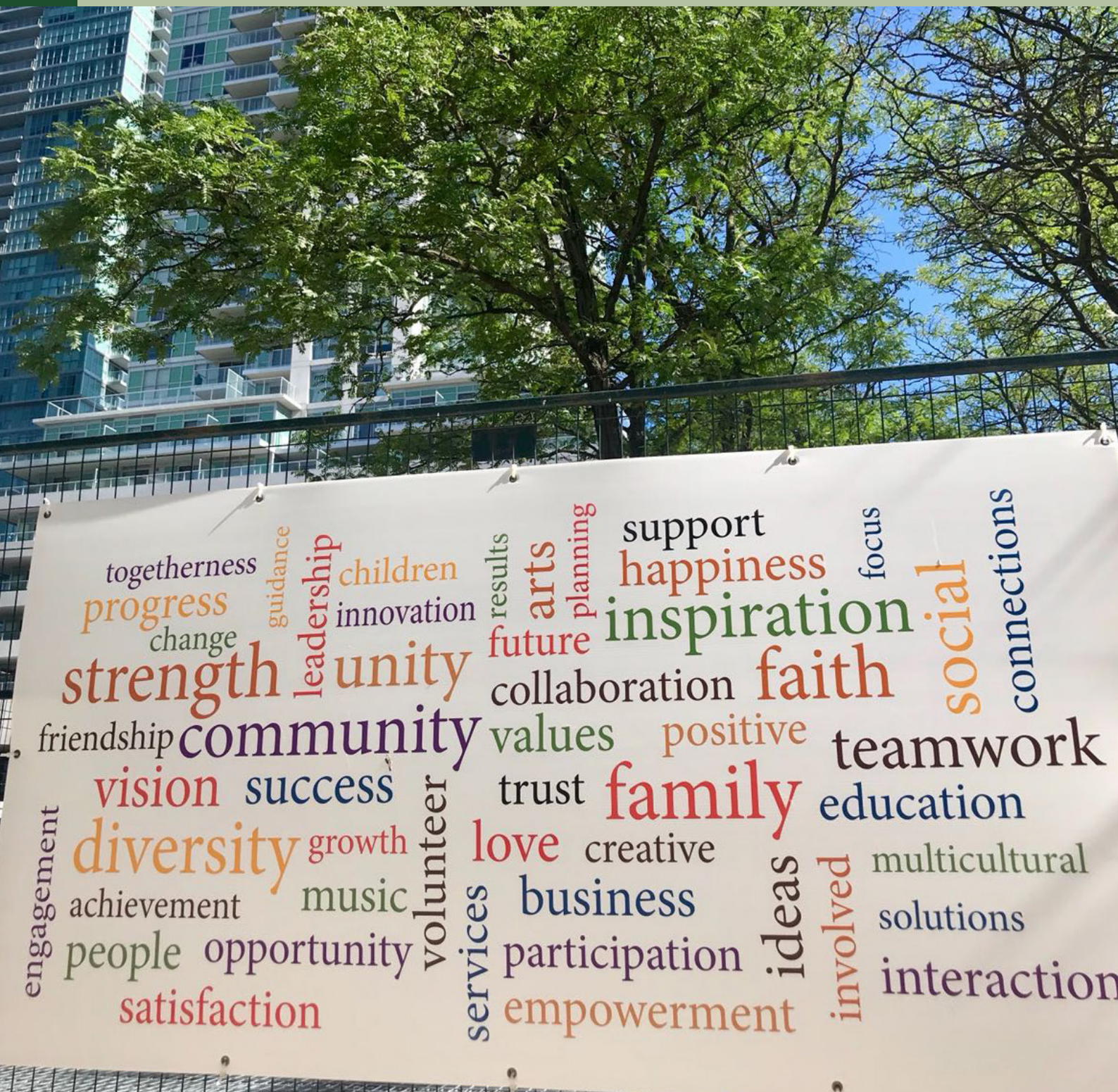


An overview of the Canadian asylum system



CEA(R)

Comisión Española
de Ayuda al Refugiado

This report has been drawn up by the advocacy area of the Spanish Commission for Refugees (CEAR) in the context of the “*Observatory on the right to asylum, forced migrations and borders*” project funded by the Extremadura Agency for International Development Cooperation (AEXCID).

During the research and in order to draw conclusions about how the international protection system in Canada is currently working as a host country for asylum applicants and refugees, the CEAR team held meetings and interviews with UNHCR Canada; Amnesty International Canada; the Montreal City Council; Catholic Crosscultural Services; the Catholic Center for Immigrants; the Sophia House Reception Center; the YMCA-YWCA Language Assessment Center; the Montreal West Island Integrated University Health and Social Services Center; the Canadian Council for Refugees (COSTI); Immigration, Refugees and Citizenship Canada (Refugee Protection Division; Domestic Network; Etobicoke: office for processing asylum applications; Immigration Program Guidance; Partnerships & Liaisons; Protection Policy & Liaisons; Refugee Affairs; Settlement and Integration Policy, and Settlement Network); the Global Refugee Sponsorship Initiative; the Immigration and Refugee Board of Canada (Refugee Protection Division, Advice Unit and Legal Unit); Legal Aid Ontario; the *Table de Concertation des Organismes au Service des Personnes Réfugiées et Immigrants*; the Ministry of Immigration, Diversity and Inclusion in Quebec; OCISO (Ottawa); the Office for the Integration of Newly Arrived Immigrants to Montreal; private sponsors; Refugee 613; Immigrant Women Services Ottawa and the Refugee Hub.

Front page image: CEAR (Toronto, 2018)

Year and place written: 2019, Madrid



The Spanish Refugee Aid Commission (CEAR) is a non-profit organization founded in 1979 and engaged in voluntary, humanitarian, independent and inclusive action. Our aim is to work together with citizens to defend the right to asylum. Our mission is to champion and promote human rights and comprehensive development for asylum applicants, refugees, stateless people and migrants in vulnerable situations or at risk of social exclusion. Our work takes a comprehensive approach based on temporary accommodation; legal, psychological and social assistance; training and employment; and social advocacy and participation.

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List of Acronyms

UNHCR: United Nations High Commissioner for Refugees

BVOR: Blended Visa Office-Referred Program for Refugees

CEAR: Spanish Refugee Aid Commission

GAR: Government-Assisted Refugees Program

ICAP: In-Canada Asylum Program

IRCC: Immigration, Refugees and Citizenship Canada (federal department)

JAS: Joint Assistance Sponsorship Program

NGO: Non-Governmental Organization

OAS: Organization of American States

OYW: One-Year Window Program

PSR: Private Sponsorship of Refugees Program

RHRP: Refugee and Humanitarian Resettlement Program

SGPSP: Shared Government-Private Sponsorship Program

1. Introduction

According to data from the Organization of American States (OAS), in terms of the total proportion of its population Canada is one of the industrialized countries with the greatest annual flow of migrant¹, currently accounting for 21.9% of a population of 35 million². Furthermore, according to data from 2017 it is the ninth biggest receiver of asylum applications.³ Its long track record in public and private resettlement policies for refugees demonstrate it is a pioneering country in migration and asylum policies.⁴ In today's scenario of unprecedented forced displacement, many governments thus look to this country as an example to follow in matters of migration.

In July 2018, pursuing its goals to defend human rights and the right to asylum, CEAR carried out a research mission in order to learn about the Canadian model, how it manages its asylum system, and to analyse the current situation of asylum applicants and refugees in Canada, paying special attention to matters concerning reception and inclusion. The work was carried out by direct observation in the field and interviews with different key parties in the matter of asylum.

2. Context

Canada's migration policy today is based on the principle of non-discrimination by race, nationality, ethnic origin, colour, religion or gender⁵. This is the so-called multicultural model, which accepts and recognizes diversity in all people who come into its society. With this policy, every few years admission quotas are defined for migrants who will become permanent residents and begin the process of inclusion into Canadian society. Within these quotas, every year the number of people is defined for each migration category, including the one for "Refugees and Protected People". This category is itself broken down into the different possibilities that these people have to become established in Canada as beneficiaries of international protection, depending on whether they apply for asylum in Canada or they are resettled in the country via one of the different sponsored programmes that exist.

The main legal instrument regulating the international protection procedure is the Immigration and Refugee Protection Act⁶, approved in 2002 and amended in 2012, with its corresponding Regulations⁷. This law eliminated the admissibility restrictions on refugees entering that had been in place for decades, based on medical and economic criteria, and served to strengthen the foundations for resettling refugees, particularly those exposed to the greatest dangers⁸. It also introduced the Geneva Convention of 1951 and its New York Protocol of 1967⁹ into Canadian legislation.

¹ Organization of American States (2014): "Canada - Overview of the history of international migration in Canada": <http://www.migracionoea.org/index.php/en/sicremi-en/238-canada-1-si-ntesis-histo-rica-de-la-migracio-n-en-canada-3.html>.

² Statistics Canada (2018): "Census Program": <http://www12.statcan.gc.ca/census-recensement/index-eng.cfm>. Canada has almost 250 different ethnic groups, two official languages (English and French), a hundred heritage languages and many indigenous peoples. This fact highlights the ethnic and religious diversity that exists (Dib, K. (2017)): "Refugee Integration and Canadian Multiculturalism", in Korntheuer, A., Maehler, D. and Pritchard, P. (eds.) (2017): *Structural Context of Refugee Integration in Canada and Germany*, GESIS Series, Vol. 15, p. 100: https://www.gesis.org/fileadmin/upload/forschung/publikationen/gesis_reihen/gesis_schriftenreihe/GS_15_-_Refugee_Integration_in_Canada_and_Germany.pdf.

³ UNHCR (2018): "Global Trends: Forced displacement in 2017", p. 42: <http://www.unhcr.org/globaltrends2017/>.

⁴ The experience gained in refugee resettlement programmes funded by private sponsors (from Canadian civil society) has led it together with the UNHCR to launch the Global Refugee Sponsorship Initiative (www.refugeesponsorship.org), with which it intends to export its expertise in the matter around the world. On 16 July 2018, Spain also adhered to it with the commitment to study and look at the possibility of implementing similar community resettlement programmes (Joint statement: http://refugeesponsorship.org/_uploads/5b4ca01e5c883.pdf).

⁵ Organization of American States (2014): "Canada - Overview of the history of international migration in Canada": <http://www.migracionoea.org/index.php/es/sicremi-es/17-sicremi/publicacion-2011/paises-es/75-canada-1-si-ntesis-histo-rica-de-la-migracio-n-en-canada.html>.

⁶ Immigration and Refugee Protection Act: <https://laws-lois.justice.gc.ca/eng/acts/i-2.5/FullText.html>.

⁷ Immigration and Refugee Protection Regulations (SOR/2002-227): <https://laws-lois.justice.gc.ca/eng/regulations/SOR-2002-227/index.html>.

