

NONE

UNHCR

The information that is entered at Paper Screening will be copied over to the Selection screen.

Field – PRIVATE SPONSORSHIP

Private Sponsorship means there is Private Sponsorship and no Referral or Direct Access. The information that is entered at Paper Screening will be copied over to the Selection screen.

Valid values are:

Yes

OP 5 Overseas Selection and Processing of Convention Refugees Abroad Class and Members of the Humanitarian-protected Persons Abroad Classes

No

Note: The Direct Access, Referral Organization, and Private Sponsorship fields are all mandatory. Only one can be positive. If the application was received under direct access and accompanied by an undertaking, the private sponsorship field should be completed. The fields are mutually exclusive.

Fields – SPECIAL PROGRAMS

The user may enter a maximum of five special program codes. Only one special program, whichever one has been entered on the first line, will be sent to FOSS and displayed on the Confirmation of Permanent Residence. The first special program code is mandatory for applicants in the CR? Category (where '?' represents any number of letters). Special program codes must be entered in order of priority (see Appendix A, Section 5, CAIPS, Priority List).

Field – RPRF

This field was formerly known as ROLF, Right of Landing Fee. It will now be known as RPRF, Right of Permanent Residence Fee. The field value will be set to LXR (if the CREATE-DATE is post- Proclamation or the case is reopened), and will be inaccessible by the user.

A new system-generated WIP event will be created if the immigrant category is changed at any point during the processing of the case. The WIP event will be:

D1065 - CHANGE IN IMMIGRANT CATEGORY

Field – FAMILY STATUS CODE

For cases being processed under the new Act, the following Family Status code will not be a valid entry:

4 – Dependant is a child over 19 or relationship to principal applicant is GRANDSON or GRANDDAUGHTER

The following Family Status code is new, and will replace Family Status code "4".

6 – Dependant is a child 22 or over, or relationship to principal applicant is GRANDSON or GRANDDAUGHTER.

Field – REFUGEE LENGTH OF SPONSORSHIP

This field stores the total duration (in months) for which the refugee is being sponsored. Valid values are 0 – 36 months. This field will become mandatory upon a positive final decision for the following categories:

CRC – Convention Refugee abroad with a community sponsorship

CRS – Convention Refugee abroad sponsored by a Sponsorship Agreement Holder (SAH)

CRG – Convention Refugee abroad sponsored by a group of five

RSC – Source country with a community sponsorship

RSS – Source country sponsored by a Sponsorship Agreement Holder (SAH)

RSG – Source country sponsored by a group of five

RAC – Country of asylum with a community sponsorship

RAS – Country of asylum sponsored by a Sponsorship Agreement Holder (SAH)

RAG – Country of asylum sponsored by a group of five

The final decision will be reset to 0 until the Length of Sponsorship(s) is entered. Persons for whom the Length of Sponsorship(s) is missing will not be specified. It is the user's responsibility to ensure that the field is filled for all persons on the case.

Field – COUNTRY OF REFUGE

This is the country where the refugee is residing at the time their application is submitted to a visa office. This field is not mandatory.

Field – VISA #

This field was previously titled IMM 1000#; it is now titled VISA # as IMM1000's will no longer be printed after Proclamation. This field will display the serial number for positively finalized cases.

Title – Immigrant Selection/Interview

OP 5 Overseas Selection and Processing of Convention Refugees Abroad Class and Members of the Humanitarian-protected Persons Abroad Classes

Only the top portion of the screen will appear initially. The bottom portion displayed depends on the immigrant category entered. After a Refugee immigrant category has been entered, the title at the top of the screen will change to "REFUGEE SELECTION/INTERVIEW".

The same edits apply to the DIRECT ACCESS, REFERRAL ORGANIZATION, PRIVATE SPONSORSHIP, and SPECIAL PROGRAMS fields as did at Paper Screening.

Field - REASON FOR REFUSAL

A refugee case may be refused for a particular reason. This field stores the corresponding code for the reason for refusal. This field only applies to the Refugee categories with a selection decision of 5 (failed). For all other case types, it will be set to spaces (null), and will be inaccessible by the user. This field is not mandatory.

Valid values are:

- A – Not meeting the definition of CR, RA or RS
- B – Not having the ability to successfully establish
- C – Not being able to be resettled for financial reasons
- D – Medical Admissibility
- E – Security
- F – Criminality

Field – SELECTION DECISION

For Refugee cases being processed post-Proclamation, the following Selection decision will be valid:

- 8 – PASSED (H & C CONSIDERATION)

Fields – SPECIAL PROGRAMS

Valid Special Program codes for Refugees (at all stages of case processing) are as follows:

Special Program	Special Program Code	Immigrant Category			Priority
		CR	RA	RS	
One Year Window of Opportunity	OYW	X	X	X	1
Urgent Protection Program	UPX	X	X	X	2
Assistance to Women at Risk	AWR	X	X	X	3
Convention Refugee Selected Abroad	REF	X			4

Special Program codes must be entered in order of priority.

If a Refugee case has already passed Selection as of Proclamation, and the mandatory fields have not been entered, the following screen will appear upon entering a Final Decision.

REFUGEE PROCESSING

<p>NAMES:</p> <p>DIRECT ACCESS? (Y/N):</p> <p>REFERRAL ORGANIZATION:</p> <p>PRIVATE SPONSORSHIP? (Y/N):</p> <p>SPECIAL PROGRAMS: ...</p> <p>...</p> <p>...</p> <p>...</p> <p>...</p>
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OP 5 Overseas Selection and Processing of Convention Refugees Abroad Class and Members of the Humanitarian-protected Persons Abroad Classes

...

...

ENTER REQUIRED DATA OR PRESS (PF4) TO RETURN TO THE PREVIOUS SCREEN

If the mandatory information is not entered, the Final Decision will be reset to '0'. All five Special Program codes are not mandatory. Only the first one is mandatory for applicants in the CR? Category (where '?' represents any number of letters).

Fields – SPECIAL PROGRAMS AND REASON FOR REFUSAL

All five special programs will be displayed on the summary screen, as well as the reason for refusal (if the selection decision is 5 – failed).

