

# How to Privately Sponsor a Refugee

by Patti Kemp and Edward C. Corrigan

The photo of Alan Kurdi, the young Syrian boy, laying face and dead down on a beach captured the attention of the World. The newly elected Justin Trudeau Liberal government pledged to bring 25,000 refugees to Canada by the end of February 2016. However, millions of refugees remain vulnerable and displaced, living in camps in Jordan, Lebanon and Turkey. The horror stories about the Syrian civil war and the resulting refugee crisis caused many Canadian wondering how they can help.

Canada is the only country in the world<sup>[1]</sup> that allows private individuals to sponsor refugee applicants to relocate permanently. This program is one significant way that individuals can help by sponsoring a refugee family to Canada and then helping them to settle into their new home.

## The Law

Canada is unique in offering individual citizens the opportunity to participate in humanitarian-type immigration by offering them a mechanism for sponsoring refugees. Colloquially referred to as “Group of Five” sponsorship, five individuals can apply together to sponsor a refugee. There also can be more than five sponsors as part of the group. These individuals, or “sponsors”, must be either Canadian citizens or permanent residents, they must be over 18 years old and they must either live in the area where the refugee will settle, or have representatives there.<sup>[2]</sup> They must agree to support the refugee both emotionally and financially for the sponsorship period, which usually for one year.

There are two ways the applicant can be granted refugee status<sup>[3]</sup>: they must either be recognized as a refugee by the United Nations High Commissioner for Refugees (UNHCR), or the foreign state where they live must certify that they are a refugee (respectively referred to as “Convention Refugees Abroad Class” and “Country of Asylum Class”).<sup>[4]</sup>

In addition to private group sponsored refugees there are two other programs under which refugees can come to Canada. The first is called the *Government-Assisted Refugees* (GARs) program. These are Convention refugees whose initial settlement (for up to one year) is entirely supported by the Government of Canada or by the province of Quebec.<sup>[5]</sup>

The second category are called *Blended Visa Office-Referred refugees* (BVORs) These are Convention refugees referred by the UNHCR who are matched with a private sponsor in Canada. There is a blended support system for these refugees. The Government of Canada provides up to six months of income support through the Resettlement Assistance Program (RAP). This is combined with support from private sponsors for an additional six months of

financial support and up to a year of social and emotional support.[6]

In order to be considered a Convention refugee, the person must meet the definition of a refugee. They must: *“by reason of a well-founded fear of persecution because of race, religion, nationality, membership in a particular social group or political opinion, [is] (a) outside each of their countries of their nationality and is unable or, by reason of that fear, unwilling to avail themselves of the protection of each of those countries”* or (b) the same for their country of habitual residence.[7]

Furthermore, as a “Convention Refugee Abroad”, the applicant must be outside of Canada, seeking to resettle here, have no prospect of a durable solution within a reasonable period of time (i.e. they cannot return to their country or stay in their current country of refuge) and they must either receive adequate assistance from their sponsors or have enough resources to support themselves and their dependents.[8]

### **The Syrian and Iraqi Exception to the UNHCR Recognition Requirement**

For the refugee, or “applicant”, the principal applicant must already have refugee status. [9] Family members or “dependents” must be included in the application. (Note that Quebec has its own refugee selection process.) The government of Canada, due to the current refugee crisis in the Middle East, has waived the requirement that individuals who are sponsored to come to Canada as refugees and are from Iraq and Syria have to be recognized by the United Nations High Commissioner for Refugees (UNHCR). The waiver is good for one year and expires on September 19, 2016.[10]

To quote the release from The Minister of Citizenship and Immigration.

Applicants intending to reside in Quebec are subject to the Province of Quebec's selection criteria further to subsection 25.2 (3) of the *Act*, and cannot be granted permanent residence unless Quebec determines that they meet the applicable selection criteria of the province.

This public policy comes into force on the date of my signature and ends one year after it is signed.[11]

Quebec has its own criteria for selecting refugees. Refugees destined for Quebec must be approved by the Quebec government.

Finally, in order to qualify to come to Canada, applicants must pass medical, criminal and security admissibility checks. With some exceptions, they are also assessed on their ability to establish themselves successfully in Canada. If they are in urgent need of protection, or are vulnerable, they may not be assessed on this last point.[12]

## **The Application Process**

To initiate the application process, the sponsors must submit a sponsorship application to the Centralized Processing Office in Winnipeg (CPO-W). This application must include a settlement plan and financial assessment for the whole group, and personal financial profile forms for each Group of Five member.<sup>[13]</sup> It should also include the document issued by either the UNHCR or the foreign state certifying that the principal applicant is a refugee. As noted above refugees from Syria and Iraq are temporarily exempt from this requirement.