⁸ MURTAZA, R., SHAKYA, Y. and R.M. WILSON (2010): "Pre-migration and Post-migration Determinants of Mental Health of Refugees in Canada", in JEDWAB, J. (Ed.): *Immigrant Mental Health, Canadian Issues*, Summer 2010, p. 45: http://canada.metropolis.net/pdfs/immigrant_mental_health_10aug10.pdf.

⁹ Both ratified on 4 June 1969 (UNHCR (2015): *States parties to the 1951 Convention relating to the Status of Refugee and the 1967 Protocol*: <http://www.unhcr.org/protection/basic/3b73b0d63/states-parties-1951-convention-its-1967-protocol.html>).

The federal government is responsible for policy on migration and asylum, though this is shared by the provincial and territorial governments¹⁰ via annual quotas for reception, which means they are obliged to play a fundamental role in providing housing and integration services for the migrant population as a whole. The situation in Quebec is an exception, since its government has greater attributes and responsibilities in this regard, by virtue of the Canada-Quebec Accord relating to Immigration and Temporary Admission of Aliens, signed in 1991¹¹. This agreement gives the provincial government of Quebec the possibility of selecting refugees as of the place of origin to comply with the reception quota assigned to the province¹², to define the criteria for private sponsorship within the province, and to take charge of designing and implementing the accommodation and inclusion services for these people. The greater powers enjoyed by the Government of Québec in the matter of reception compared to those of the other provinces have also allowed it to develop a unique regional programme for receiving asylum applicants, as we shall see further on.

It should be noted that Canadian migration and asylum policy has not always been as wide-ranging as it is now; rather, it is the product of progressive evolution and adaptation to changes in the nature of migrations to the country, events on the international scene and Canada's own economic needs. In the 40s and 50s, Canadian immigration policy focused on "selecting" migrants, favouring those of British, American and Northwest European origin, though it also opened up the gates to refugees and displaced persons of Polish, Serbian, Croatian and later Hungarian origin¹³.

In the early 1960s, many of the policies giving preferential treatment to certain nationalities began to be abolished and the size of other groups increased significantly. In 1976 the Immigration Law was passed, which would lead to a paradigm shift in the approach to immigration in Canada: this law put the emphasis on the country's economic needs instead of the country of origin or race. Programmes of temporary migration for economic reasons thus grew. At the same time, the door was opened to thousands of people from Central and South America in need of protection, travelling to Canada due to restrictive US and Mexican international protection policies. Shortly after, in 1979 and 1980, when Canada welcomed more than 60,000 people from the war in Indochina, the private sponsorship programme for the resettlement of refugees was set up, for which it received international recognition and the Nansen medal¹⁴.

In the last two decades of the 20th century, a large number of refugees from countries such as Somalia, Lebanon and Iraq were received in Canada via sponsorship programmes. African immigration also gained momentum over the same period, with professionals seeking better economic opportunities mixed with refugees fleeing their countries. By the 90s, the average annual reception of new migrants and refugees came to 220,000¹⁵, a figure that has remained, with a slight increase in recent years, when it has come to 300,000 people a year.

All of these developments have made Canada one of the main host countries in the world for migrants and refugees. Migration is considered to be "essential for Canada's economic development and plays a

¹⁰ Canada is made up of ten provinces (Alberta, British Columbia, Manitoba, New Brunswick, Newfoundland and Labrador, Nova Scotia, Ontario, Prince Edward Island, Quebec and Saskatchewan) and three territories (Northwest Territories, Nunavut and Yukon).

¹¹ It can be seen here: <https://www.canada.ca/en/immigration-refugees-citizenship/corporate/mandate/policies-operational-instructions-agreements/agreements/federal-provincial-territorial/quebec/canada-quebec-accord-relating-immigration-temporary-admission-aliens.html>.

¹² The Government of Quebec, in addition to agreeing with the federal government on the quota of people it is allotted, also agrees on where they come from and establishes other selection criteria related to personal qualities and linguistic knowledge, family or personal ties with residents in Quebec, and medium-term integration capacities (Government of Quebec (2018): "Sharing of responsibilities between the Federal and Quebec governments": <http://www.immigration-quebec.gouv.qc.ca/fr/immigrer-installer/immigration-humanitaire/immigration-humanitaire/partage-competences.html>).

¹³ Organization of American States (2014): "Canada - Overview of the history of international migration in Canada": <http://www.migracionoea.org/index.php/es/sicremi-es/17-sicremi/publicacion-2011/paises-es/75-canada-1-si-ntesis-histo-rica-de-la-migracio-n-en-canada.html>.

¹⁴ PALMER, J.R.B. and ZAPATA-BARRERO, R. (2017): "Reception and inclusion of refugees: Insights for Catalonia from Canada, Portugal and Sweden", GRITIM-UPF Policy Series, N. 6, p. 15 <https://zenodo.org/record/835003#.WzsfPPZuJY>.

¹⁵ Organization of American States (2014): "Canada - Overview of the history of international migration in Canada": <http://www.migracionoea.org/index.php/es/sicremi-es/17-sicremi/publicacion-2011/paises-es/75-canada-1-si-ntesis-histo-rica-de-la-migracio-n-en-canada.html>.

significant role in shaping Canadian society”¹⁶. This is largely explained by the situation of depopulation being experienced in some parts of the country and the consequent need for labour, since until now there have been no spontaneous arrivals of migrants.

This situation and approach have led to a shift in the main emphasis in Canadian migration policy towards pre-selecting and controlling migrants before they arrive in the country, as well as towards integrating them as a way of strengthening the economy and society. That is why there is a solid strategy that provides for permanent residence of a large number of migrants and refugees every year, who are pre-selected in the place of origin following a series of prerequisites.

Canada’s particular admissions policy seeks to balance “Canada’s commitment to offering protection to displaced and persecuted people [...]” with “the objective of attracting top skills and talent from around the world to help grow innovative businesses”¹⁷. In fact, in 2014 the province of Ontario’s Ministry of Finance considered that between half and all of the growth of the country’s economy is the result of work, income, taxes and investments made by migrants and refugees¹⁸.

However, since the summer of 2017 Canada has undergone a change in the trend of migratory flows, which has destabilized its model due to an exponential rise in the number of migrants arriving across the border from the United States. This situation, which the country was not used to, coincides with Donald Trump becoming President of the United States and the tightening of the neighbouring country’s migration policy. The forecast cessation of the temporary protection granted by the United States to nationals of Haiti after the 2010 earthquake, the increasing anti-immigration rhetoric from political leaders, promoted by some media, and their emphasis on closing and externalizing borders, have led thousands of people to cross the United States’ border with Canada in search of protection¹⁹. However, according to estimates from the Canadian Government, around 90% of these people do not meet the necessary requirements to be considered refugees²⁰.

This new situation in Canada throws up significant challenges for the Canadian international protection system, which is suffering from a series of dysfunctions that were not common, since the number of applications pending a decision is constantly on the rise while the provincial systems are also facing heavy pressure, confronted with the need to expand their reception facilities and prepare new ones in response to the situation. In addition to all of this, although in Canada there are no political parties openly opposed to immigration, the increase in irregular arrivals across the border has been used by some parties in a populist fashion, stirring up some racist and xenophobic feelings among the most conservative sectors of the populace and endangering the well-renowned warmth of Canadian society in welcoming immigrants²¹.

In 2016, “The biggest increase in permanent migration—both in absolute numbers and in proportional terms—was in the refugee and protected persons category, which saw over 58,900 overall admissions in 2016, up

¹⁶ Idem.

¹⁷ Organization of American States (2017), OAS: “*International migration in the Americas. Fourth Report of the Continuous Reporting System on International Migration in the Americas*” (SICREMI 2017): <http://www.refworld.org/es/docid/5a6b8eb37.html>.

¹⁸ WILKINSON, L. (2017): “*The Labour Market Experiences of Refugees in Canada*”, in Korntheuer, A., Maehler, D. and Pritchard, P. (eds.) (2017): *Structural Context of Refugee Integration in Canada and Germany*, GESIS Series, Vol. 15, page 93: https://www.gesis.org/fileadmin/upload/forschung/publikationen/gesis_reihen/gesis_schriftenreihe/GS_15_-_Refugee_Integration_in_Canada_and_Germany.pdf.

¹⁹ From January to September 2019, the number of people intercepted by the Canadian authorities crossing the border in search of international protection came to 15,726 (Government of Canada (2018): “Asylum Claims”: <https://www.canada.ca/en/immigration-refugees-citizenship/services/refugees/asylum-claims.html>).

²⁰ KASSAM, A. (2018): “Canada: Trudeau government cools on asylum seekers as numbers from US rise”, *The Guardian*, 8 May 2018: <https://www.theguardian.com/world/2018/may/08/canada-trudeau-government-migrant-asylum-seekers>.

²¹ OMIDVAR, R. (2018): “Asylum seekers are not causing a crisis for Canada”, *The Star*, 1 May 2018: <https://www.thestar.com/opinion/contributors/2018/05/01/asylum-seekers-are-not-causing-a-crisis-for-canada.html>.

from 32,100 in 2015, and 24,100 in 2014”²². This happened in the context of the so-called Syrian refugee crisis, which led to the recently inaugurated Government of Justin Trudeau launching the “Syrian Refugee Operation” in October 2015. The percentage of people included in the “Refugee and Protected Persons” category compared to the total number of migrants established every year in Canada to be integrated into Canadian society came to 13% in 2017²³, but it is expected to fall in the coming years because the forecasts for 2018, 2019 and 2020 see a 5% reduction in the total number of foreign nationals who are expected to be granted a permanent resident permit²⁴.

Among the quotas for 2018, the number of 18,000 refugee resettlements planned through the private sponsorship programme particularly stands out, since it is four times the average number carried out in the decade from 2005 to 2015²⁵.

Table 1. Number of people forecast in the “Refugees & Protected Persons” immigration category in Canada from 2018 to 2020

Year / Category	2018	2019	2020
Protected persons*	16,000	16,500	17,000
GAR (public programme)	7,500	8,500	10,000
BVOR (blended programme)	1,500	1,650	1,700
SPR (Privately sponsored programme)	18,000	19,000	20,000
Total	43,000	45,650	48,700

Source: Government of Canada (2017): “Notice – Supplementary Information 2018-2020 Immigration Levels Plan”.

* Persons who are granted protection (either as refugees in accordance with the Geneva Convention of 1951 or as persons in need of protection in accordance with the Immigration and Refugee Protection Act) after having applied for asylum in Canada and the relatives of all of them who are in a similar situation abroad, who are granted permanent resident permits as dependent relatives of protected persons in Canada.

GAR (Government-Assisted Refugees), BVOR (Blended Visa Office-Referred Refugees) y PSR (Privately Sponsored Refugees) are the abbreviations for the three subtypes of resettlement programmes for refugees in Canada.