5. CAIPS Priority list

1. 1. HC1
2. 2. OYW
3. 3. UPX
4. 4. AWR
5. 5. REF
6. 6. SLB
7. 7. DFD
8. 8. KOF
9. 9. EXD

OP 5 Overseas Selection and Processing of Convention Refugees Abroad Class and Members of the Humanitarian-protected Persons Abroad Classes

Appendix B — CIC Declaration on refugee protection for women

Declaration on refugee protection for women - June 1, 1994

Preamble

According to the United Nations High Commissioner for Refugees, there are twenty million refugees in the world who have been forced to flee their own country to seek protection elsewhere. It is estimated that about 80 per cent of the world's refugees are women and children. In response to the Red Book commitment to "expand the criteria for legitimate status to include women fleeing persecution on basis of gender" and to assist in addressing the difficulties faced by refugee women, Citizenship and Immigration Canada has adopted this "Declaration on Refugee Protection for Women."

Citizenship and Immigration Canada - Declaration on refugee protection for women

Introduction

The principle of non-discrimination, including equality of men and women, is enshrined in the United Nations Charter and the Universal Declaration of Human Rights. By invoking these instruments in its preamble, the 1951 Convention relating to the Status of Refugees places refugee protection within the context of human rights and assures refugees the widest possible exercise of fundamental rights and freedoms without discrimination. In Canada, this principle of equality is found in Section 15 of the Charter of Rights and Freedoms. Citizenship and Immigration Canada recognizes the right of refugee women to receive international protection on an equal basis with men, particularly from persecution based on gender.

The paragraphs which follow give expression to the Department's commitments in this area.

Women's rights are human rights

Citizenship and Immigration Canada, agreeing that "women's rights are human rights", is committed to ensuring the protection of those rights for refugees both males and females in a way that recognizes the realities of women's lives and the nature of the human rights abuses women face.

This commitment is reflected in Canada's active contribution to and support of such international initiatives as the Vienna Declaration and Program of Action (UN World Conference on Human Rights), the Conclusion of the 1993 Executive Committee of the UNHCR on Refugee Protection and Sexual Violence, and the United Nations "Declaration on the Elimination of Violence Against Women" adopted in 1993 by the United Nations General Assembly (UNGA 48).

This commitment flows from the Government's recognition that, even in Canada, women may be particular targets of violence and from its commitment to protect women fleeing persecution on the basis of gender.

Women experience persecution differently from men

Citizenship and Immigration Canada is committed to an interpretation of the Convention refugee definition which includes protection from sexual violence and violations of human rights based on gender. We recognize that women may be persecuted on similar grounds, as are men, but that the forms of persecution may be different; moreover, we recognize that women may be subject to persecution simply because they are women.

Barriers to state protection

Citizenship and Immigration Canada recognizes that the subordinate position of women throughout the world is an obstacle to recourse against violence, that deprivation of fundamental human rights may be entrenched in social and legal systems, and that, because of domestic responsibilities and financial dependence, women are far less mobile than men. We also

OP 5 Overseas Selection and Processing of Convention Refugees Abroad Class and Members of the Humanitarian-protected Persons Abroad Classes

recognize that women and children in refugee camps are particularly vulnerable to abuse and exploitation.

From “gender-neutrality” to “gender-inclusiveness”

Canadians are proud of our non-discriminatory laws and policies. Citizenship and Immigration Canada recognizes, however, that in order to meet our policy objectives and our international and domestic commitments, gender-neutrality is not enough. We are committed to policies and procedures that respond affirmatively to the special needs of refugee women, both in Canada and abroad.

Refugee selection abroad

Citizenship and Immigration Canada is committed to the inclusive interpretation of the definition and the gender-sensitive approach contained in the Immigration and Refugee Board Guidelines in assessing applications for resettlement from abroad by refugee women.

Citizenship and Immigration Canada recognizes the need to overcome traditional, male-oriented views of the potential of refugees for “successful establishment” in Canada. Although many refugee women have had limited access to formal education and wage employment and are often responsible for young children, many of them demonstrate great resourcefulness, life skills, and adaptability, which are useful in coping with a new life in Canada.

Gender sensitivity in Canada

The ability to question with sensitivity, awareness of the signs of gender-related persecution, and knowledge of conditions affecting women in source countries, are required of those who deal with refugee women. Citizenship and Immigration Canada is committed to the development of training and direction for all officers in Canada and abroad, for other staff, and for interpreters, to promote this sensitivity, awareness and knowledge. Citizenship and Immigration Canada is also committed to achieving an equitable gender balance in the selection of staff throughout the organization.

Citizenship and Immigration Canada recognizes that refugee claims by women may be jeopardized because they do not tell of experiences of sexual violence, they may be unwilling to speak of such experiences in front of their husbands, or they may be intimidated by the presence of male officials or interpreters.

Wherever operationally feasible, Citizenship and Immigration Canada will ensure that women making refugee claims have the option of being interviewed by female officers, with the assistance of trained female interpreters.

OP 5 Overseas Selection and Processing of Convention Refugees Abroad Class and Members of the Humanitarian-protected Persons Abroad Classes

Appendix C — UNHCR Handbook checklist

(The UNHCR *Handbook on Procedures and Criteria for Determining Refugee Status* may be found at <http://www1.umn.edu/humanrts/instree/refugeehandbook.pdf>)

1. Outside the country of nationality/former habitual residence

- Nationality/multiple nationality/statelessness (HB para. 87-93, 101-105, 106-107)
- *Sur place* (HB para. 94-96)

2. Well-founded fear

(a) Subjective element

- Relates to existence of fear in mind of claimant (HB para. 40)
- Need to have complete picture of the claimant (HB para. 41)
- Definition is forward-looking (HB para. 45)

(b) Objective element

- Requires valid basis for fear (HB para. 42)
- Test: “good grounds” to fear persecution, “reasonable” or “serious possibility” (likelihood of persecution) (HB para. 42)
- Information on country conditions (HB para. 42)
- State protection (HB para. 100, 106)
- Internal flight alternative (HB para. 91)
- Change of circumstances, compelling reasons

3. Persecution

- No definition of persecution in Act or Convention
- Involves grave violation of basic human rights (serious harm and/or persistent, repetitive systematic infliction of lesser harm) (HB para. 51-52)
- Reference can be made to basic human rights standards set out in international human rights instruments (continuum/levels)
- Discrimination versus persecution; cumulative discrimination (HB para. 53-55)
- Prosecution versus persecution (HB para. 56-60)
- Illegal departure (HB para. 61)
- Refusal to perform military service (HB para. 167-174)
- Gender-related persecution
- Agents of persecution (HB para. 65)
- Civil war not an obstacle, provided all elements of definition present (HB para 164, 166)

4. Grounds

- Claimant does not have to identify grounds (HB para. 66-67)
- Can be real or imputed (HB para. 80):
 - (a) race (HB para. 68-70)
 - (b) religion (HB para. 71-73) (c) nationality (HB para. 74-76)
 - (c) membership in a particular social group (HB para. 77-79)

**OP 5 Overseas Selection and Processing of Convention Refugees Abroad Class
and Members of the Humanitarian-protected Persons Abroad Classes**

(d) political opinion

OP 5 Overseas Selection and Processing of Convention Refugees Abroad Class and Members of the Humanitarian-protected Persons Abroad Classes

Appendix D — Guide for refugee travel to Canada

Introduction

The Guide for refugee travel to Canada sets out parameters and procedures to assist officers, both abroad and in Canada, in the transportation of refugees (including humanitarian classes and privately-sponsored) from point of embarkation abroad to final destination in Canada. It is intended to facilitate a manageable flow of arrivals and a less stressful journey for the refugee.

