



Proposed Uyghur Refugee Resettlement Program

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Table of Contents

1. INTRODUCTION.....	2
2. GOVERNMENT-ASSISTED REFUGEES (GAR) PROGRAM.....	3
A. Referral Partner.....	3
3. PRIVATE SPONSORSHIP OF REFUGEES (PSR) PROGRAM.....	4
B. Private Sponsors	4
I. Groups of Five:.....	4
a. Blended Visa Office-Referred (BVOR) Program:	5
b. Visa Office-Referred (VOR) Program:.....	5
II. Community Sponsors:.....	5
III. Sponsorship Agreement Holders:.....	6
4. ADDITIONAL REFUGEE SPONSORSHIP OPPORTUNITIES.....	9
A. Joint Assistance Sponsorship (JAS) program:	9
B. Women at Risk (AWR) program:	9
C. Urgent Protection Program (UPP):	9
5. SPECIAL STREAMS.....	11
A. Ukraine.....	11
B. Afghanistan.....	11
I. Special program for Afghans who assisted Canada:	12
II. Special program for vulnerable Afghans:.....	12
III. Permanent residence for extended family members of former interpreters	13
C. Yazidi Refugees and Other Survivors of Daesh	13
D. Syrians	14
6. SUGGESTIONS FOR UYGHUR RESETTLEMENT PROGRAM	15

1. INTRODUCTION

Refugees wishing to resettle in Canada must be identified by the United Nations Refugee Agency (UNHCR), a referral partner, or by private sponsors. Refugees cannot apply directly to Canada for resettlement. Refugees can be admitted to Canada through one of three programs:

1. **Government-Assisted Refugees (GAR):** referred by the UNHCR based on refugees' vulnerability
2. **Privately Sponsored Refugees (PSR):** referred for resettlement by private sponsors
3. **Visa Office-Referral Refugees (VOR):** referred by UNHCR or other designated referral agencies

Of the 30,087 refugees resettled in Canada in 2019, 64% arrived through the Private Sponsorship of Refugees (PSR) program, 33% through the Government-Assisted Refugees (GAR) program, and 3% through the Blended Visa Office-Referral (BVOR) program.¹

Canada's commitment to resettle refugees is explicitly set out in the *IRPA*, stating that an objective of the legislation is "to fulfill Canada's international obligations with respect to refugees and affirm Canada's commitment to international efforts to provide assistance to those in need of resettlement" (s. 3(2)(b)). The *IRPA* also states that it is first and foremost about "saving lives and offering protection to the displaced and persecuted" (s. 3(2)(a)).

In general, refugees must undergo intensive medical and security checks prior to being approved to settle in Canada. Over the years, Canada has made changes, exemptions, and waivers to some of these policies and requirements to respond to specific urgent situations. Canada has also partnered with certain communities to develop programs that split costs of resettlement between the government and sponsoring groups, such as in 2001, where Canada provided 4 months of financial assistance while sponsoring groups provided 8 months of assistance through the Sierra Leone Blended Sponsorship Pilot, and in 2011, where Canada provided 3 months of financial assistance while sponsoring groups provided the remaining 9 months by partnering with the Rainbow Refugee Society to sponsor LGBTQ+ refugees.

This memo discusses the special immigration streams developed by Canada for the urgent situations faced by Ukrainians, Afghanis, Yazidis, and Syrians, to show that the federal government has the legal authority and capability to create a new refugee stream to facilitate the resettlement of Uyghur refugees in Canada.

¹ <https://www.unhcr.ca/in-canada/unhcr-role-resettlement/refugee-resettlement-canada/#:~:text=Refugees%20must%20be%20registered%20with,date%20they%20arrive%20in%20Canada.>

2. GOVERNMENT-ASSISTED REFUGEES (GAR) PROGRAM

Under the Government-Assisted Refugees (GAR) program, refugees must be referred for resettlement to Canada by the UNHCR or other partners with which Canada has an agreement. These organizations are called ‘Referral Partners’ or ‘Designated Referral Organizations’.