As can be seen in figure 1, asylum applications in Canada rose gradually as of 2013, then saw a considerable increase from 2016 to 2017. Nevertheless, it can also be seen that the rise in the number of decisions has not happened at the same rate. The exponential growth in asylum applications since 2016 has led to saturation of the selection decisions system, rendering the allotted human and material resources insufficient. This is illustrated by the slowdown in the selection decisions procedure and the high numbers of cases pending a decision that have accumulated over the last two years: 17,537 in 2016 and 43,250 in 2017²⁶.

It should also be noted that at the end of the first half of 2018, the number of cases pending came to 55,567²⁷. For this reason, resettlements by private collective sponsorship and mixed sponsorship were suspended in the province

²² Organization of American States (2017), OAS: “International migration in the Americas. Fourth Report of the Continuous Reporting System on International Migration in the Americas” (SICREMI 2017), p. 88: <http://www.oas.org/documents/eng/press/SICREMI-2017-english-web-FINAL.pdf>

²³ Government of Canada (2016): “Notice – Supplementary Information 2017 Immigration Levels Plan”: <https://www.canada.ca/en/immigration-refugees-citizenship/news/notices/notice-supplementary-information-2017-immigration-levels-plan.html>.

²⁴ Government of Canada (2017): “Notice – Supplementary Information 2018-2020 Immigration Levels Plan”: <https://www.canada.ca/en/immigration-refugees-citizenship/news/notices/supplementary-immigration-levels-2018.html>.

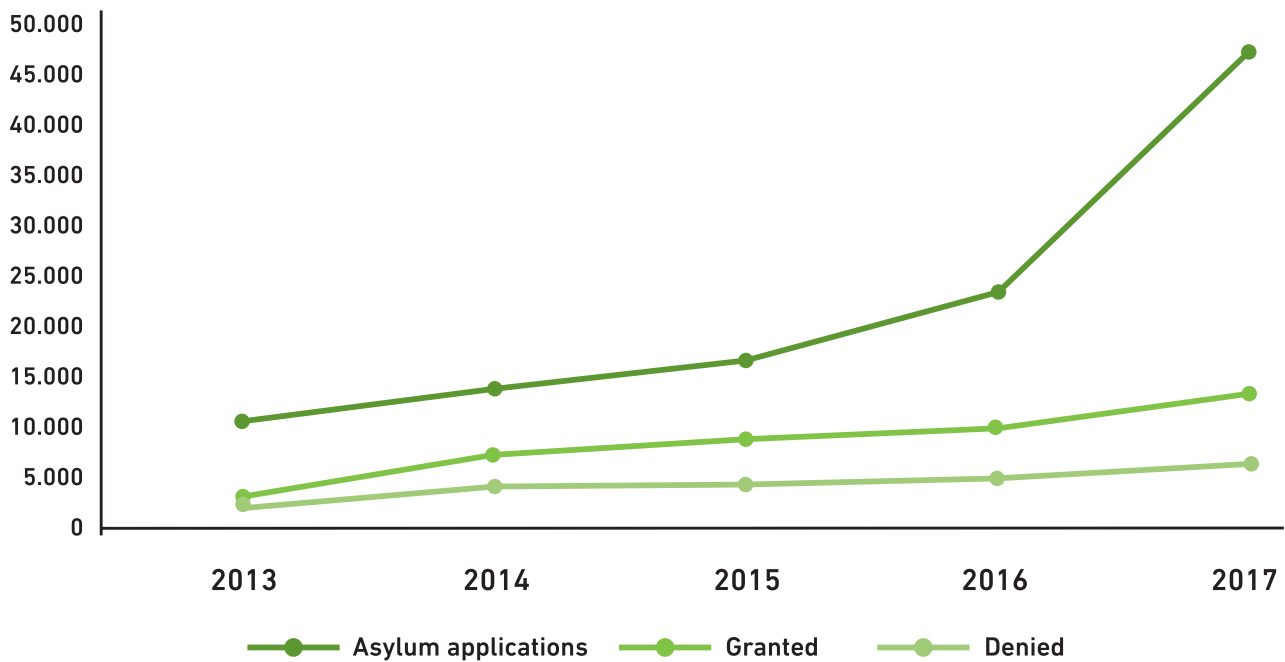
²⁵ Government of Canada (2018): “Canada welcomes more privately sponsored refugees in 2018”: <https://www.canada.ca/en/immigration-refugees-citizenship/corporate/mandate/policies-operational-instructions-agreements/timely-protection-privately-sponsored-refugees.html>.

²⁶ Immigration and Refugee Board of Canada (2018): “Refugee Claims Statistics”: <https://irb-cisr.gc.ca/en/statistics/protection/Pages/index.aspx>.

²⁷ Idem.

of Quebec between the end of January 2017 and mid-August 2018²⁸. When the collective private sponsorship programme resumed, it was accompanied by a quota establishing a maximum of 750 applications for this type of sponsorship between mid-September 2018 and February 2019²⁹. At the beginning of 2018, Canada set itself the goal of reducing the number of applications pending a decision before the end of 2019 and reducing the decision time to an average of 12 months for those submitted after 2020³⁰.

Graph 1. Evolution in the number of asylum applications, acceptance and rejection of international protection in Canada from 2013 to 2017



Source: Immigration and Refugee Board of Canada (2018): "Refugee Claims Statistics".

Over 2017, Canada recorded 50,445 asylum applications³¹ and examined 47,425³². Out of the total number of applications examined, 13,553 (28.8%) were given a positive decision and 6,223 (13.12%) were rejected; the rest were still pending a decision³³. Between January and September of 2018, the number of registered asylum applications came to 40,645, with approximately half in the province of Quebec (51.6%) and more than a third in the province of Ontario (39.5%)³⁴.

The percentage of applications for international protection lodged by women in 2017 was 44.7%, compared to 43.7% in 2016³⁵. Between January and September 2018, although the proportion of women was still less than half of the total it saw a rise of 1.1% over the previous year, reaching 45.6%³⁶.

²⁸ Canadian Council for Refugees (2017): "Private sponsorship of refugees in 2017": <http://ccrweb.ca/en/private-sponsorship-refugees-2017>. See points 3.1.2. and 3.1.3. of this report: "Private programme: Private Sponsorship of Refugees Program (PSR)" and "Blended Program: Blended Visa Office-Referral Refugees".

²⁹ Gouvernement du Québec (2018): "Program for Refugees Abroad - Collective sponsorship": <http://www.immigration-quebec.gouv.qc.ca/en/immigrate-settle/humanitarian-immigration/collective-sponsorship/index.html>.

³⁰ Government of Canada (2018): "Canada welcomes more privately sponsored refugees in 2018": <https://www.canada.ca/en/immigration-refugees-citizenship/corporate/mandate/policies-operational-instructions-agreements/timely-protection-privately-sponsored-refugees.html>.

³¹ Government of Canada (2018): "2017 Asylum Claims": <https://www.canada.ca/en/immigration-refugees-citizenship/services/refugees/asylum-claims-2017.html>.

³² Immigration and Refugee Board of Canada (2018): "Refugee Claims Statistics": <https://irb-cisr.gc.ca/en/statistics/protection/Pages/index.aspx>.

³³ Idem.

³⁴ Government of Canada (2018): "Asylum Claims": <https://www.canada.ca/en/immigration-refugees-citizenship/services/refugees/asylum-claims.html>.

³⁵ Government of Canada (2018): "Asylum Claimants - Monthly IRCC Updates": Canada - Asylum Claimants by Province/Territory of Claim, Gender and Claim Month (IRCC_M_AC_0003_E): <https://open.canada.ca/data/dataset/b6cbcf4d-f763-4924-a2fb-8cc4a06e3de4>.

³⁶ Idem.

As for nationalities, Haitian and Nigerian were the main ones among international protection applicants in 2017. The former saw an unprecedented surge that year followed by a sharp drop in 2018, whereas the number of requests from Nigerian nationals has continued to grow considerably since 2016. Among the nationalities of asylum applicants in the first three quarters of 2018, regardless of gender the Nigerians stand out with 7,270 applications³⁷, well above the second, India, with 2,540 applications³⁸.

Table 2. Top ten countries of asylum seekers in Canada
(Comparative table based on the number of asylum applications between 2016 and 2018)

Asylum seeker's country of origin	Total asylum applications in 2016	Total asylum applications in 2017	Total asylum applications in January-August 2018
Haiti	620	7,785	905
Nigeria	1,495	6,005	7,270
United States*	395	2,550	1,215
Turkey	1,105	2,200	1,160
Pakistan	1,135	1,750	1,260
Mexico	260	1,520	1,645
India	565	1,490	2,540
Syria	955	1,430	465
Colombia	850	1,405	1,585
Venezuela	565	1,245	835

Source: Government of Canada (2018): "Asylum Claimants – Monthly IRCC Updates": Canada – Asylum Claimants by Top 25 Countries of Citizenship (2017 ranking), Province/Territory of Claim and Claim Month (IRCC_M_AC_0007_E).

* People born in the United States with parents of foreign citizenship.

Other nationalities that exceeded a thousand asylum applications in 2017 were: Eritrean with 1,205, Chinese with 1,080, and Burundian with 1,020. Except for China, which experienced a slight fall compared to the previous year, both Eritrean and Burundian nationalities registered a sharp surge in 2016, as well as Yemeni, Egyptian, Iranian and others³⁹.

³⁷ Faced with the increasing number of Nigerian asylum seekers arriving from the United States, improperly using tourist visas granted by the latter country to do so, in May 2018 Canada's Minister of Immigration, Refugees and Citizenship travelled to Lagos (Nigeria) to address the issue with the Nigerian authorities and US visa-issuing officials in the country (WINSOR, M. (2018): "Canada sees influx of Nigerian asylum seekers crossing border from US", *abc NEWS*, 9 May, 2018: <https://abcnews.go.com/International/canada-sees-influx-nigerian-asylum-seekers-crossing-border/story?id=55041584>).

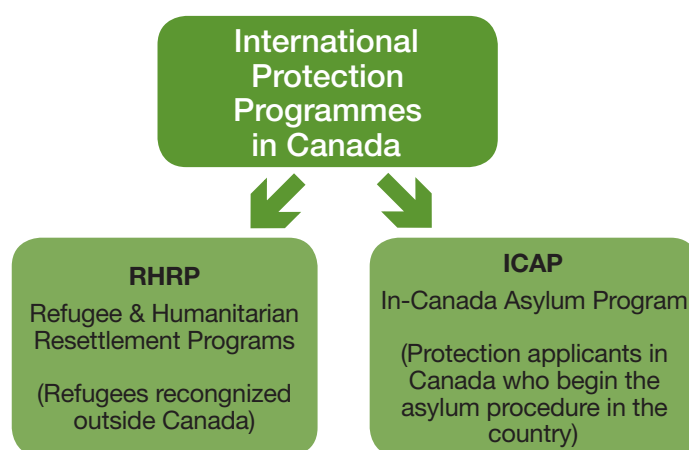
³⁸ Government of Canada (2018): "Asylum Claimants – Monthly IRCC Updates": Canada – Asylum Claimants by Top 25 Countries of Citizenship (2017 ranking), Province/Territory of Claim and Claim Month (IRCC_M_AC_0007_E): <https://open.canada.ca/data/dataset/b6cbcf4d-f763-4924-a2fb-8cc4a06e3de4>.