1. Travel arrangements

1.1 Choosing an air carrier

Consideration should be given to airlines that provide the most cost-effective travel arrangements. Visa offices shall use International Organization for Migration (IOM) services where available.

1.2 Maximum number of refugees per flight

The availability of staff and facilities at the port of entry (POE) requires that the maximum number of refugees per flight be 75 refugees. Despite this restriction, it is still possible for a POE to be faced with a large number of arrivals, at the same time, from various parts of the world. Consequently, the POE must assume responsibility for ensuring adequate staff and facilities are available to accommodate arrivals. This is one of the reasons why it is so important for the POEs to receive Notification of Arrival Transmissions (NAT) in sufficient time (10 working days prior to refugee arrival in Canada).

If there is a need for a visa office to book more than 75 refugees on any given flight, a message stating the reasons for the request must be sent to the Matching Centre. This request must be sent to the Matching Centre at least 15 working days in advance of the flight date. The Matching Centre will consult regional officials and respond to the request within two working days.

1.3 Days of arrival

1.3.1 Government-assisted refugees

(a) Government-assisted refugee (GARs) and humanitarian cases may not arrive on Friday, Saturday, Sunday or on statutory holidays unless there are extenuating circumstances. Note that there are different statutory holidays by province.

An updated list of Canadian statutory holidays is distributed to visa offices and the IOM each fall by IR. This list can be obtained by contacting the Matching Centre.

(b) Some Friday arrivals may be allowed when the final destination is the local POE. Matching Centre and Regional Headquarters (RHQ) approval is required. Officers should send their requests directly to Matching Centre which will coordinate.

(c) Exceptions are dealt with on a case-by-case basis in extenuating circumstances. Officers should contact the Matching Centre to coordinate exceptional cases.

1.3.2 Privately-sponsored refugees

(a) Friday and weekend arrivals of privately-sponsored refugees (PSR) are permitted, but should be kept to a minimum. The name and telephone number of the sponsor must accompany the refugee to Canada. Notification of Arrival Transmissions (NATs) should indicate weekend arrivals as an alert to the POE staff and include names and telephone numbers of sponsors.

(b) The visa office must ensure that NAT instructions are followed to ensure that the sponsor is advised of the arrival.

OP 5 Overseas Selection and Processing of Convention Refugees Abroad Class and Members of the Humanitarian-protected Persons Abroad Classes

1.4 Time of arrival

The organization/agency making travel arrangements abroad must ensure refugees will arrive at their final destination before 2200 hrs. local time.

1.5 Winter arrivals

Between October 15 and April 15, winter clothing distribution centres are available exclusively at ports of entry in Montreal, Toronto, Calgary and Vancouver. Refugees requiring winter clothing immediately on arrival must arrive through these POEs.

1.6 Connecting flights

When scheduling connecting flights, it must be emphasized that at least four hours are required at the initial POE to allow for procedures related to confirmation of permanent resident, clearing customs, distribution of winter clothing if applicable, and transportation to connecting flights. This is especially critical in Toronto as refugees often must travel between terminals or airports and several hours may be required.

1.7 Overnight stay

It is sometimes necessary to delay onward travel to final destination to ensure arrival within the time guidelines. Arrangements must then be made for an overnight stay at the POE.

Onward travel to destination should not depart POE before 1000 hrs. because of required commuting time and the availability of escorts.

1.8 Ticket for onward travel

Travel arrangements for the journey from POE to final destination must be made at the time of original flight booking, with the exception of Quebec-destined cases. Airline tickets must provide flexibility for onward travel up to 7 days after arrival at the POE to avoid the necessity of issuing a Transportation Warrant [IMM 0500] for a new ticket at the regular fare and requesting a credit for the lower cost of the unused ticket portion. IOM visa offices receive a copy of these travel guidelines.

Travel arrangements for all Quebec-destined refugees are limited to Montreal. In addition, Quebec-destined refugees should enter Canada at Montreal, whenever possible.

1.9 Change in travel plans

Changes of destination when refugees are in transit should be discouraged whenever possible.

Officers at the POE must advise the CIC of final destination, using the client's file number, of any change in travel plans such as a missed connection, unplanned overnight stay and cancellation of onward flight.

Changes to another province must be reported to the Matching Centre. Fax (613) 957-5849.

When refugees request a change of final destination upon arrival at a POE, there may be an additional cost of transportation to be considered that will require approval from the CIC POE manager. When the existing loan exceeds \$10,000, or the sum of existing and potential subsequent loans exceeds \$10,000, the CIC manager may approve the additional loan amount if they are satisfied that the loan applicant will be able to repay the loan.

1.10 Secondary migration

Secondary migration is a serious issue once refugees arrive in Canada. The rate of secondary migration is higher for some provinces than for others. Migration is a historical and societal factor

OP 5 Overseas Selection and Processing of Convention Refugees Abroad Class and Members of the Humanitarian-protected Persons Abroad Classes

for the people of Canada. However, when resettled refugees arrive at a POE or in the community of final destination and decide to move to a community other than the community of final destination, the impact on resources and in-Canada infrastructures increases proportionately. To that end, it is very important that the officer consult the community profiles as a counselling tool.

It is more understandable that after 9-12 months, a refugee may become familiar enough with Canada that they make a decision to move to an area of the country where they expect greater employment opportunities. Refugees often cite the need to be close to family in Canada as a reason for not going on to their final destination or moving soon afterwards. It is important that refugees identify during the interview where they have immediate family in Canada to inform the officer making destining decisions.

Officers are to counsel refugees:

- to identify immediate family so that an appropriate destining decision can be made;
- that when a destination is provided by the officer, the refugee is to go to the final destination and remain in the community while they receive settlement services that will assist them to become self-sufficient in Canada; and
- that refugees who stay in their community of final destination have access to programs and services that will benefit them in the longer term.

