

**Frequently Asked Questions: Refugee Resettlement, Sponsorship, Afghanistan**

September 14, 2021

**Q: How has Canada responded to the crisis in Afghanistan to date?**

Canada has announced two special programs to reach its stated goal of resettling 20,000 vulnerable Afghan nationals.<sup>1</sup> The first is for Afghan nationals who [assisted the government of Canada](#), and is for individuals who are both inside and outside Afghanistan. The second is a humanitarian program to resettle [particularly vulnerable groups](#), including women leaders, human rights advocates, persecuted religious minorities, and LGBTI individuals. It is only for individuals who are outside of Afghanistan.

Canada has also indicated it is [prioritizing immigration applications for Afghan nationals](#). Some applications being prioritized include those by Canadian citizens or permanent residents to sponsor immediate family members who are Afghan nationals, and permanent residence applications by accepted Afghan refugees in Canada who are including family members in their application.

**Q: How do Canada's resettlement programs work?**

Refugees are persons who fled their country fearing persecution. Resettlement programs move refugees who are living in a host country (often near their country of origin) to another state, where they will ultimately obtain permanent residence (a "durable solution").

[In Canada](#), individuals cannot apply to be resettled but must be either a) referred to the Government- Assisted Refugees ("GAR") program by the United Nations High Commissioner for Refugees ("UNHCR") or another designated organization, or b) sponsored by a community organization, or a group of private individuals in the Private Sponsorship of Refugees ("PSR") program. These programs are open only to Convention refugees or humanitarian-protected persons outside their countries of nationality and habitual residence. Referred and sponsored individuals who satisfy the requirements are then issued a permanent resident visa which allows them to come to Canada, where they are granted permanent resident status upon arrival. Over the following 12 months, they receive financial, emotional and social support to establish themselves in Canada. If they come as part of the GAR program, that assistance comes directly from the government and settlement organizations. If they come as part of the PSR program, that support comes from the sponsorship group or organization. There is also a Blended Visa Office-Referred ("BVOR") program, which is a combination of government assistance and private sponsorship.

**Q: What are the UNHCR recognition and referral requirements?**

States have the primary responsibility to conduct Refugee Status Determination ("RSD"). When refugees flee their country, often to a neighbouring ("host") state that is not a party to the 1951

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<sup>1</sup> Note that the government of Canada has committed to resettling 20,000 vulnerable Afghan nationals. In its election platform, the Liberal Party of Canada has promised to resettle a total of 40,000 Afghan nationals through FY2023 (this includes the initial 20,000 commitment from the government).

Refugee Convention and/or does not have an RSD process, UNHCR may conduct RSD under its mandate. Refugees are therefore “recognized” as such by UNHCR.

UNHCR also identifies refugees who are in need of protection through resettlement, due to their circumstances in the host country. UNHCR “refers” refugees in need of resettlement to countries like Canada. Canada’s GAR program is based on referrals from UNHCR and other partner organizations.

UNHCR’s capacity to conduct RSD and refer refugees for resettlement varies based on the security situation on the ground, available resources, and other immediate demands on UNHCR. It can sometimes take years before an individual who has fled their country is able to obtain recognition as a refugee through RSD, and even longer before they may be referred for resettlement. In some circumstances, the requirement for individualized RSD is not necessary, and a group designation is made. This occurred with Syrian nationals, streamlining resettlement efforts.

Canada’s PSR program does not depend on UNHCR referrals. Rather, individuals are identified by sponsorship organizations or groups. However, refugees being sponsored by a Group of Five or Community Sponsor through private sponsorship still require UNHCR refugee status recognition (this does not apply to Sponsorship Agreement Holders). This requirement can be waived. From 2015 through 2017, the RSD requirement was waived for Syrian and Iraqi refugees to facilitate their resettlement to Canada.

**Q: Does Canada’s expanded resettlement program assist Afghans who are trapped inside Afghanistan?**

Generally, a refugee resettlement program does not directly assist people who remain *inside* their country of nationality. Canada’s resettlement programs offer protection for [Convention refugees and persons in the Country of Asylum Class](#). In both cases, individuals must be, by definition, *outside* of their country of nationality. Specifically, 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, 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.” A member of the Country of Asylum Class is someone who is determined to be in need of resettlement because, “they are outside all of their countries of nationality and habitual residence; and 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.”

Accordingly, Canada’s program to resettle 20,000 Afghans will not help most Afghans who remain in Afghanistan. It will only help those who [assisted the Canadian government](#), or who have [family members in Canada](#) who sponsor them or include them in their permanent resident applications.

**Q: What is the difference between a Convention refugee and an internally displaced person?**

In contrast to Convention refugees (who are by definition already outside their country of nationality), [Internally Displaced Persons](#) (“IDPs”) are on the run *at home*. Specifically, IDPs are

people who have been forced to leave their homes because of, or to avoid, “the effects of armed conflict, situations of generalized violence, violations of human rights or natural or human-made disasters,” but who have not crossed an international border in doing so. Although [IDPs face many of the same circumstances as refugees](#), they are generally ineligible for the same kind of protection.

### **Q: What was Canada’s “Source Country Class” Program?**

Until 2011, individuals in the [Source Country Class](#) could be referred for resettlement to Canada (in addition to those meeting the Convention refugee and Country of Asylum Class definitions). The Humanitarian-Protected Persons Abroad Class in the regulations is an umbrella class that until 2011 encompassed both the Country of Asylum and Source Country Classes. The Source Country Class was made up of specified countries – nationals of those countries, who were in refugee-like situations, were eligible for resettlement from inside their own country. In other words, individuals were eligible for resettlement despite still being in their country of nationality. Both GAR and PSR resettlement operated through the Source Country Class.

The Source Country Class, until it was [repealed in 2011](#), made Canada [one of the few countries in the world to offer resettlement to individuals in need of protection within their own countries](#). It allowed Canada to help individuals without asking them to seek asylum elsewhere and undertake risk in doing so (for instance, by crossing borders illegally or with the help of smugglers).

Another option for achieving the same goal is for the Minister to use their discretion under s. 25.2 of the [Immigration and Refugee Protection Act](#); “*IRPA*”) and create a public policy program that resettles Afghan nationals who are still in Afghanistan.

### **Q: How can the Ministerial discretion under s.25.2 of the *IRPA* help individuals in need of protection?**

Under section 25.2 of the *IRPA* the Minister can grant permanent residence to a person who would not otherwise meet the requirements of the *IRPA* if the Minister is of the opinion that it is justified by public policy considerations. In other words, the Minister can use their discretion to allow individuals, who would otherwise qualify for resettlement, were they able to flee their country of nationality, to obtain permanent residence in Canada.

### **Q: What is a Temporary Residence Permit?**

A [temporary resident permit](#) (“TRP”) is a document which allows people to travel to and enter Canada, despite being inadmissible to Canada under the *IRPA*. They can be issued a TRP when they demonstrate that their need to enter Canada outweighs risks related to their inadmissibility (such as safety or health concerns). In the Afghan context, the TRP could allow individuals with pending immigration applications (for instance, for family reunification) to travel to Canada while their applications await final approval. A TRP allows its beneficiary to board a plane to travel to Canada (from Afghanistan itself or from elsewhere), enter and remain in Canada for a specified temporary period of time. This would then allow them to await the outcome of their application in Canada, where their safety is not at risk.