³⁹ Government of Canada (2018): "Asylum Claimants – Monthly IRCC Updates": Canada – Asylum Claimants by Top 25 Countries of Citizenship (2017 ranking), Province/Territory of Claim and Claim Month (IRCC_M_AC_0007_E): <https://open.canada.ca/data/dataset/b6cbcf4d-f763-4924-a2fb-8cc4a06e3de4>.

3. International protection programmes

Canada has two types of protection programmes: the “Refugee and Humanitarian Resettlement Programs” (RHRP), aimed at refugees with a status previously recognized by UNHCR or a State, who are hosted in Canada, where they arrive with protected status; and the “In-Canada Asylum Program” (ICAP), aimed at people who begin the asylum procedure in Canada at the border or when they are within the country⁴⁰.

Figure 1. International protection programmes in Canada



Source: the author.

Although in recent years approximately half the refugees received annually in Canada have gained access to the country via resettlement and the other half by applying for international protection within the country, the RHRPs are currently the main route to gaining international protection as statutory refugees in Canada⁴¹. This global resettlement programme is the second largest in the world only behind the United States’ one, and refugees from 70 countries have been welcomed into Canada through it⁴².

3.1. RHRP: Refugee and Humanitarian Resettlement Program

Refugees in Canada are resettled via different types of sponsorship or funding, depending on who takes charge of it. There are three types of RHRP: governmental (GAR), private (PSR) and blended (BVIS). All of them, as well as many of the associated assistance programmes, are also designed to provide refugees with the necessary support to settle in Canada for one year as of their arrival in the country, or until they become economically independent⁴³. Once the sponsorship comes to an end, the refugees are eligible for provincial, territorial and municipal social aid, just like any Canadian citizen.

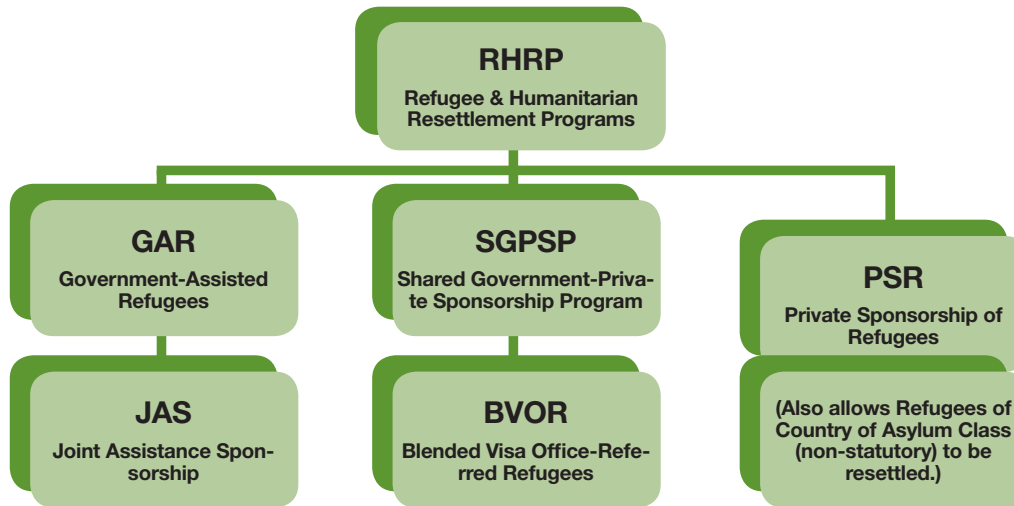
⁴⁰ GARCEA, J. (2017): “Canada’s Refugee Protection System”, in Korntheuer, A., Maehler, D. and Pritchard, P. (eds.) (2017): *Structural Context of Refugee Integration in Canada and Germany*, GESIS Series, Vol. 15, pages 31-35: https://www.gesis.org/fileadmin/upload/forschung/publikationen/gesis_reihen/gesis_schriftenreihe/GS_15_-_Refugee_Integration_in_Canada_and_Germany.pdf

⁴¹ Traditionally, there have been more refugees who have obtained such protection in Canada after applying for asylum in the country than the number of sponsored refugees. However, the numbers of asylum applicants in Canada have fallen in recent years, partly due to the increase in restrictive policies and practices for this category of migrants (CLARK-KAZAK, C. (2017): “Structural Context for Refugee Claimants in Canada”, in Korntheuer, A., Maehler, D. and Pritchard, P. (eds.) (2017): *Structural Context of Refugee Integration in Canada and Germany*, GESIS Series, Vol. 15, p. 127: https://www.gesis.org/fileadmin/upload/forschung/publikationen/gesis_reihen/gesis_schriftenreihe/GS_15_-_Refugee_Integration_in_Canada_and_Germany.pdf).

⁴² KATSIAFICAS, C., MCHUGH, M. and PARK, M. (2018): *Responding to the ECEC needs of children of refugees and asylum seekers in Europe and North America*, Migration Policy Institute, page 23: <https://www.migrationpolicy.org/research/responding-ecec-needs-children-refugees-asylum-seekers-europe-north-america>; UNHCR (2018): *Global Trends: Forced displacement in 2017*, page 30: <https://www.unhcr.org/5b27be547.pdf>.

⁴³ In cases of vulnerability, this period may be extended up to a maximum of three years.

Figure 2. Sponsorship programmes to resettle refugees in Canada



Source: GARCEA, J. and WILKINSON, L. (2017): *The Economic Integration of Refugees in Canada: A Mixed Record?*, Migration Policy Institute.

About 330,000 people were resettled in Canada through the government programme from 1980 to 2015, around 267,000 of them through the private process and 565 through the blended one⁴⁴. Growth in resettlement spaces began to surge in 2015 and 2016, coinciding with a 48% increase in asylum applications. This upward trend continued in 2017 and still continues today, even though the Government aims to reverse it⁴⁵.

Between 2015 and August 2018, the number of resettled refugees came to 111,460. Of these, 46,410 came through the government programme, meaning 14% of the total people resettled by this programme over the previous 35 years. On the other hand, 58,200 came through the private programme; in other words 21.8% of the total number of people resettled by this programme between 1980 and 2015. There were 6,850 who came through the blended process, i.e. 1,212.8% more than over the previous 35 years⁴⁶. The peak came when “Operation Syrian Refugees” was launched by the Canadian Government at the end of 2015, which was then extended throughout 2016. Out of the more than 90,000 refugees who were resettled in Canada between January 2015 and October 2017, around 40,000 (44%) have Syrian citizenship⁴⁷.

The average duration of the resettlement process through any type of programme, from when the refugees are identified up to their arrival in Canada, varies depending on the country where they are located. It can range from one year to over six.

3.1.1. Public programme: Government-Assisted Refugees (GAR)

The “Government Assisted Refugees” programme (GAR), financed with public funds, is sponsored by the federal government of Canada and, in the case of the province of Quebec, by its regional government⁴⁸. In this programme,

⁴⁴ AMSSA (2017): “Integration Outcomes of Resettled Refugees in Canada”, *Migration Matters Info Sheets*, Issue 38: <https://www.amssa.org/resources/migration-matters-info-sheet-series/>.

⁴⁵ KATSIAFICAS, C., MCHUGH, M. and PARK, M. (2018): *Responding to the ECEC needs of children of refugees and asylum seekers in Europe and North America*, Migration Policy Institute, page 23: <https://www.migrationpolicy.org/research/responding-ecec-needs-children-refugees-asylum-seekers-europe-north-america>.

⁴⁶ Government of Canada (2018): “Resettled Refugees – Monthly IRCC Updates”: Canada – Admission of Resettled Refugees by Province/Territory of Intended Destination, Gender, Age Group and Immigration Category (IRCC_Resettled_0007_E): <https://open.canada.ca/data/dataset/4a1b260a-7ac4-4985-80a0-603bfe4aec11>.

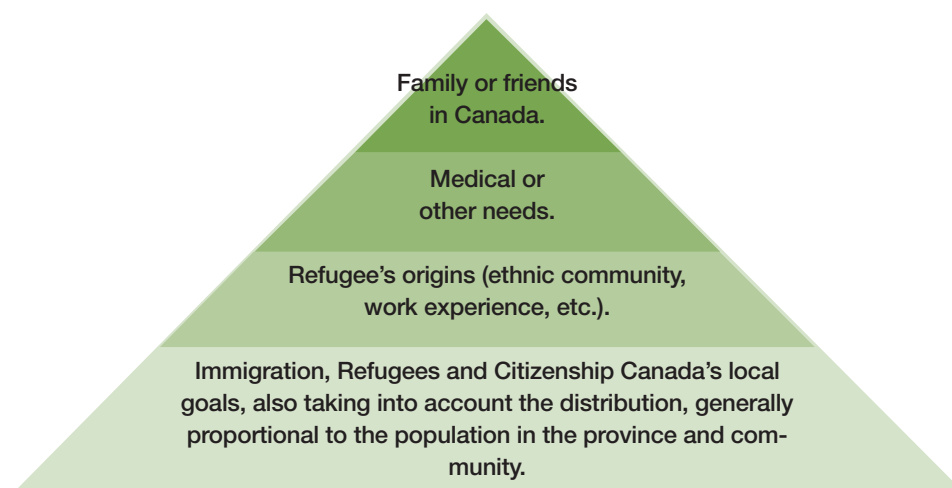
⁴⁷ KATSIAFICAS, C., MCHUGH, M. and PARK, M. (2018): *Responding to the ECEC needs of children of refugees and asylum seekers in Europe and North America*, Migration Policy Institute, page 23: <https://www.migrationpolicy.org/research/responding-ecec-needs-children-refugees-asylum-seekers-europe-north-america>.

⁴⁸ GARCEA, J. (2017): “Canada’s Refugee Protection System”, in Korntheuer, A., Maehler, D. and Pritchard, P. (eds.) (2017): *Structural Context of Refugee Integration in Canada and Germany*, GESIS Series, Vol. 15, pages 31-35: https://www.gesis.org/fileadmin/upload/forschung/publikationen/gesis_reihen/gesis_schriftenreihe/GS_15_-_Refugee_Integration_in_Canada_and_Germany.pdf.

refugees cannot directly request resettlement for themselves. They must be proposed by the United Nations High Commissioner for Refugees (UNHCR) or an organization authorised by the Canadian Government. UNHCR, which acts as a collaborator, is usually the body that identifies refugees eligible for resettlement in Canada. These people are outside their country of origin, usually in refugee camps, and as a prerequisite they should not have the option of integration in the place where they currently are, nor other lasting solutions⁴⁹.