Refugees are to be counselled that if they decide to change their final destination at the POE, they will need to make their own arrangements for temporary accommodation, etc. The same applies if they move from their community of final destination to another community.

1.11 Cut-off date

The official cut-off date for government-assisted refugees' arrivals is December 15th. Arrangements should be made through the Matching Centre for any refugees travelling after that date. Only exceptional cases can be accommodated between the 15th and the first official day for travel. This is usually the first normal working day following New Year's Day except for Quebec where it falls on the second normal working day. Note that this deadline does not apply to privately sponsored refugees.

2. Managing refugee destinations

2.1 Quebec

For refugees in transit through Montreal, the Matching Centre must be advised by e-mail. The Matching Centre will advise the *ministère de l'Immigration et des Communautés culturelles* (MICC).

Whenever possible, all refugees destined to the province of Quebec should enter Canada at the POE in Montreal (Pierre Elliot Trudeau). MICC has responsibility for managing refugee travel to the community of final destination.

2.2 Urgent protection cases

Fast-track (protection) cases, where insufficient time exists for the Destination Matching Request (DMR) process, must have the special identifier FTS on their NAT. In addition, final destination must be confirmed by telephone with the Matching Centre.

2.3 NAT sequence

NATs must be numbered sequentially. Appendices are not acceptable. A new sequence must be started on NATs for refugees travelling in a new calendar year, i.e., the first NAT sent in December 2005 for a January 2006 arrival will have the sequence number 001/00 assigned to it.

OP 5 Overseas Selection and Processing of Convention Refugees Abroad Class and Members of the Humanitarian-protected Persons Abroad Classes

3. Transportation and associated costs

3.1 Transportation loans - Inland transportation costs

OP 17, Section 9 stipulates that a loan may be approved only to the extent that transportation assistance is required. Inland transportation costs to final destination must be included on the transportation warrant [IMM 0500] by the responsible IOM visa office or transportation company abroad. This may include meals en route, overnight accommodation, ground transportation and incidental expenses. Should inland transportation en route to the final destination be required, and if it was not pre-arranged abroad, the travel costs may be approved under the Immigration loans program.

3.2 Resettlement assistance program

Only government-assisted refugees are eligible for the Resettlement Assistance Program (RAP). The cost of accommodation is provided as a contribution under RAP and therefore not entered on the IMM 0500. Officers should ensure a subsequent IMM 0500 is not approved to cover the cost of an overnight stay in Canada for GARs.

3.3 Unexpected overnighting requiring IMM 0500

(a) Occasionally, privately-sponsored refugees (CRs, RAs, RSs) have to stay overnight at the POE. In such instances, the officer can approve a Transportation Warrant IMM 0500 to cover the costs of the in-transit accommodation and related expenses (i.e., meals at the hotel). The warrant number of the original IMM 0500, where applicable, must be recorded in Box 1 of the subsequent IMM 0500. The loan holder must present the IMM 0500 to the hotel which will fill in the expenditure amount and send the original to the following address:

Citizenship and Immigration Canada
Jean Edmonds Building North Tower
4th Floor
300 Slater Street
Ottawa, Ontario K1A 1L1

The hotel may wish to batch the bills and send them to NHQ on a weekly or bi-weekly basis.

(b) Privately-sponsored refugees must be apprised by the officer that they must bear the cost of overnight stays and related expenses, where required.

3.4 Contribution program for transportation and associated costs

Special-needs refugees such as disabled refugees and sole-parent refugee families, particularly women at risk may qualify for a transportation contribution in lieu of a loan. The visa office may recommend that travel be paid through a contribution. Each request is reviewed individually at NHQ. Requests should be addressed to NAT-Resettlement with a copy to the Matching Centre. See OP 17 and IP 3 for detailed procedures.

4. Excess baggage

Excess baggage is often a problem as some carriers permit the refugees to carry more baggage than North American carriers. Canadian carriers are enforcing their baggage regulations.

Each airline is required to establish the maximum number of articles or combination of articles that can be carried on board an aircraft and/or checked per passenger per flight. Therefore, the amount and size of allowed baggage may vary between airlines, as it is dependent on the amount of available stowage space on each aircraft.

To prevent boarding delays, it is advisable that passengers enquire about the airline's baggage limitations prior to arriving at the airport or during check-in. Baggage exceeding the carrier's limitations will not be allowed to board unless it is prepaid by the refugee. Any oversized

OP 5 Overseas Selection and Processing of Convention Refugees Abroad Class and Members of the Humanitarian-protected Persons Abroad Classes

suitcase, parcel, or bag may have to be repacked at the departure point to meet air carrier dimension and weight requirements before boarding a flight to Canada.

Refugees should also be advised that temporary baggage storage units are no longer available in Canadian airports.

The visa offices, the IOM and others making travel arrangements should counsel refugees on the number, weight and dimensions of pieces of baggage allowed per person travelling to Canada.

4.2 Personal and household effects

Refugees have responsibility for shipping arrangements and related costs for their personal and household effects. These costs cannot be financed under the Immigration Loans Program or under the Resettlement Assistance Program (RAP).

4.3 Prohibited items

Visa offices and the IOM should counsel refugees regarding items, especially food and dangerous goods, that cannot be brought into Canada. Excessive delays are caused at POEs when Canada Border Services Agency officials must search each piece of baggage. Travellers are encouraged to consult Transport Canada's brochure entitled: *Fly smart, Fly secure*. It contains a number of important facts about what to expect when going through airport security, how to help avoid unnecessary delays, and how to contribute to the safety of all travellers. The brochure is available on their Web site at: <http://www.tc.gc.ca/aboutus/travel/Air/brochure.htm>

4.4 Personal responsibility

Ensure that refugees have their own airline tickets and are aware that they are each responsible for their own baggage-claim tickets. One refugee must not be given the claim tickets for an entire flight of refugees.

5. Minors (Unaccompanied)

5.1 Age of majority

The age of majority varies from province to province in Canada. The age of majority is 18 in six provinces: Alberta, Manitoba, Ontario, Prince Edward Island, Quebec, and Saskatchewan.

The age of majority is 19 in four provinces and the three territories: British Columbia, New Brunswick, Newfoundland, Northwest Territories, Nova Scotia, Nunavut, and Yukon.

5.2 Avoid overnight stay

Unaccompanied minors are often met by the sponsor at the POE but on occasion, they must proceed inland to be met by the sponsor at final destination. Therefore, if at all possible, travel arrangements for minors are to be made in such a manner that overnight stay at the POE is avoided.