To be referred, refugees must be registered with either the UNHCR or by the foreign state authorities of the country in which the refugee currently resides. Those resettling in Canada under the GAR program receive financial support from the federal government for up to one year.

A. Referral Partner

Government-sponsored refugees must first be referred by either the UNHCR or a referral organization with whom the government has entered into a Memorandum of Understanding. These referral organizations identify refugees that may be suitable for Canada’s resettlement program, and provide some sort of pre-screening, allowing these cases to be processed faster. A UNHCR referral to the visa office indicates that the UNHCR has already assessed the case and concluded that resettlement is the best or only option.

To enter into a Memorandum of Understanding to provide refugee referrals, the organization must demonstrate:

- A working knowledge of the provisions of Canada’s *Immigration and Refugee Protection Act* relating to protection criteria; and
- An ability abroad to locate and identify Convention refugees and persons in similar circumstances.

The referral organization provides the visa office with a referral application about the refugee and their family. The final decision still lies with a visa officer, who assesses whether the refugee is in need of resettlement, and will conduct medical, criminal and security screenings.

3. PRIVATE SPONSORSHIP OF REFUGEES (PSR) PROGRAM

There are three types of groups in Canada that can privately sponsor refugees from abroad: Sponsorship Agreement Holders (and their Constituent Groups), Groups of Five, and Community Sponsors. Quebec has its own process for sponsoring refugees.

Under the Private Sponsorship of Refugees (PSR) Program, refugees do not need to be referred for resettlement by the UNHCR or a referral partner, but Groups of Five and Community Sponsors may only sponsor those who are already recognized as refugees by the UNHCR or the foreign state authorities. A private sponsorship group can then refer these previously identified refugees to the Canadian government for potential resettlement.

Only Sponsorship Agreement Holders may apply to sponsor those who have not yet been identified as a refugee by the UNHCR or foreign state.

The *IRPA* sets out the legal framework for who is eligible to sponsor. The *IRPA* provides that “[a] Canadian citizen or permanent resident, or a group of Canadian citizens or permanent residents, a corporation incorporated under a law of Canada or of a province or an unincorporated organization or association under federal or provincial law – or any combination of them – may sponsor a foreign national, subject to the regulations” (*IRPA* s. 13).

B. Private Sponsors

I. Groups of Five:

A Group of Five (G5) is five or more Canadian citizens or permanent residents who have arranged to sponsor a refugee living abroad to come to Canada. Each member of the group must be a permanent resident or Canadian citizen, be at least 18 years old, live in the community where the refugee is expected to settle, and commit to support the refugee for the entire length of the sponsorship (usually one year).

G5s must provide a settlement plan and proof the group has appropriate funds to sponsor the refugee for one year.

G5s may only sponsor applicants who have already been recognized as refugees by the UNHCR or by the government of the country the refugee is currently living in. The principal applicant must already have refugee status.

G5s may choose to sponsor a specific refugee (sponsor-referred refugee), or a refugee referred by a visa office (visa-office referred refugee). Visa-office referred refugees have already been determined to be eligible and have already been chosen by an officer abroad. They have already been screened and confirmed that they are eligible for resettlement in Canada.

They may be sponsored through the Blended Visa Office-Referred (BVOR) Program, or through the Visa Office-Referred (VOR) Program. Refugees usually

arrive in Canada between three and six months after the Resettlement Operations Centre in Ottawa (“ROC-O”) approves a sponsorship request.

a. Blended Visa Office-Referred (BVOR) Program:

The Blended Visa Office-Referred (BVOR) Program matches refugees identified by the UNHCR with private sponsors in Canada.

This program provides income support to refugees, and thus reduces the financial burden on private sponsors. It also prioritizes the most vulnerable refugees through referral organizations to bring refugees with the greatest needs to Canada.

Additionally, it connects sponsors with refugees that have already been screened and interviewed, and thus can travel to Canada sooner.

b. Visa Office-Referred (VOR) Program:

The VOR program is similar to the BVOR program, however, requires sponsors to take on the full costs of sponsorship – there is no income support provided to refugees sponsored under the VOR program.

Groups may request a refugee profile and will be matched with a case. VOR match requests must be in cities where Canada is resettling government-assisted refugees.