The Resettlement Operations Centre in Ottawa works together with the visa offices of Immigration, Refugees and Citizenship Canada (IRCC) abroad to learn of the past history and individual needs of the refugees who are candidates for the resettlement programme in Canada⁵⁰. After selecting the refugees in collaboration with the local and regional Immigration, Refugees and Citizenship Canada offices, the Resettlement Operations Centre decides on the destination city according to the person's specific needs and based on the goal of achieving a successful inclusion process. Figure 2 shows the factors taken into account in assigning the city, in order of importance.

Figure 3. Factors taken into account in assigning the place for resettlement in the government sponsorship programme



Source: Immigration, Refugees and Citizenship of Canada (2018).

Accordingly, refugees under this programme may be assigned to 23 cities in the country⁵¹, except for the province of Quebec, which manages its own parallel programme of publicly sponsored resettlement⁵². Once the city is assigned, the Resettlement Operations Centre informs the visa office and the preparations for the journey begin, usually handled by the International Organization for Migration (IOM). The Government of Canada then provides them with a loan, managed by the IOM, to pay for the journey to the country. The loan must be reimbursed by the refugees within three to eight years (depending on the amount) as of the first year of arrival in Canada⁵³.

⁴⁹ Government of Canada (2017): "How Canada's refugee system works": <https://www.canada.ca/en/immigration-refugees-citizenship/services/refugees/canada-role.html>.

⁵⁰ Government of Canada (2017): "The Matching Process": <https://www.canada.ca/en/immigration-refugees-citizenship/services/refugees/canada-role/matching-process.html>.

⁵¹ Although they are assigned a specific place, after arriving in Canada the refugees can move freely throughout the country and settle elsewhere if they wish.

⁵² The start of the procedure is the same: the federal government is responsible for selecting and admitting refugees into Canada; once admitted to the country, in order to be resettled in the province of Quebec the refugees must go through a selection process that assesses the person's personal and family conditions and the possibilities for employability and inclusion in the province's society (Government of Québec (2016): "Sharing of responsibilities between the Federal and Québec governments": <http://www.immigration-quebec.gouv.qc.ca/en/immigrate-settle/humanitarian-immigration/humanitarian-immigration/sharing-responsibilities.html#quebec>).

⁵³ Since 2018, interest has not been charged.

Before travelling, they have to undergo medical tests and security and criminal screening⁵⁴. The final details of the journey are finally shared by the visa office with the Resettlement Operations Center, which in turn shares them with the local offices of Immigration, Refugees and Citizenship Canada, the ports of entry and the relevant service provider organizations in order to organize the refugee's arrival and reception⁵⁵.

The provinces that receive the most refugees in this programme are Ontario, followed by Quebec (via its own programme) and Alberta. Between January 2015 and August 2018, a total of 18,535 refugees were resettled in Ontario through this programme; followed by 6,525 in Quebec and 6,240 in Alberta⁵⁶.

Within this programme, there is a subtype of the programme called "Joint Assistance Sponsorship" (JAS), designed to facilitate collaborative assistance between the federal government and the Sponsorship Agreement Holder organizations, for people under the government programme with special needs⁵⁷. This involves the Government associating with organizations⁵⁸ to resettle refugees in especially vulnerable situations, such as those suffering from trauma due to violence or torture, functional diversity or the effects of systematic discrimination, as well as families with many members and elderly persons⁵⁹. In the province of Quebec, on the other hand, Joint Assistance Sponsorship is limited exclusively to people with a physical disability or in need of medical treatment, people who are victims of torture or other traumas, and women at risk⁶⁰. Refugees selected for the Joint Assistance Program can benefit from mixed support for a period of up to 24 months, since it is understood that, given their situation of vulnerability, they will have to go through a protracted, complex inclusion process. In exceptional cases, the private sponsor's support can be extended up to 36 months⁶¹. There are no public data specifying the exact number of cases included in the Joint Assistance Program per year, but according to Immigration, Refugees and Citizenship Canada, the figures are insignificant when compared to the total number of refugees resettled.

3.1.2. Private programme: Private Sponsorship of Refugees (PSR)

Another resettlement programme is "Private Sponsorship of Refugees" (PSR). In this case, the funds needed in order to receive refugees come from private parties, who have to take responsibility for all the expenses associated with the journey, the accommodation in rented housing, and the inclusion process for these people for one year or until they become economically independent. A fundamental point is that this programme works following a principle of "additionality", since it does not intend to replace the responsibilities corresponding to the Government, but rather to help Canada to be able to receive a greater number of people in need of protection⁶². Furthermore, it allows the sponsors to propose and select the refugees to be resettled.

Unlike the other resettlement programmes, this programme can resettle not only people who are defined as statutory

⁵⁴ If a disease is diagnosed that could pose a danger to public safety, the person receives treatment until there is medical evidence that there is no danger to the country and they are fit to travel. In any case, medical reasons are not used as a basis to reject the person's admissibility.

⁵⁵ Government of Canada (2017): "The Matching Process": <https://www.canada.ca/en/immigration-refugees-citizenship/services/refugees/canada-role/matching-process.html>.

⁵⁶ Government of Canada (2018): "Resettled Refugees – Monthly IRCC Updates": Canada – Admission of Resettled Refugees by Province/Territory of Intended Destination, Gender, Age Group and Immigration Category (IRCC_Resettled_0007_E): <https://open.canada.ca/data/dataset/4a1b260a-7ac4-4985-80a0-603bfe4aec11>.

⁵⁷ GARCEA, J. and WILKINSON, L. (2017): *The Economic Integration of Refugees in Canada: A Mixed Record?*, Migration Policy Institute, pp. 3-4: <https://www.migrationpolicy.org/research/economic-integration-refugees-canada-mixed-record>.

⁵⁸ In this programme, only the Sponsorship Agreement Holder organizations and their Constituent Groups can participate.

⁵⁹ Government of Canada (2017): "Joint Assistance Program – Sponsor a refugee with special needs": <https://www.canada.ca/en/immigration-refugees-citizenship/services/refugees/help-outside-canada/private-sponsorship-program/joint-assistance-program.html>; UNHCR (2018): "Canada. By the Government of Canada", *Country Chapters – UNHCR Resettlement Handbook*, page 11: <http://www.unhcr.org/protection/resettlement/4a2ccf4c6/unhcr-resettlement-handbook-country-chapters.html>.

⁶⁰ Government of Canada (2017): "Quebec cases": <https://www.canada.ca/en/immigration-refugees-citizenship/corporate/publications-manuals/operational-bulletins-manuals/refugee-protection/quebec-cases.html>.

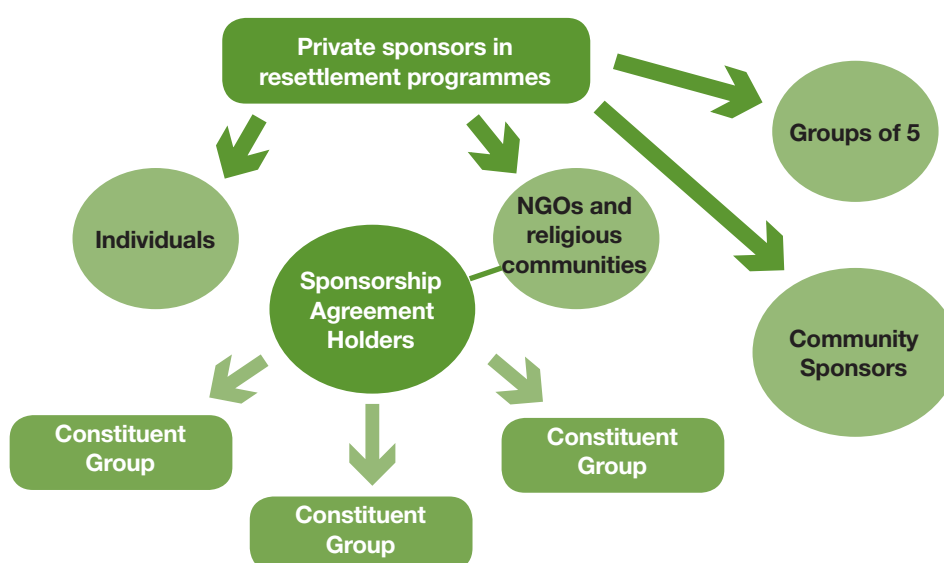
⁶¹ Government of Canada (2017): "Joint Assistance Program – Sponsor a refugee with special needs": <https://www.canada.ca/en/immigration-refugees-citizenship/services/refugees/help-outside-canada/private-sponsorship-program/joint-assistance-program.html>.

⁶² This aspect means that the number of refugees resettled in Canada by private sponsorship is independent of the number to which the Government agrees annually in compliance with its humanitarian obligations. It is thus an "additional" number of refugees to whom Canadian citizens using their own means offer the possibility of resettlement and inclusion in the country.

or “Convention refugees”⁶³, which is the only category that can access the other sponsorship programmes, but also the so-called “Asylum Class refugees”, meaning people in need of protection recognized by the Government of Canada but not necessarily by UNHCR or a third State⁶⁴.

Private sponsors make up a large sector which includes both individuals and private groups, as well as non-governmental organizations (NGOs) and religious communities. NGOs that sustain their work over time as sponsors are officially designated as Sponsorship Agreement Holders. After signing an agreement with the Government, these sponsors have the power to authorize Constituent Groups⁶⁵ to do the sponsorship’s work. Others, such as Community Sponsors⁶⁶ or the Groups of Five⁶⁷, are organizations, corporations and groups without any initial affiliation, but which are formed with the sole purpose of setting up the sponsorship⁶⁸.

Figure 4. Types of private sponsors in the resettlement programmes



Source: the author.

Any type of sponsor has to sign a contract that legally binds them to the refugees they sponsor⁶⁹, and in addition to covering all their economic expenses arising from their resettlement and settlement in the country, they must provide social and emotional support to foster the inclusion process⁷⁰. The sponsorship application must be accompanied by a “settlement plan” in which the sponsors must explain how they are going to support the resettled people and specify how they are going to confirm compliance with the plan. Immigration, Refugees and Citizenship Canada as

⁶³ Recognized as such by a third State or with said protection granted by UNHCR.

⁶⁴ People in this category, such as women at risk, may also be eligible for the Joint Assistance Program. In these cases, the need for protection prevails over skills for inclusion.

⁶⁵ The Constituent Groups are usually ethnic or religious communities that habitually carry out sponsorships. More than 70% of the private sponsors in Canada are religious organizations, communities or groups.