5.3 Child minding services

In those cases where an overnight stay is unavoidable, arrangements must be made for child-minding services, as minors cannot be left alone. Neither reception services nor POE have the mandate or facilities to provide overnight stays for privately-sponsored minors in transit. While minors are generally placed with a family during the flight, there are no standard arrangements for the duration of the stay at the POE, which can leave the child in a potentially vulnerable situation. The IOM must contact either the parent, guardian or sponsor directly before arranging flights in order to avert any difficulties.

OP 5 Overseas Selection and Processing of Convention Refugees Abroad Class and Members of the Humanitarian-protected Persons Abroad Classes

5.4 Contact information

Because it is particularly important to clearly identify unaccompanied minors, travel arrangements must always be provided on a separate NAT or a message separate from the NAT. This communication must include the name, telephone number and address of the contact or sponsor in Canada in case of an emergency or of a change in travel arrangements. Please ensure that the NAT has been received.

5.5 Assigned refugee

If a minor is travelling in the company of another refugee assigned to provide assistance during the flight, that person must also be identified on the NAT and/or message.

5.6 Airline restrictions

Some transportation companies in Canada place restrictions on minors travelling alone. Visa offices and the IOM must ensure, when making travel arrangements abroad, that the carrier for the Canadian leg of the trip will allow the minor to travel to the final destination unaccompanied. Confirmation of these arrangements must be included on the NAT.

6. Pets

6.1 Financial responsibility

There are no provisions to pay for the transportation of pets under the Immigration Loans Program. If a refugee wishes to take along a pet, they will have to bear the costs of transporting the pet to the final destination in Canada. These costs must be paid in advance abroad. The refugee will have to ensure that the pet meets the Canadian Food Inspection Agency requirements, and make travel arrangements to a local kennel or other appropriate lodging for a period of quarantine, if required. Many ground carriers will not transport pets. The refugee will also be expected to cover the costs of placing the pet in a kennel while awaiting permanent living quarters, as temporary accommodation is not likely available to those persons with pets. The costs of an inspection by a Canadian Food Inspection Agency veterinarian at the POE must also be paid by the client.

6.2 Permanent accommodations

Refugees must be made aware by visa offices and the IOM, prior to their departure, that permanent accommodation is difficult to locate when the family has a pet, because many landlords do not allow any animals in their buildings. In the case of sponsored refugees, it is essential that the sponsor be made aware of the presence of a pet.

6.3 Import restrictions

6.3.1 Quarantine requirements

Quarantine requirements should be obtained before travelling, and the necessary steps should be taken to adhere to the requirements. Animals requiring vaccination must receive such vaccines within a prescribed time period prior to travel. Visa offices and the IOM must ensure that refugees are aware of the requirements well ahead of travel dates.

Requirements are subject to change. For current import requirements, consult the Canadian Food Inspection Agency's Web site at:

<http://www.inspection.gc.ca/english/anima/heasan/import/petse.shtml>

OP 5 Overseas Selection and Processing of Convention Refugees Abroad Class and Members of the Humanitarian-protected Persons Abroad Classes

6.4 Advance Notice

Visa offices should indicate on the NAT when refugees are traveling with pets.

OP 5 Overseas Selection and Processing of Convention Refugees Abroad Class and Members of the Humanitarian-protected Persons Abroad Classes

Appendix E — Refusal letter – Generic

The draft letters, without DLSU approval, have been attached to other draft OP chapters.

REFUGEE REFUSAL: CR, RA, RS

INSERT LETTERHEAD

Our Ref.:

INSERT ADDRESS

Dear :

I have now completed an assessment of your application for permanent residence in Canada as a member of the Convention refugee abroad class or as a member of the humanitarian-protected persons abroad designated class. I have determined that you do not meet the requirements for immigration to Canada.

If applicant was interviewed, add:

You were interviewed on **(date)** in **(city)**. **Choose one:** You were interviewed in English. You did not indicate that you had difficulty understanding me or indicate that you had difficulty expressing yourself. **OR** You were interviewed with the assistance of an interpreter fluent in English and **(language)**. You did not indicate that you had any difficulty in understanding the translator or in having the translator understand you.

If the applicant was considered as a Convention refugee, add:

Section 96 of Canada's *Immigration and Refugee Protection Act* defines a Convention refugee as follows:

96. 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.

Section 145 of the Regulations states:

145. A foreign national is a Convention refugee abroad and a member of the Convention refugees abroad class if the foreign national has been determined, outside Canada, by an officer to be a Convention refugee.

If applicant was considered under country of asylum class, add:

Section 147 of the Regulations states:

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

(a) they are outside all of their countries of nationality and habitual residence; and
(b) they have been, and continue to be, seriously and personally affected by civil war, armed conflict or massive violation of human rights in each of those countries.

OP 5 Overseas Selection and Processing of Convention Refugees Abroad Class and Members of the Humanitarian-protected Persons Abroad Classes

If applicant was considered under source country class, add:

Paragraph 148(1) of the Regulations provides as follows:

148. (1) A foreign national is a member of the source country class if they have been determined by an officer to be in need of resettlement because

(a) they are residing in their country of nationality or habitual residence and that country is a source country within the meaning of subsection (2) at the time their permanent resident visa application is made as well as at the time a visa is issued; and

(b) they

(i) are being seriously and personally affected by civil war or armed conflict in that country,

(ii) 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

(iii) 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.

At present, the source countries meeting Canadian criteria are Colombia, El Salvador, Guatemala, Democratic Republic of Congo, Sierra Leone and Sudan.

Choose one of the following options A, B, C or D:

Option A – Refusal due to not meeting definition requirements (CR or RA or RS)

Paragraph 139(1) (e) of the Regulations states:

139. (1) A permanent resident visa shall be issued to a foreign national in need of refugee protection, and their accompanying family members, if following an examination it is established that

...

(e) the foreign national is a member of one of the classes prescribed by this Division;

The classes described in the paragraph above are:

- the Convention refugee abroad class;
- the country of asylum class; and
- the source country class.

After carefully assessing all factors relative to your application, I am not satisfied that you are a member of any of the classes prescribed because (specify reasons; if the application is refused without an interview, also specify reasons that an interview was not required). Therefore, you do not meet the requirements of this paragraph.