The Group of Five sponsors should be able to provide an amount that is roughly equivalent to the local social assistance rate. The Sponsorship Cost Table provides a guideline for estimating the costs of sponsoring a refugee for 12 months. For a family of four, 12 months of income support would be roughly \$20,000 plus estimated start-up costs of \$7,000 for a total estimated annual settlement cost of \$27,000.<sup>[14]</sup>

At the same time that the sponsors submit their application, the applicant must submit an application for permanent residence, either enclosed with the Group of Five's application to the CPO-W or to the applicant's nearest visa office overseas.

When the CPO-W receives the application, it reviews the file for completeness, makes a decision on the sponsorship undertaking, and if positive, forwards the file to the overseas visa office where the decision on the application for permanent residence is made.

Groups of Five can choose to sponsor a particular refugee and their family. This is called a "Sponsor-referred" refugee. Alternatively, they can ask for a match to be made from the inventory of "Visa office-referred" refugees who have already been preselected. This aspect of the program allows for great flexibility because it means that refugees who already have relatives or friends in Canada can be sponsored or alternatively, it allows groups of individuals to offer assistance to those already identified as being in need.

In practical terms, Groups of Five can submit their sponsorship application to CPO-W without providing a copy of the document that proves the applicant's refugee status. However, the principal applicant must still have refugee status as the private sponsorship program still only accepts recognized refugees. The long wait-times for Syrian and Iraqi refugees have been drastically reduced, due to the exemption from the requirement of recognition by the UNHCR as Convention refugees, the applications will be processed much more quickly. This process has also been expedited by the Canadian government sending a processing team to the region to interview and screen potential candidates for resettlement in Canada.

## **After Arrival**

Sponsors take on significant responsibilities when they apply to bring a refugee and their family to Canada. The sponsors are responsible for providing the group with care, lodging, settlement assistance and support for either the sponsorship period, usually 12-months, or until the refugee is self-sufficient. The Government lists what sponsors normally provide. That list includes food, rent, utilities, clothing, furniture, help finding a family doctor and dentist, help applying for healthcare and enrolling children in school and help finding language training. They should also help with introducing newcomers to people with similar interests, help them become oriented to their communities and help with their employment search.[15]

The general rule for support is that it must be at least equal to the prevailing rates of social assistance in that community. The refugee is expected to contribute funds if they have them, and to take reasonable employment offers, but they cannot be forced to do employment, particularly if it is unsuitable for them.[16]

Essentially, the Group of Five are taking on the responsibility of resettling the refugee and their family and helping to ensure their success of establishing themselves in their Canadian home.

The reasons for wanting to bring a refugee and their family to Canada are many. The sponsors could be relatives or friends of the refugees. The sponsors could have ethnic or cultural connections to the refugees. They could simply be a group of individuals with a shared sense of humanity and wishing to help vulnerable people. Whatever the reason, Canada offers a unique opportunity to take direct action. As with all types of immigration applications, it can be useful to have guidance and assistance throughout the process from a legally trained professional.

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[1]<http://ccrweb.ca/en/private-sponsorship-refugees>

[2] Immigration and Refugee Protection Regulations (IRPR) S.153(1)(b);

<http://www.cic.gc.ca/english/refugees/sponsor/groups/asp>

[3] Ibid.

[4] Resettlement from outside Canada” (November 10, 2015)

<http://www.cic.gc.ca/ENGLISH/refugees/outside/index.asp>

[5] Ibid.

[6] Ibid.

[7] s. 96 Immigration and Refugee Protection Act

[8] Private Sponsorship of Refugees Program, Citizenship and Immigration Guide, 2015, para. 2.1

[9] Operational Bulletin 356 – October 19, 2012: Regulatory Changes to the Refugee Resettlement Program; <http://www.cic.gc.ca/english/resourc...2012/ob356.asp>.

[10] "Temporary public policy to facilitate the sponsorship of Syrian and Iraqi refugees by Groups of Five and Community Sponsors," Release from the Minister of Citizenship and Immigration, The Honourable Chris Alexander, September 19, 2015. Found at <http://www.cic.gc.ca/english/department/laws-policy/syria-iraq.asp>

[11] Ibid.

[12] Ibid.

[13] Ibid.

[14] <http://www.cic.gc.ca/english/information/applications/guides/5413ETOC.asp>

[15] Ibid 4, para 2.6.

[16] Ibid, para 2.7.

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