⁶⁶ Organizations, associations or corporations, which can only sponsor statutory refugees

⁶⁷ Groups of five or more Canadian citizens or foreigners with permanent residency in the country, over 18 years of age, who can sponsor one or more refugees to be resettled in their local communities. As Community Sponsors, they can only sponsor statutory refugees.

⁶⁸ GARCEA, J. (2017): “Canada’s Refugee Protection System”, in Korntheuer, A., Maehler, D. and Pritchard, P. (eds.) (2017): *Structural Context of Refugee Integration in Canada and Germany*, GESIS Series, Vol. 15, pp. 31-35: https://www.gesis.org/fileadmin/upload/forschung/publikationen/gesis_reihen/gesis_schriftenreihe/GS_15_-_Refugee_Integration_in_Canada_and_Germany.pdf.

⁶⁹ The forms and agreements to be signed by both the sponsors and the refugees can be seen here: <http://www.rstp.ca/en/processing/the-refugee-sponsorship-application-forms/>.

⁷⁰ Private sponsors are responsible specifically for receiving the refugee at the airport; providing them with financial support to cover their basic expenditure, including accommodation, food, clothing and public transport; providing them with general guidance about Canada and the way of life in the country; helping them to apply for the provincial healthcare card and to find a doctor and other health services; opening a bank account; registering with Social Security; helping them to enroll for language classes and schooling for their children; providing interpreting services when necessary; connecting them with job-seeking services and associated training services; and giving them moral and emotional support while the sponsorship lasts, while the person becomes established in Canada (Catholic Crosscultural Services and Refugee Sponsorship Training Program (2016): “The Rights of Privately Sponsored Refugees”, pages 1-3: <http://www.rstp.ca/wp-content/uploads/2016/10/RSTP-Rights-of-PSRs-National-Updated-Nov.-4-2016.pdf>). The amount demanded of each sponsor is C\$13,000 a year.

well as the Sponsorship Agreement Holder organisations check on compliance with the settlement plan with periodic monitoring, which may involve visits, interviews with the refugees and/or their sponsors, surveys and mediation in the event of dispute⁷¹.

Between January 2015 and August 2018, the provinces where most refugees were resettled via this programme were the same as via the governmental programme: Ontario (23,790), Quebec (15,210) and Alberta (8,275)⁷². By the end of 2018 it is hoped there will be 18,000 refugees resettled through this programme around the country, which is four times more than the average reached in the decade from 2005 to 2015⁷³.

Some NGOs with a broad social and humanitarian track record in Canada, such as COSTI⁷⁴ and the Catholic Crosscultural Services⁷⁵, in Ontario, and the *Table de Concertation des Organismes au Service des Personnes Réfugiées et Immigrantes*⁷⁶, in Quebec, give training courses to prepare and help private sponsors, addressing the legal process, the responsibilities involved in sponsorship, the preparation and provision of resources for it and handling expectations, an essential aspect to be borne in mind by both parties within this resettlement programme. Furthermore, there is a state-wide programme known as the “Refugees Sponsorship Support Program”, which brings together experts in resettlement sponsorship programmes, lawyers, law students and community organisations that give direct support to Canadians who intend to sponsor refugees. All of these training services are subsidised by the federal government.

3.1.3. Blended programme: Blended Visa Office-Referred Refugees (BVOR)

The third type of resettlement programme is the “Shared Government-Private Sponsorship Program” (SGPSP), which is implemented in the “Blended Visa Office-Referred Program” (BVOR). This programme consists of putting private sponsors into contact with refugees identified by the UNHCR and gathered in a database of Immigration, Refugees and Citizenship Canada (which only this organization and the Sponsorship Agreement Holder organizations have access to)⁷⁷. Immigration, Refugees and Citizenship Canada is the organization that proposes the candidates for resettlement through the blended programme, but it is the associated private sponsors who ultimately decide which refugees they want to sponsor. If within 14 days the private sponsors associated with this programme do not show interest in the refugee proposed for resettlement, the candidate goes on to become part of the governmental programme and the Government assumes responsibility for their resettlement.

The resettlement and inclusion process is financed through this programme via public-private means: the Government of Canada is responsible for financing the refugee’s journey to Canada and the first six months of their stay in the country after arrival, whereas the private sponsor is responsible for financing the following six months in rented accommodation, in addition to providing social and emotional support for the entire year, to help them settle.

From January 2015 to August 2018, 6,850 refugees were resettled in Canada through this programme; more than two thirds of them in the provinces of Ontario (3,680) and British Columbia (1,000)⁷⁸.

⁷¹ Catholic Crosscultural Services (2018): “Monitoring”, *Refugee Sponsorship Training Program*: <http://www.rstp.ca/en/sponsorship-responsibilities/monitoring/>.

⁷² Government of Canada (2018): “Resettled Refugees – Monthly IRCC Updates”: Canada – Admission of Resettled Refugees by Province/Territory of Intended Destination, Gender, Age Group and Immigration Category (IRCC_Resettled_0007_E): <https://open.canada.ca/data/dataset/4a1b260a-7ac4-4985-80a0-603bfe4aec11>.

⁷³ Government of Canada (2018): “Canada welcomes more privately sponsored refugees in 2018”: <https://www.canada.ca/en/immigration-refugees-citizenship/corporate/mandate/policies-operational-instructions-agreements/timely-protection-privately-sponsored-refugees.html>.

⁷⁴ COSTI: <http://www.costi.org/>.

⁷⁵ Catholic Crosscultural Services: <http://cathcrosscultural.org/>.

⁷⁶ Table de Concertation des Organismes au Service des Personnes Réfugiées et Immigrantes: <http://tcri.qc.ca/>.

⁷⁷ In this programme, only the Sponsorship Agreement Holders, their Constituent Groups and Community Sponsors can take part.

⁷⁸ Government of Canada (2018): “Resettled Refugees – Monthly IRCC Updates”: Canada – Admission of Resettled Refugees by Province/Territory of Intended Destination, Gender, Age Group and Immigration Category (IRCC_Resettled_0007_E): <https://open.canada.ca/data/dataset/4a1b260a-7ac4-4985-80a0-603bfe4aec11>.

3.1.4. A special mention about the resettlement of Syrian refugees

Confronted by the huge displacement of Syrian people in search of international protection, Canada is one of the countries that has settled most refugees of that nationality within its borders. In the autumn of 2015, the Canadian Government agreed to resettle 25,000 Syrians through the government programme in a special operation to support refugees of Syrian origin (“Operation Syrian Refugees”), with no detriment to the already established annual quotas for the reception of migrants. The resettlement of this significant amount of people was completed by the end of 2016, though it should be noted that, together with the private and blended sponsorship programmes, the figure had already been exceeded in February 2016⁷⁹ (Table 3 illustrates this fact).

Table 3. No. of Syrian refugees resettled in Canada between November 2015 and February 2016, by type of programme

Type of resettlement programme	Number of refugees
GAR (government programme)	14,994
PSR (private programme)	8,954
BVOR (blended programme)	2,224
All programmes	26,172

Source: Government of Canada (2017): “Canada’s Syrian commitments”.

One year later, towards the end of January 2017, over 40,000 Syrian refugees had resettled in Canada⁸⁰. According to the Special Coordinator for the resettlement of Syrian refugees in Canada, Deborah Tunis, the programme received massive public support, partly due to the fact that medical and security screenings were carried out before their arrival in Canada and due to a significant awareness-raising campaign launched by Immigration, Refugees and Citizenship Canada to explain the operation⁸¹. Nevertheless, despite the data and the drive from the Government behind the public resettlement programme during the aforementioned period, the number of people resettled through the public programme saw a considerable drop over 2017, returning to levels prior to 2016⁸². Even so, from November 2015 to April 2018 the number of Syrian refugees resettled in Canada amounted to 53,620, of whom 26,045 went through the government programme, 22,770 through the private programme and 4,805 through the blended programme⁸³. As is the case with other nationalities and in all the resettlement programmes, the percentage of women is approximately 48%⁸⁴.

In the context of the “Syrian Refugee Operation”, refugees of that nationality sponsored by the Government had the privilege of being exempt from reimbursing the loan for the journey provided by the Canadian Government to reach the country⁸⁵. These, like the other refugees resettled in Canada via any sponsorship programme, arrived in the country with a permanent resident permit.

⁷⁹ Government of Canada (2017): “Canada’s Syrian commitments”: <https://www.canada.ca/en/immigration-refugees-citizenship/services/refugees/welcome-syrian-refugees/canada-commitment.html>.

⁸⁰ Government of Canada (2017): “#WelcomeRefugees: Canada resettled Syrians refugees”: <https://www.canada.ca/en/immigration-refugees-citizenship/services/refugees/welcome-syrian-refugees.html>.

⁸¹ PALMER, J.R.B. and ZAPATA-BARRERO, R. (2017): *Reception and inclusion of refugees. Insights for Catalonia from Canada, Portugal and Sweden*, GRITIM-UPF Policy Series, N. 6, pages 15-16: <https://zenodo.org/record/835003#.WzsfPPZuJlY>.

⁸² Amnesty International (2016): *Amnesty International Report 2017/18: The State of the World’s Human Rights*, P. 117: <https://www.amnesty.org/es/documents/pol10/6700/2018/en/>.

⁸³ Government of Canada (2018): “Syrian Refugees – Monthly IRCC Updates”: Canada, Admission of Syrian Refugees by Province/Territory of Intended Destination, Gender, Age Group and Immigration Category (IRCC_M_SRadmiss_0001_E): <https://open.canada.ca/data/dataset/01c85d28-2a81-4295-9c06-4af792a7c209>.

⁸⁴ Government of Canada (2018): “Syrian Refugees – Monthly IRCC Updates”: Canada, Admission of Syrian Refugees by Province/Territory of Intended Destination, Gender, Age Group and Immigration Category (IRCC_M_SRadmiss_0001_E): <https://open.canada.ca/data/dataset/01c85d28-2a81-4295-9c06-4af792a7c209>.

⁸⁵ ROSE, M. (2016): “Affordable housing for refugees is a major challenge”, *Policy Options*, 20 May 2016: <http://policyoptions.irpp.org/magazines/may-2016/affordable-housing-for-refugees-is-a-major-challenge/>.

3.2. ICAP: In-Canada Asylum Program

In addition to the resettlement programmes, to get international protection in Canada there is the possibility of applying for asylum after a spontaneous arrival in the country, through the “In-Canada Asylum Program” (ICAP). The wish to apply for asylum can be made within the country or at the border, as well as preparing the application⁸⁶. However, Canadian policy is very strict with regard to irregular entries, particularly at the border. Through its website and YouTube channel, Immigration, Refugees and Citizenship Canada emphasizes the need to enter the country in a regularized manner and with sufficient reasons to be admitted as an asylum seeker, if the person does not want to face detention for identification purposes and, eventually, for expulsion⁸⁷.