Option B – Refusal due to presence of a durable solution (CR or RA or RS)

Paragraph 139(1) (d) of the Regulations states:

139. (1) A permanent resident visa shall be issued to a foreign national in need of refugee protection, and their accompanying family members, if following an examination it is established that

OP 5 Overseas Selection and Processing of Convention Refugees Abroad Class and Members of the Humanitarian-protected Persons Abroad Classes

...

- (d) the foreign national is a person in respect of whom there is no reasonable prospect, within a reasonable period, of a durable solution in a country other than Canada, namely
- (i) voluntary repatriation or resettlement in their country of nationality or habitual residence,
 - or
 - (ii) resettlement or an offer of resettlement in another country;

After carefully assessing your application, I have determined that you do not meet these requirements. **Choose one:** You currently reside in a country that is a signatory to the Geneva Convention on Refugees, (**name country**). You have been able to benefit from the protection of (**name country**) and have been able to obtain asylum. **or** You currently reside in a country that is a signatory to the Geneva Convention on Refugees, (**name country**) where you have a reasonable possibility, within a reasonable period of time, of a durable solution. (**Explain durable solution.**) **or** You have been accepted as a Convention refugee in (**name of country and date**). **or** You are able to avail yourself of protection in (**name country**) because (**explain reason**). **or** You are in the process of obtaining Convention refugee status because you made an asylum claim in (**name of country and date**). Therefore, you do not meet the provisions of this paragraph.

Option C – Country of asylum – insufficient financial support

For members of the country of asylum class, paragraph 139(1)(f) of Canada's *Immigration and Refugee Protection Regulations* states:

139. (1) A permanent resident visa shall be issued to a foreign national in need of refugee protection, and their accompanying family members, if following an examination it is established that

...

- f) one of the following is the case, namely
- (i) the sponsor's sponsorship application for the foreign national and their family members included in the application for protection has been approved under these Regulations,
 - (ii) in the case of a member of the Convention refugee abroad or source country class, financial assistance in the form of funds from a governmental resettlement assistance program is available in Canada for the foreign national and their family members included in the application for protection, or
 - (iii) the foreign national has sufficient financial resources to provide for the lodging, care and maintenance, and for the resettlement in Canada, of themselves and their family members included in the application for protection;

I am not satisfied that you meet this requirement because (**explain reasons**). Therefore, you do not meet the provisions of this paragraph.

Option D – Inability to establish (CR or RA or RS)

Paragraph 139(1)(g) of Canada's *Immigration and Refugee Protection Regulations* states:

139. (1) A permanent resident visa shall be issued to a foreign national in need of refugee protection, and their accompanying family members, if following an examination it is established that

...

- (g) if the foreign national intends to reside in a province other than the Province of Quebec, the foreign national and their family members included in the application for

OP 5 Overseas Selection and Processing of Convention Refugees Abroad Class and Members of the Humanitarian-protected Persons Abroad Classes

protection will be able to become successfully established in Canada, taking into account the following factors:

- (i) their resourcefulness and other similar qualities that assist in integration in a new society,
- (ii) the presence of their relatives, including the relatives of a spouse or a common-law partner, or their sponsor in the expected community of resettlement,
- (iii) their potential for employment in Canada, given their education, work experience and skills, and
- (iv) their ability to learn to communicate in one of the official languages of Canada;

I am not satisfied that you and your accompanying family members would be able to become successfully established in Canada because (explain reasons). Therefore, you do not meet the provisions of this paragraph.

For all options, add:

Subsection 11(1) of the Act states:

11. (1) A foreign national must, before entering Canada, apply to an officer for a visa or for any other document required by the regulations. The visa or document shall be issued if, following an examination, the officer is satisfied that the foreign national is not inadmissible and meets the requirements of this Act.

Subsection 2(2) of the Act specifies:

2. (2) Unless otherwise indicated, references in this Act to “this Act” include regulations made under it.

Following an examination of your application, I am not satisfied that you meet the requirements of the Act and the Regulations for the reasons explained above. I am therefore refusing your application.

Yours sincerely,

Officer

c.c. Sponsor Group/CIC (name of CIC and their file number)

For members of the country of asylum or Source country classes not eligible under resettlement criteria.

OP 5 Overseas Selection and Processing of Convention Refugees Abroad Class and Members of the Humanitarian-protected Persons Abroad Classes

Appendix F — Refusal letter - Quebec

The draft letters, without DLSU approval, have been attached to other draft OP chapters.

REFUGEE REFUSAL QUEBEC

INSERT LETTERHEAD

Our Ref.:

INSERT ADDRESS

Dear :

This refers to your application for permanent residence in Canada as a Convention refugee seeking resettlement or as a member of one of the humanitarian-protected persons abroad class.

Paragraph 139(1)(h) of the *Immigration and Refugee Protection Regulations* states:

139. (1) A permanent resident visa shall be issued to a foreign national in need of refugee protection, and their accompanying family members, if following an examination it is established that

...

(h) if the foreign national intends to reside in the Province of Quebec, the competent authority of that Province is of the opinion that the foreign national and their family members included in the application for protection meet the selection criteria of the Province;

By letter dated (**date**) the *Service d'Immigration du Québec* informed us that you do not meet their selection criteria. **Include a copy of the letter from the SIQ if there is any doubt that the applicant received it and add:** A copy of that letter is enclosed.

Paragraph 9(1)(b) of the *Immigration and Refugee Protection Act* applies to you. This paragraph reads as follows:

9. (1) Where a province has, under a federal-provincial agreement, sole responsibility for the selection of a foreign national who intends to reside in that province as a permanent resident, the following provisions apply to that foreign national, unless the agreement provides otherwise:

...

(b) the foreign national shall not be granted permanent resident status if the foreign national does not meet the province's selection criteria;

You do not meet the selection criteria for Quebec. I am therefore refusing your application.

Thank you for your interest in Canada.

Yours sincerely,

Officer

(If applicable)

c.c.: Sponsor Group/CIC (with Ref. number)

OP 5 Overseas Selection and Processing of Convention Refugees Abroad Class and Members of the Humanitarian-protected Persons Abroad Classes

Appendix G — Letter - How to apply

INSERT LETTERHEAD

Our Ref.:

INSERT ADDRESS

Dear :

Thank you for your inquiry concerning the procedures for application for refugee resettlement. As of June 28, 2002, the method for application to Canadian visa offices abroad for refugee resettlement has changed. Paragraph 150(1) of the new *Immigration and Refugee Protection Regulations* states:

- 150.** (1) An application for a permanent resident visa submitted by a foreign national under this Division must be made at the immigration office outside Canada that serves the applicant's place of residence and must be accompanied by either an undertaking or
- (a) a referral from a referral organization;
 - (b) a referral resulting from an arrangement between the Minister and a government of a foreign state or any institution of such a government relating to resettlement; or
 - (c) a referral resulting from an agreement relating to resettlement entered into by the Government of Canada and an international organization or a government of a foreign state.