II. Community Sponsors:

Community Sponsors are a group, such as a corporation, association, or organization, who sponsor refugees to come to Canada. A community sponsor must be in the community where the refugees are expected to settle and must commit to support the refugees for the entire length of the sponsorship (usually one year).

Just like G5s, **Community Sponsors may only sponsor applicants who have already been recognized as refugees** by the UNHCR or by the government of the country the refugee is currently living in. The principal applicant must already have refugee status (either recognized by the UNHCR or a foreign state).

Also like G5s, Community Sponsors may choose to sponsor a specific refugee (sponsor-referred refugee), or a refugee referred by a visa office (visa-office referred refugee) through the BVOR or VOR Programs.

III. Sponsorship Agreement Holders:

Sponsorship Agreement Holders (SAHs) are organizations that help refugees resettle in Canada and have signed a sponsorship agreement with the government.

SAHs have financial and legal responsibilities toward each refugee sponsored under their agreement. SAHs must oversee all sponsorships under their agreement and be based in or have representatives in the communities where they resettle refugees. They must also provide refugees with what is necessary to live safely and independently in Canada.

Constituent Groups: A SAH can authorize Constituent Groups (CGs) to sponsor under its agreement and provide support to the refugees. Each SAH sets its own criteria for recognizing CGs.

The government only accepts applications to become a SAH during one period each year (latest period was April 30 – July 31, 2021). To become an SAH, organizations must have been incorporated for at least 2 years, be physically located in Canada, commit to sponsoring more than 5 refugees or families per year, and have adequate resources and support network.

Additionally, the organization's main contact must be at least 18 years of age, be a permanent resident, Canadian citizen, or Registered Indian, live in or have at least 2 representatives in the same community the refugee will live in, and be eligible under the Immigration and Refugee Protection Regulations (IRPR). Organizations must complete mandatory training and submit an application.

Each year, SAHs are allocated a certain number of refugees which they can sponsor. All new SAHs receive a first allocation of spaces for 25 people. SAHs can sponsor refugees that they have identified on their own or who have been referred by an organization.

Under the SAH program, sponsor-referred refugees must meet the definition of a refugee under Canada's refugee and humanitarian resettlement program. **However, they do not have to have been previously identified by a referral organization.** Principal Applicants without refugee status recognized by the UNHCR or a foreign state can only be sponsored by a SAH.

Sponsor-referred refugee applications often take longer than for refugees who have already been referred. SAHs can also sponsor visa office-referred refugees.

Once approved, the International Organization for Migration arranges their travel to Canada.

Under the IRPR, to be referred as a refugee, one must fall into either of the two following categories:

1. Convention refugee:

Any person who by reason of a well-founded fear of persecution because of race, religion, nationality, membership in a particular social group or political opinion:

- 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
- does not have a country of nationality and is outside the country of their former habitual residence and is unable or, by reason of that fear, unwilling to return to that country; and
- is outside Canada
- is seeking resettlement in Canada
- and does not have a prospect of another durable solution, within a reasonable period of time, that is:
 - cannot return to their country of nationality or habitual residence
 - cannot integrate in the country of refuge or the country of first asylum; and
 - does not have another offer of resettlement from a country other than Canada.

2. Country of Asylum class:

Any person who:

- who is outside all of their countries of nationality or habitual residence
- who has been, and continues to be, seriously and personally affected by civil war, armed conflict or massive violation of human rights in each of those countries
- and does not have a prospect of another durable solution, within a reasonable period of time, that is:
 - cannot return to their countries of nationality or habitual residence
 - cannot integrate in the country of refuge or the country of first asylum; and
 - does not have another offer of resettlement from a country other than Canada

One can also fall under the definition of a Convention refugee or country of asylum class if the refugee themselves has the funds to support themselves and their family in Canada. They will still need to be referred by the UNHCR, a referral organization, or a private sponsorship group.