The main decision-making bodies for asylum applications are two divisions of the Immigration and Refugee Board⁸⁸: the Refugee Protection Division, responsible for examining the application and making a preliminary decision about it; and the Refugee Appeal Division, responsible for dealing with the appeals that asylum seekers may file if confronted with a preliminary negative decision on protection. As a last resort, appeals can be made against decisions to the Federal Court for a review of the application of the administrative process and the law.

In 2017, there were 50,445 asylum applications registered in Canada: 24,785 in the province of Quebec, 20,180 in the province of Ontario and the remainder in the other provinces and territories⁸⁹. Out of the total, 47,425 were sent to the Protection Division to be examined, though fewer than half were given a decision that year, 63% of which were positive⁹⁰.

3.2.1. The international protection procedure in Canada⁹¹

As mentioned above, there is the possibility of applying for asylum at border entry points in Canada and within Canadian territory: via the Canada Border Services Agency or the Immigration, Refugees and Citizenship Canada offices⁹². Upon registration, if the person does not have valid documentation to enter Canada, they receive a conditional removal (expulsion) order, which becomes enforceable in the event that the person is determined to be ineligible to apply for asylum in Canada or when their request for protection, after being examined, is rejected via the last possible appeal⁹³.

Both the Canada Border Services Agency and the Immigration, Refugees and Citizenship Canada offices are responsible for determining people’s eligibility as asylum applicants. If the decision is favourable, they are responsible for referring the asylum application to the Immigration and Refugee Board for it to be examined. In order to consider the eligibility of the person as an asylum applicant, checks must be made as to whether they have made any previous request in the country or if they have already been granted protection in another, and whether they have committed a serious crime. To do so, biometric data (fingerprint and digital photographs)

⁸⁶ Immigration and Refugee Protection Act: Article 99: *Claim for Refugee Protection*: <https://laws-lois.justice.gc.ca/eng/acts/i-2.5/FullText.html>. We are always referring to the only land border in Canada: the border with the United States. Asylum applications made at international airports, with a few exceptions, and sea ports, are considered to be asylum applications within the territory.

⁸⁷ Government of Canada (2018): “Irregular border crossings and asylum in Canada”: <https://www.canada.ca/en/immigration-refugees-citizenship/campaigns/irregular-border-crossings-asylum.html>.

⁸⁸ The Immigration and Refugee Board is an independent administrative court and is not linked to any Government department. It works closely with Immigration, Refugees and Citizenship Canada, and the Canada Border Services Agency.

⁸⁹ Government of Canada (2018): “Asylum Claims”: <https://www.canada.ca/en/immigration-refugees-citizenship/services/refugees/asylum-claims.html>.

⁹⁰ Immigration and Refugee Board of Canada (2018): “Refugee Claims Statistics”: <https://irb-cisr.gc.ca/en/statistics/protection/Pages/index.aspx>.

⁹¹ See Annex I: *The international protection procedure in Canada*.

⁹² Government of Canada (2018): “Irregular border crossings and asylum in Canada”: <https://www.canada.ca/en/immigration-refugees-citizenship/campaigns/irregular-border-crossings-asylum.html>.

⁹³ If the person is determined to be ineligible to apply for asylum in the country, the order is enforceable on the same day for those who come from the Designated Countries of Origin (“safe countries of origin”) and after seven days for others. If the person has been determined to be eligible but after examining their application their case has been decided with a rejection of protection, confirmed by the court of appeal in the event that the person had the right to appeal, then the expulsion order becomes enforceable 15 days after the last notification of rejection (Immigration and Refugee Protection Act (2001): Article 49 (2): In force - claimants: <https://laws-lois.justice.gc.ca/eng/acts/i-2.5/FullText.html>).

are gathered for everybody over 14 years of age. The fingerprints are compared to criminal records databases and records of past deportations and previous asylum applications.

Secondly, medical, security and criminal background screening is carried out for the person, which determines their admissibility into the country, at the ports of entry (airports, sea ports or land ports) by the Canada Border Services Agency, and in the Immigration, Refugee and Citizenship Canada offices when applying for asylum within the country, and always before the asylum interview takes place.

This double examination in collaboration with the Canadian Intelligence Services is part of the scrupulous security measures this country's authorities apply in this procedure. In cases where there are doubts about the background, or proof of identity is incomplete or not considered valid, or else there is a presumed risk to public safety, the applicants are channelled within Immigration, Refugees and Citizenship Canada through the *red stream*: a specific grouping of cases in which a personal interview is required to deal with the evidence and clarify the information to enable their eligibility to be determined. The other cases enter the *green stream* group, where eligibility is determined only by evaluating the documents presented.

If the person is considered not to be eligible to apply for asylum in Canada, as an alternative to a removal (expulsion) order the Canada Border Services Agency can offer a Pre-Removal Risk Assessment. The effect of this is to suspend the expulsion order, but there are criteria that hinder recourse to this option, as we will see further on. Depending on the case, these people may face repatriation or, in the worst case, custodial detention *sine die*, while waiting for expulsion⁹⁴.

Asylum applicants considered eligible at the border receive there and then a written notice of an appointment with a date and time for the hearing at the Immigration and Refugee Board and a document that certifies they are protection applicants. Meanwhile, they have 15 days to send all the forms in the application package to the board⁹⁵. Those applying for asylum within the country must deliver the complete application package there and then. Their eligibility is determined at that same time, as mentioned above, and they are also given the written notification with the date and time for the hearing at the Immigration and Refugee Board and the Refugee Protection Claimant Document (protection applicant certificate).

The deadlines for the hearing vary depending on where the asylum application has been made and whether the applicant's country of origin is considered to be a Designated Country of Origin. Designated Countries of Origin, introduced in 2012 by the Immigration and Refugee Protection Act⁹⁶, are countries that are not usually refugees' countries of origin, but countries that respect human rights and offer protection⁹⁷. Citizens from these countries are given shorter periods in the different steps in the procedure and until 2016 they were not allowed to appeal against a negative decision regarding their asylum application⁹⁸. Table 4 shows the deadlines stipulated by law for holding the hearing at the Immigration and Refugee Board, depending on the aforementioned factors.

⁹⁴ Arrests in detention centres or penitentiaries must be approved by a judge. The sentence is judicially reviewed after the first 24 hours, after 7 days and then monthly. Provided there are no alternative measures to arrest that the judge considers applicable and the matter that has led to it has not been resolved, the person must stay in the centre indefinitely. As regards minors, political advocacy by some NGOs has meant that since November 2017 they can only be detained in "extremely limited circumstances" (Amnesty International (2018): Report 2017/18 *Amnesty International: The situation of Human Rights in the world*, p. 117: <https://www.amnesty.org/es/documents/pol10/6700/2018/en/>).

⁹⁵ Government of Canada (2018): "Apply - Refugee status from inside Canada": <https://www.canada.ca/en/immigration-refugees-citizenship/services/refugees/claim-protection-inside-canada/apply.html>.

⁹⁶ Article 109.1: *Designated Countries of Origin*, via the reform of this law introduced by Bill C-31: *Protecting Canada's Immigration System Act*: https://laws-lois.justice.gc.ca/eng/AnnualStatutes/2012_17/FullText.html.

⁹⁷ Government of Canada (2017): "Designated country of origin policy": <https://www.canada.ca/en/immigration-refugees-citizenship/services/refugees/claim-protection-inside-canada/apply/designated-countries-policy.html>. The list of countries included in this policy can be found via this link.

⁹⁸ In July 2015, the Federal Court of Canada ruled that "denying refugee claimants from Designated Countries of Origin access to the Refugee Appeal Division is a violation of the Canadian Charter of Rights and Freedoms". The following year, the ineligibility of asylum applicants from Designated Countries of Origin to appeal against negative decisions on the asylum application was annulled (CLARK-KAZAK, C. (2017): "Structural Context for Refugee Claimants in Canada", p. 129, in Korntheuer, A., Maehler, D. and Pritchard, P. (eds.) (2017): *Structural Context of Refugee Integration in Canada and Germany*, GESIS Series, Vol. 15, pp. 127-132: https://www.gesis.org/fileadmin/upload/forschung/publikationen/gesis_reihen/gesis_schriftenreihe/GS_15_-_Refugee_Integration_in_Canada_and_Germany.pdf).

Table 4. Deadlines for holding the hearing at the Immigration and Refugee Board depending on the country of origin and the place where the asylum application was made

Designated Country of Origin	Application in office within the country	Application at port of entry (border)
Yes	Maximum 30 days	Maximum 45 days
No	Maximum 60 days	Maximum 60 days

(These periods begin as of the asylum application being sent to the Immigration and Refugee Board)

Source: CLARK-KAZAK, C. (2017): "Structural Context for Refugee Claimants in Canada", p. 129, in Korntheuer, A., Maehler, D. and Pritchard, P. (eds.) (2017): *Structural Context of Refugee Integration in Canada and Germany*, GESIS Series, Vol. 15, pp. 127-132.

However, in early 2018 the Immigration and Refugee Board warned that, given the growing number of asylum applications registered in the country, it could no longer meet these deadlines and it would deal with cases in the order they are received. To address the situation, the Refugee Protection Division has also implemented a streamlining policy that allows it to take a positive decision on asylum applications from nationals from some countries without having to interview them⁹⁹. Even so, the time taken to decide on cases has continued to grow: at the beginning of 2017 it was around 6 months, in December about 10 months and at the beginning of 2018 it was calculated at about 20 months¹⁰⁰. Thus, in the summer of 2018 the Immigration and Refugee Board launched a recruitment and staff training campaign to increase its human resources. By doing so, it considered that it could reduce the number of pending cases in the medium term, but not comply with the deadlines for decisions on the applications stipulated by law¹⁰¹.

Asylum applicants are free to move within the country, which allows them to settle in the province and city they consider most suitable, but the hearing usually takes place in the same province in which the asylum application was made, so that they have to notify the Immigration and Refugee Board, the Canada Border Services Agency, and Immigration, Refugees and Citizenship Canada if they have made a change of residence, and provide the new address¹⁰². The hearing usually lasts half a day and is conducted privately by an officer from the Immigration and Refugee Board in English or French, with free a translation and interpreting service if necessary. Legal representation is not required, though the asylum applicant can opt for it and be responsible for the costs¹⁰³. There is a legal aid programme for people in a precarious economic situation, co-financed by the federal government and the provincial governments, which makes it possible to access subsidized legal aid services in different procedures, including immigration and asylum procedures¹⁰⁴. However, this programme, which the authorities give information about in writing at the time the asylum application is made, depends on the province and is not always guaranteed (in the province or nationwide) due to a shortage of economic resources allocated to it. This situation is of particular concern for NGOs working to support asylum applicants, as it is considered to hinder the procedure's guarantees.