Unless accompanied by the above-mentioned documents, the application will be considered incomplete and be returned to the applicant.

The application kit for refugee resettlement can be found at <http://www.cic.gc.ca/english/applications/conref.html> and should be fully completed before submission to the visa office. The application must be submitted to the Canadian visa office that serves the applicant's country of residence. A list of Canadian visa offices and the countries that they serve can be found at <http://www.cic.gc.ca/english/offices/apply-where.html>.

In exceptional circumstances only, an application for resettlement may be accepted directly from an applicant without the need to be accompanied by a referral or undertaking. If the country of residence of the applicant has been determined by the Minister of Citizenship and Immigration to be a geographic area that justifies the submission of applications for resettlement directly from an applicant without the need to be accompanied by a referral or undertaking, then the visa office serving the applicant's country of residence will accept the application directly from the applicant (direct access). To determine if you are residing in a country that has direct access to a visa office, please refer to the Refugee Protection Web site at <http://www.cic.gc.ca/english/refugees/resettle-direct.html>.

We hope you find this information useful and thank you for your interest in Canada's resettlement program.

Yours sincerely,
Officer

OP 5 Overseas Selection and Processing of Convention Refugees Abroad Class and Members of the Humanitarian-protected Persons Abroad Classes

Appendix H — Letter - incomplete application

INSERT LETTERHEAD

Our Ref.:

INSERT ADDRESS

Dear :

Thank you for submitting an application for permanent residence under the refugee resettlement program to the Canadian visa office at **xxxxxxx**.

Paragraph 150(1) of the new *Immigration and Refugee Protection Regulations*, implemented on June 28, 2002, states:

- 150.** (1) An application for a permanent resident visa submitted by a foreign national under this Division must be made at the immigration office outside Canada that serves the applicant's place of residence and must be accompanied by either an undertaking or
- (a) a referral from a referral organization;
 - (b) a referral resulting from an arrangement between the Minister and a government of a foreign state or any institution of such a government relating to resettlement; or
 - (c) a referral resulting from an agreement relating to resettlement entered into by the Government of Canada and an international organization or a government of a foreign state.

In exceptional circumstances, the Minister of Citizenship and Immigration Canada may determine that a geographic area is one which justifies the submission of applications for resettlement directly from an applicant without the need to be accompanied by a referral or undertaking. The country you reside in is not one of the countries which have been determined to justify direct access to the visa office. The list of countries that have been determined to have direct access can be found at <http://www.cic.gc.ca/english/refugees/resettle-direct.html>

No referral or undertaking has accompanied this application, therefore, under paragraph 150(1) of the Regulations, the application is deemed to be incomplete and is being returned to you for completion. In order to complete this application, please attach the following documents:

- a referral from the United Nations High Commissioner for Refugees (UNHCR); or
- an undertaking from a private sponsor.

You should note that your application has not been examined and no record of your application has been kept.

We hope you find this information helpful and thank you for your interest in the program.

Yours sincerely,

Officer

OP 5 Overseas Selection and Processing of Convention Refugees Abroad Class and Members of the Humanitarian-protected Persons Abroad Classes

Appendix I — Letter - Wrong geographic area

INSERT LETTERHEAD

Our Ref.:

INSERT ADDRESS

Dear :

Thank you for submitting an application for permanent residence under the refugee resettlement program to the Canadian Visa office at **xxxxxxx**.

In exceptional circumstances, the Minister of Citizenship and Immigration Canada may determine that a geographic area is one which justifies the submission of applications for resettlement directly from an applicant without the need to be accompanied by a referral or undertaking (direct access). In these cases, the visa office serving the applicant's country of residence will accept the application directly from the applicant. The list of countries that have been determined to have direct access can be found on CIC's Web site at: <http://www.cic.gc.ca/english/refugees/resettle-direct.html>.

We regret to inform you that you do not reside in a country that has been determined to have direct access to the Canadian Visa office. We are returning your application and you should note that no record of the application had been kept.

We hope you find this information helpful and thank you for your interest in Canada's resettlement program.

Yours sincerely,

Officer

OP 5 Overseas Selection and Processing of Convention Refugees Abroad Class and Members of the Humanitarian-protected Persons Abroad Classes

Appendix J — Winnipeg Private Refugee Sponsorship Assurance Program (WPRSAP)

Purpose

The objective of this pilot program is to support and enhance ongoing private sponsorship activities for refugees with family and community links to the City of Winnipeg, potentially increasing the number of refugees coming to Winnipeg while assisting people in need of Canada's protection.

Background

CIC, the Province of Manitoba and the City of Winnipeg signed an MOU on November 13, 2002 on the WPRSAP. This is the first time a municipality has become directly involved with refugee sponsorship in partnership with CIC and a provincial government.

Under this MOU, the City of Winnipeg has set aside \$250,000 of municipal funds to cover refugee support and resettlement costs in the event that a private sponsor is unable to meet its commitment. The City has also committed to assisting a small number of visa office-referred protection cases.

The parties agreed that the operational details of the pilot program would be outlined in an annex to the MOU.

Impact

1.1 Processing

Cases will be processed, as per established procedures under Canada's Refugee and Humanitarian Resettlement Program; normal processing in Canada and Overseas would apply. There will be no additional priority given to these applications and they will be part of the private sponsorship activity.

Note: NEW: Visa offices will enter one of 2 special program codes as outlined in Appendix A, Section 4.

The program may not necessarily result in an increase in the number of private sponsorships from Winnipeg and CIC has committed to ensuring a measured approach considering processing capacity both in Canada and abroad.

1.2 Number of persons to be sponsored

During the initial year of the program, the pilot allows for up to 350 persons to be sponsored. It was decided to start with a lower number of persons and then raise the number at a later date depending on sponsorship community interest and processing capacity.

1.3 Visa offices affected

The visa office that will be mostly affected by this program is Nairobi. However, there could be a shift depending on the refugee situation.

Roles, responsibilities and process

Each player has defined roles and responsibilities that have been highlighted below:

CIC Winnipeg will:

- identify every undertaking under this program by looking at the top right hand corner of the first page of the Undertaking to Sponsor [IMM 5439] above the words "Protected when complete – B" to see if there is a stamped three letter code "WRP" (for regular sponsorship) OR "WRV" (for visa office-referred cases). The applications should have been previously stamped by the agent from the City prior to arriving at the CIC.