The final decision on whether someone meets one of these definitions and is eligible for resettlement is made by an officer at an overseas IRCC office. In addition, the refugee must pass medical, security and admissibility checks. Refugees are also assessed on ability to establish themselves successfully in Canada, looking at criteria such as relatives or a sponsor in Canada, language ability, and employment potential. Refugees deemed to be in urgent need of protection or vulnerable circumstances are not assessed on their ability to establish themselves in Canada.

	Government-Sponsored Refugees	Private-Sponsored Refugees		
		G5	Community Sponsors	SAH
Already identified as a refugee by the UNHCR or a foreign state?	Yes	Yes	Yes	No
Referral by UNHCR or referral organization?	Yes	No	No	No

4. ADDITIONAL REFUGEE SPONSORSHIP OPPORTUNITIES

There are additional sponsorship opportunities for refugees with additional needs.

A. Joint Assistance Sponsorship (JAS) program:

The Joint Assistance Sponsorship (JAS) program allows SAHs to partner with IRCC to resettle refugees with special needs, and support them for up to 24 months.

B. Women at Risk (AWR) program:

The Women at Risk (AWR) program applies to women outside the normal protection of a family unit facing gender-based persecution. AWR cases where the refugee is deemed in ‘urgent need of protection’ or ‘vulnerable’ are exempt from the regulatory requirement to determine whether they can establish themselves in Canada successfully. However, they must still pass medical, security, and criminal checks.

C. Urgent Protection Program (UPP):

The Urgent Protection Program (UPP) allows Canada to respond to requests by referral organizations to provide rapid resettlement for refugees in urgent need of protection. Members of the Convention Refugees Abroad or Humanitarian Protected Persons Abroad classes who qualify for resettlement and are in need of urgent protection because of immediate threats to life, liberty or physical well-being are resettled on the expedited basis required by their particular circumstances.

The UNHCR or another recognized referral organizations can refer UPP cases to a Canadian visa office abroad, and a decision to resettle the refugee is made within 24-48 hours. Privately sponsored refugees in urgent need of protection must present themselves to the UNHCR for an assessment. Eligible refugees include:

- Those under threat of refoulement, expulsion, prolonged arbitrary detention or extra-judicial execution; or
- Those facing a real, direct threat to their physical safety, which could result in their being killed or subjected to abduction, rape, sexual abuse, violence or torture.

UPP cases are considered government-assisted refugees, and some may be considered JAS cases. Where a sponsor has not been identified prior to their departure but is needed, the refugees will be sent to cities with reception centres where a sponsor is likely to be found. The refugees will remain in the reception centres while waiting to be matched with a private sponsoring group. Once a sponsor is identified, the refugees will be sent to their final destination. If refugees

have family in Canada, efforts are made to ensure they are sent to their family's community.

UPP cases required expedited medical examinations and backgrounds checks. Canada aims to process UPP cases within one week. When it is not possible to complete all requirements within this timeline, a migration office may issue a Temporary Resident Permit, allowing the refugee to travel to Canada prior to completing these statutory checks. The medical and background checks can then be completed in Canada, and the refugee may then apply for permanent residence.

5. SPECIAL STREAMS

A. Ukraine

Canada's most recent special immigration stream is the Canada-Ukraine Authorization for Emergency Travel (CUAET) for Ukrainian nationals and their family members fleeing Russian aggression. The program does not apply to non-Ukrainians who fled the country, and Ukrainian nationals and their family members are not automatically being granted permanent protection in Canada.

The program allows Ukrainian citizens and their families to come to Canada and work or study for three years. As of May 6, 2022, over 71,000 applications have been approved.

While Ukrainian nationals must attend a collection centre to provide their biometrics (fingerprints and photos), Canada has established several additional biometric collections points throughout Europe to facilitate this step. Only those between the ages of 17-61 must provide their biometrics, as opposed to the normal requirement that anyone over the age of 15 provide them. The biometrics requirement is also being waived on a case-by-case basis in urgent situations.

The requirement to undergo a medical check prior to approval has been waived, but some will be asked to undergo a medical check once in Canada. Ukrainians also do not need to be vaccinated against COVID-19.

Additionally, Ukrainians are being provided with foil-less visas to expedite their travel to Canada (meaning they do not need to get a physical visa placed in their passports prior to traveling to Canada), and all processing fees have been waived.

Those without passports can apply for a one-time Temporary Resident Visa to facilitate their travel to Canada.

B. Afghanistan

In August 2021, the Government of Canada committed to assisting Afghan refugees through several special immigration programs, including through a program for Afghans who assisted the Government of Canada and a humanitarian program.

In addition, the Immigration and Refugee Board took measures to expedite all Afghan files, including reviewing refugee claims to see whether they could be accepted without a hearing or referred to a short hearing.

While initially committing to resettling 20,000 vulnerable Afghans threatened by the Taliban and forced to flee Afghanistan, the Canadian government has now committed to resettle 40,000 refugees and vulnerable Afghans in Canada. Between

August 2021 and April 2022, 12,160 people fleeing the situation in Afghanistan had arrived in Canada through all immigration streams.

I. Special program for Afghans who assisted Canada:

These Special Immigration Measures are for Afghans, inside or outside Afghanistan, who worked for the Canadian government. The measures are based on two temporary public policies that apply to Afghans who worked with the Canadian government or whose employment “involved a significant and/or enduring relationship with the Government of Canada”.

Global Affairs Canada and the Department of National Defence are responsible for identifying those with an ‘enduring relationship’. By August 31, 2021, Canada had evacuated approximately 3,700 people from Afghanistan, most of whom were refugees that had supported Canada’s mission.

Upon arrival in Canada, Afghans were placed in quarantine and processed for permanent residence as government-assisted refugees. As of April 28, 2022, 5,995 Afghans have arrived in Canada under this program. The program aims to resettle 18,000 Afghans.

Refugees could contact the government of Canada directly to apply for this program by completing an online web form describing their work with the Canadian government. Under this program, Afghans must still provide their biometrics and complete a medical exam prior to arriving in Canada.

II. Special program for vulnerable Afghans:

On August 13, 2021, the Canadian government announced, as part of the second phase of their operation, an expanded humanitarian program for Afghan nationals in need of resettlement. To qualify for this program, Afghans must be outside Afghanistan.

The announcement stated that the program would include 8,000 government-assisted refugees and 7,000 privately sponsored refugees.

The Government of Canada is working with international and Canadian partners to facilitate this program. Afghan nationals cannot apply directly for this program.

Refugees were required to register with the UNHCR or government of the country in which they were residing.

Under this program, to be resettled in Canada, refugees still needed to be referred by the UNHCR, the government of the country in which they were currently living or one of the designated organizations working with Canada, or identified by a private sponsor.

Under the GAR program, Canada's referral partners were the UNHCR, Front Line Defenders, and ProtectDefenders.eu.

Additionally, an agreement was made with the United States, who referred up to 5000 refugees from among Afghans they had evacuated. These refugees included persecuted minorities, women human rights advocates, LGBTI individuals and journalists. This agreement facilitated international efforts to support Afghan refugees and accelerated efforts to bring refugees to Canada.

The government also stated that this program will have more flexibility than normal resettlement programs, especially regarding definitions and inclusion of extended families. The special measures also include prioritized processing of applications, waiving of some fees and the requirement to have a passport, and allowing medical exams to be conducted upon arrival in Canada. Otherwise, refugees were still required to meet all eligibility and admissibility requirements.

Those whose processing is not completed may be issued a Temporary Resident Permit (TRP) to facilitate their travel to Canada. For example, those who had not yet completed a medical exam were issued a TRP and allowed to do the full medical exam upon arrival in Canada. Those arriving without a permanent residence visa are being issued 1-year TRPs, with access to the Interim Federal Health Program (IFH).

As of April 28, 2022, 6,165 Afghans have arrived in Canada under this program.

III. Permanent residence for extended family members of former interpreters

The Pathway to permanent residence for extended family members of former interpreters is a temporary policy created for family members of former Afghan interpreters who immigrated to Canada under the 2009 and 2012 public policies. Up to 5000 people will be accepted under this process.