OP 5 Overseas Selection and Processing of Convention Refugees Abroad Class and Members of the Humanitarian-protected Persons Abroad Classes

- provide NHQ with a report every month on the number of applications processed under the WPRSAP and identify the number of cases that are regular sponsorship or visa office-referred cases.
- forward the applications to the appropriate visa office as per normal procedures under Canada's Refugee and Humanitarian Resettlement Program.

The visa offices will:

- AT FILE CREATION: identify every undertaking from CIC Winnipeg under the WPRSAP program by looking at the top right hand corner of the first page of the Undertaking to Sponsor [IMM 5439] above the words "Protected when complete –B" to see if there is a stamped three letter code. The code would be "WRP" (for regular sponsorship) OR "WRV" (for visa office-referred cases).
- AT PAPER SCREENING: enter the 3-letter code in CAIPS. To enter the three letter code in CAIPS the visa offices must:
 - ◆ go to the screen entitled " Refugee Paper Screening"
 - ◆ if undertaking is under the WPRSAP, enter the following code in the Special program field:

Regular Sponsorship	WRP
Visa office-referred	WRV

Note: Please note that it is important to enter only one of the two codes because only the first entry will be transmitted to FOSS.

Operational guidelines for visa office-referred protection cases

There are two ways in which a sponsorship may be referred by a visa office (see OP 5, section 6.57):

- the sponsoring group asks CIC to refer a refugee applicant for their consideration; or
- the visa office requests that the Matching Centre (MC) find a sponsor for an approved refugee applicant.

The visa offices will identify to MC, a RA/RS/CR-3 case who requires a sponsor and has indicated a particular interest in resettlement in the City of Winnipeg normally because of family and/or community links.

The MC will contact CIC Winnipeg with the refugees' profile for consideration of the Manitoba Refugee Sponsors (MRS) and/or its agent under the WPRSAP.

CIC Winnipeg will contact MRS and/or its agent when the visa office and/or MC identifies a RA/RS/ CR-3 case that would appear to be a good match under the WPRSAP. CIC Winnipeg will advise MC and RHQ of the decision to accept and/or refuse and if applicable the reasons for refusal.

Alternatively, MRS and/or its agent can request further information on a refugee profile posted on the CIC Visa-Office Referred Web site for consideration under the WPRSAP.

OP 5 Overseas Selection and Processing of Convention Refugees Abroad Class and Members of the Humanitarian-protected Persons Abroad Classes

Appendix K — Sample letter of request for DNA testing

[Date]

[File number]

[Name and Address]

Dear [Applicant]:

This refers to your application for permanent residence in Canada.

Include the following paragraph if no documentary evidence is submitted in support of the application.

After reviewing the information provided in support of your application, I am not satisfied that there is sufficient evidence to prove the parent-child relationship between you and [NAME OF CHILD]...

Include the following paragraph, if some documentary evidence is submitted but is not satisfactory. Add brief reasons for suggesting a DNA test as well. Sample reasons are listed below.

After reviewing the information provided in support of your application, I am not satisfied that there is sufficient evidence to prove a parent-child relationship between you and [NAME OF CHILD].

- The birth certificate you provided was issued after you submitted your application for immigration;
- The birth certificate you provided was sent for verification to the (name of the authorities). [name of the authorities] have confirmed that the certificate was never issued by them.

Since the documentary evidence you have provided does not enable us to establish parentage between you and the child, and you are unable to obtain other documentary evidence, in place of documentary evidence, we will accept the results of a DNA analysis carried out by a laboratory accredited by the Standard Council of Canada for DNA testing. You should be aware that you are responsible for the costs of sample-taking, shipping, laboratory analysis, and report submission.

To proceed with your application and the DNA test process, you are responsible for choosing a laboratory in Canada. A list of accredited laboratories is attached.

Once you decide to undergo the DNA testing, the laboratory chosen will then send us a letter informing us that you are prepared to undertake the testing. Upon receipt of this letter, we will then contact you with a date for sample collection at an [APPROVED COLLECTION SITE]. We will also inform you of the requirements, such as valid passport, identification card, two passport-size photos, and fees for the blood collection procedure and courier to send each sample to Canada. Please note that it is important for you to have these identification documents before we can proceed with the blood collection.

The results of the DNA tests will be sent to us by the laboratory when they have been completed. This can take approximately four to six weeks.

If the tests confirm the relationship between you and [NAME OF CHILD], we will be in a position to proceed with the processing of your application or issue new medical instructions if your present medical results have expired by that time.

DNA tests are not mandatory:

If we are not advised within 90 days by a laboratory that you will be proceeding with the DNA testing, we will assume that you are no longer interested in providing a DNA test result and will render a decision based on the information available to us at that time.

**OP 5 Overseas Selection and Processing of Convention Refugees Abroad Class
and Members of the Humanitarian-protected Persons Abroad Classes**

Sincerely,

[VISA OFFICER]

OP 5 Overseas Selection and Processing of Convention Refugees Abroad Class and Members of the Humanitarian-protected Persons Abroad Classes

Appendix L — Declaration of all family members under the OYW provisions

File:

DECLARATION

I, _____, the undersigned, do solemnly declare that I have identified all family members, accompanying, non-accompanying, missing (whereabouts unknown) or thought to be deceased, on my Application for Permanent Residence in Canada [IMM 0008Esch2].

I understand that, if I have failed to name a family member on said Application and do not identify them to the visa office before my departure to Canada that this particular family member will not be eligible to join me in Canada under either the one-year window-of-opportunity provisions or later, under the family-class program.

Please sign beside the statements that apply to you:

_____ I have never been married (customary, religious, or civil ceremony).

_____ I am now married (customary, religious or civil ceremony).

Name of spouse or partner: _____

Spouse's/partner's date of birth: ____/____/____ (day/month/year)

Type of relationship: Marriage Common-law union

Date of marriage/union: ____/____/____ (day/month/year)

_____ I was once married (customary, religious or civil ceremony), but have been separated/divorced/widowed since ____/____/____ (day/month/year).

Name of ex-spouse or partner: _____

Ex-spouse's/ex-partner's date of birth: ____/____/____ (day/month/year)

_____ I have no children.

_____ I have ____ child(ren) (Please enter the number of children).

As stated above, I will inform the Canadian High Commission or Canadian Embassy of any changes to my family situation before the date of my departure to Canada.

I fully understand the meaning of this declaration.

Signature of applicant

(day/month/year)