C. Yazidi Refugees and Other Survivors of Daesh

Following the House of Commons unanimously supporting a Conservative motion calling on the government to provide asylum to an unspecified number of Yazidi women and girls, Canada announced a new policy to welcome Yazidi refugees and other survivors of Daesh to Canada in 2017. By the end of 2017, 1200 survivors had been resettled in Canada. Canada received consent from the Iraq and Kurdish regional governments, who supported and cooperated with the resettlement policy.

The Government of Canada then implemented a second policy to help these survivors' family members come to Canada, which ended in December 2020. By January 31, 2021, Canada had welcomed 1356 government-assisted survivors and 94 privately sponsored survivors.² The government-assisted refugees were referred to Canada for resettlement by the UNHCR.

After citing community concerns regarding the definition of immediate family member, the definition of refugee, and about family members who had been missing or in captivity, the government announced a third policy in March 2021, to help reunite the families of Yazidis and other survivors of Daesh in Canada who had to leave their families behind. The policy sought to reunite extended family members, expanding the definition of family member to include siblings, grandparents, aunts, uncles, and others.

All COVID-19 related protocols were followed, and all refugees still had to undergo comprehensive security screening, biometric checks and medical exams prior to resettlement under this new policy. These refugees were primarily resettled in four Canadian cities with well-established Yazidi communities to help them adjust and settle into Canadian life.

The government also announced that it would facilitate private sponsorship of Yazidi refugees.

D. Syrians

Between 2015-2016, 46,070 Syrians were resettled in Canada. Approximately 18,000 Syrian refugees were resettled under the PSR program. Notably, for Syrian refugees, IRCC waived the requirement to have documentation that they had previously been determined to be refugees.

² <https://www.canada.ca/en/immigration-refugees-citizenship/news/2021/03/canada-expands-efforts-to-welcome-more-yazidi-refugees-and-other-survivors-of-daesh.html>

6. SUGGESTIONS FOR UYGHUR RESETTLEMENT PROGRAM

To facilitate the resettlement of Uyghur refugees in Canada in an expedited manner, the Government of Canada should:

- 1. Set aside a dedicated number of people that will be accepted under this program so that it is not caught by the overall levels plan (e.g., 15,000 Uyghurs over the next 5 years).**
- 2. Allow medical screenings to take place in Canada.** Like for Ukrainian nationals, Uyghurs should be able to complete their medical exams once in Canada if necessary.
- 3. Allow extensive security screenings to take place in Canada.** Due to the limited number of Uyghurs that would be arriving in Canada under this program, biometrics could be provided at the port of entry, as they are for some work permit applicants. Just as for the Ukraine program, foil-less visas should be provided so that Uyghurs do not have to present themselves to Canadian embassies abroad, allowing them to proceed to Canada more quickly.
- 4. Waive the pre-entry COVID-19 vaccination requirements,** as was done for Ukrainians to ensure those who do not have access to vaccines are still eligible to receive protection in Canada.
- 5. Expand the definition of family member for sponsorship,** as was done for Yazidis and Afghans, and will be done for Ukrainians.
- 6. Allow Uyghurs who do not have refugee documentation or passports to apply for entry to Canada under this program,** as was done for Syrians and Ukrainians respectively, especially as many Uyghurs may not have access to this official documentation.
- 7. Issue single-journey travel documents for those without passports,** as is being done for Ukrainians. **Provide UN refugee travel documents to those found to be refugees but without passports.**
- 8. Issue temporary work permits in urgent cases,** obviating the need for refugee protection determinations.
- 9. Pre-approve community organizations to act as referral partners** to ensure the expedient identification of the most vulnerable Uyghur refugees abroad, as was done for Afghanistan, as opposed to only relying on the UNHCR to identify individuals eligible for sponsorship under the GAR program.
- 10. Identify specific Canadian cities for resettlement** with large Uyghur populations and community support to facilitate successful resettlement, as was done for Yazidis.

11. **Contact governments of countries** where Uyghurs face detention, forcible return to China, denial of exit visas or denial of transit visas to negotiate release from detention or granting of necessary transit or exit visas or the cessation of forcible return.
12. **Waive application and processing fees** where applicable, as was done for Afghanis and Ukrainians.