Before the hearing and when it is over, the Refugee Protection Division studies the case, evidence and arguments presented so as to make a decision regarding the application for asylum. There is no period of time stipulated by law for this. At the end of October 2018, the estimated time for Immigration, Refugees and Citizenship Canada to take a decision on these was around 20 months¹⁰⁵. The Protection Division may consider the asylum applicant to

⁹⁹ These countries are: Afghanistan, Burundi, Egypt, Eritrea, Iraq, Syria, Turkey and Yemen. Nevertheless, if the case is not clear, asylum applicants from these countries can be given an appointment for a hearing.

¹⁰⁰ Reuters (2018): "Canada's new wave of asylum seekers": <http://fingfx.thomsonreuters.com/gfx/rngs/TRUMP-EFFECT-CANADA-IMMIGRATION/0100617F2J1/index.html>.

¹⁰¹ Personal interview with the Immigration and Refugee Board's Refugee Protection Division (Toronto, July 18, 2018).

¹⁰² Government of Canada (2018): "Claiming asylum in Canada – what happens?": https://www.canada.ca/en/immigration-refugees-citizenship/news/2017/03/claiming_asylum_incanadawhathappens.html.

¹⁰³ Immigration and Refugee Protection Act (2001): Article 91: *Representation or advice*: <https://laws-lois.justice.gc.ca/eng/acts/i-2.5/FullText.html>. In the event that the person wishes to have a representative or adviser, the law only authorizes for this purpose accredited lawyers and notaries, members or legal assistants from law societies, a consultant appointed by the Minister, or a Law student supervised by any person that meets any of the above profiles. Failure to comply with this rule may result in sanctions (a fine or imprisonment) for the representative.

¹⁰⁴ Government of Canada (2018): "Legal Aid Program": <http://www.justice.gc.ca/eng/fund-fina/gov-gouv/aid-aide.html>.

¹⁰⁵ Check application processing times: <http://www.cic.gc.ca/english/information/times/index.asp#>.

be a refugee, in keeping with the Geneva Convention of 1951, or as a person in need of protection, in accordance with the Immigration and Refugee Protection Act¹⁰⁶; A “person in need of protection” is a person in Canada who would be personally subjected to danger of torture, a risk to their life or “a risk of cruel and unusual treatment or punishment” if they were returned to their home country¹⁰⁷.

The Refugee Protection Division may also issue a negative decision. In this case, the applicant can lodge an appeal with the Refugee Appeal Division, which extends the conditional nature of the expulsion order received at the beginning of the procedure¹⁰⁸. However, not all asylum applicants can opt for it. Those who have gained access to the territory as an exception to the Safe Third Country Agreement¹⁰⁹, those whose application has been declared manifestly unfounded or not credible by the Protection Division, the so-called “designated foreign nationals”¹¹⁰, those who have abandoned the asylum application and those who applied for asylum to the Immigration and Refugee Board before the provisions of the new protection system came into force in 2012, cannot lodge an appeal with the Appeal Division¹¹¹. All of these people can instead request a review of the decision from the Federal Court¹¹². although the cases that go that far are very exceptional.

In 2017, only 2,384 of the 4,905 appeals filed with the Appeal Division were admitted and approximately half of those given a decision confirmed the Protection Division’s negative decision¹¹³. The delay in deciding upon cases is also evident in the Refugee Appeal Division: at the end of the first half of 2018, the number of decisions pending resolutions was 5,289¹¹⁴.

An appeal to the Appeal Division is a written procedure that does not involve a personal interview except in special cases. If this is not required, most appeals should receive a decision within a maximum of 90 days, though there is no limit stipulated by law¹¹⁵. The possibilities of having legal assistance in dealing with the Appeal Division are the same as in the first application. If the appeal procedure is exhausted, the conditional expulsion order received on the first rejection becomes enforceable within 15 days and the Canada Border Services Agency is responsible for repatriating the person subject to the order if they do not leave the country voluntarily. If the person does not leave Canada and does not attend the appointments prior to returning, he or she may be detained in custody in a detention centre to ensure the order is subsequently implemented.

As an alternative solution to expulsion, the person can turn to a Pre-Removal Risk Assessment, which is a tool offered by the Canada Border Services Agency but managed by Immigration, Refugees and Citizenship Canada, which assesses the risks said person may face if they return to their home country¹¹⁶. Approval of a Pre-Removal Risk Assessment guarantees that expulsion is prohibited and in most cases gives rise to protected person status, which enables access to permanent residence. However, in order to use this legal instrument,

¹⁰⁶ Immigration and Refugee Protection Act (2001): Artículo 97: *Person in need of protection*: <https://laws-lois.justice.gc.ca/eng/acts/i-2.5/FullText.html>.

¹⁰⁷ Government of Canada (2018): “Claiming asylum in Canada – what happens?”: https://www.canada.ca/en/immigration-refugees-citizenship/news/2017/03/claiming_asylum_incanadawhathappens.html

¹⁰⁸ If the Appeal Division rejects the protection again, the removal (expulsion) order becomes enforceable 15 days after this division gives notice of the rejection (Immigration and Refugee Protection Act (2001): Article 49 (2)): *In force - claimants*: <https://laws-lois.justice.gc.ca/eng/acts/i-2.5/FullText.html>.

¹⁰⁹ There are four types of exception to applying the Safe Third Country Agreement, which are related to: having family members in Canada, unaccompanied minors, being in possession of documents (such as a valid visa for entry into Canada or a stay permit issued by the country), and the public interest (Government of Canada (2016): “Canada-US Safe Third Country Agreement”: <https://www.canada.ca/en/immigration-refugees-citizenship/corporate/mandate/policies-operational-instructions-agreements/agreements/safe-third-country-agreement.html>).

¹¹⁰ The designation of “designated foreign nationals” is granted by the Minister of Public Safety when (s)he deems it appropriate for groups of people arriving in the country in an irregular administrative situation who do not prove their identity and are suspected of belonging to criminal smuggling or human trafficking networks (CLEO (2018): Refugee Rights in Ontario, “What is an ‘irregular arrival?’”: <https://refugee.cleo.on.ca/en/what-irregular-arrival>).

¹¹¹ Immigration and Refugee Board of Canada (2017): “Appellant’s Guide”: <https://irb-cisr.gc.ca/en/refugee-appeals/Pages/RefAppGuide.aspx#s2.05>.

¹¹² Government of Canada (2018): “Claiming asylum in Canada – what happens?”: https://www.canada.ca/en/immigration-refugees-citizenship/news/2017/03/claiming_asylum_incanadawhathappens.html

¹¹³ Immigration and Refugee Board of Canada (2018): “Refugee appeals statistics”: <https://www.irb-cisr.gc.ca/en/statistics/appeals/Pages/index.aspx>.

¹¹⁴ Idem.

¹¹⁵ Government of Canada (2016): “Refugee Appeal Division”: <https://www.canada.ca/en/immigration-refugees-citizenship/services/refugees/canada-role/refugee-appeal-division.html>.

¹¹⁶ Government of Canada (2018): “Claiming asylum in Canada – what happens?”: https://www.canada.ca/en/immigration-refugees-citizenship/news/2017/03/claiming_asylum_incanadawhathappens.html.

one year must have passed since the Immigration and Refugee Board's negative decision on protection (three years in the case of asylum seekers from Designated Countries of Origin), unless there is new evidence that was not available for assessment at the time the case was examined. There can be no appeal via the Refugee Appeal Division against a negative decision for protection under the Pre-Removal Risk Assessment, though there can be an appeal through the Federal Court in the event of presumption of irregularities in the procedure or in application of the law¹¹⁷.

Refugees recognized as such after the asylum procedure in Canada, as well as persons with protected status as a result of a Pre-Removal Risk Assessment, can immediately apply for the permanent residence permit in the country¹¹⁸. This permit is the one that marks the difference in rights between the different categories of people of foreign nationality in Canada, and the one that gives access to public settlement services¹¹⁹.

On the other hand, people whose application for asylum has been rejected have the possibility of applying for permanent residency through a special legal alternative similar to what is known in Spain as protection for humanitarian reasons: the petition on *Humanitarian and Compassionate Grounds*, whose approval nevertheless depends on the Minister of Immigration and Citizenship's discretionary criterion¹²⁰. This option is reserved for very exceptional cases where the inclusion of the person in Canada is assessed, whether they have family ties, the best interests for minors involved, and what could happen if they are not granted the permit, without assessing risk factors for the person's life such as persecution in their home country. It is not possible to apply for it until one year after receiving a negative decision on the asylum application from the Protection Division (five years for "designated foreign nationals"), nor during an asylum procedure in progress¹²¹. The period of one year to be able to resort to this path is not applicable when the person has children under the age of 18 who may be affected by their parent or progenitor leaving Canada, or if they can prove that any of the dependents has a serious illness that cannot be treated in the country of origin¹²². In any case, this alternative to leaving the country allows access to permanent residency but does not imply recognition of any type of international protection.

3.2.2. The border with the United States

The border separating Canada from the United States is more than 8,800 kilometres long. All along its length there are border posts on the Canadian side, managed by the Canada Border Services Agency to control entry into the country. The Third Safe Country bilateral agreement with the United States¹²³ applies to these land ports. It stipulates that people who intend to apply for asylum must do so in the first safe country through which they pass, understanding both to be safe countries. Therefore, migrants who try to cross the border from the United States to request asylum in Canada are denied the right to do so except in some exceptional cases: if these people have a relative in Canada (first, second or third degree blood relation), if they are unaccompanied minors; if they have a valid Canadian visa or any temporary stay permit previously issued by this country's authorities, or if they have been convicted of an offence that could carry the death penalty in the United States¹²⁴.

¹¹⁷ Government of Canada (2017): "Pre-removal risk assessment – Refugee claims in Canada": <https://www.canada.ca/en/immigration-refugees-citizenship/services/refugees/claim-protection-inside-canada/after-apply-next-steps/refusal-options/pre-removal-risk-assessment.html>.

¹¹⁸ Provided that the requirements for permanent residence in Canada are not violated, this permit does not need to be renewed.

¹¹⁹ Government of Canada (2018): "Claiming asylum in Canada – what happens?": https://www.canada.ca/en/immigration-refugees-citizenship/news/2017/03/claiming_asylum_incanadawhathappens.html.

¹²⁰ Immigration and Refugee Protection Act (2001): Artículo 25 (1): *Humanitarian and compassionate considerations – request of foreign national*: <https://laws-lois.justice.gc.ca/eng/acts/i-2.5/FullText.html>.

¹²¹ Los/as solicitantes de asilo a la espera de la resolución de su caso pueden optar por abandonarlo para solicitar una Evaluación de Riesgos Previa a la Expulsión o la residencia permanente bajo *Humanitarian and Compassionate Grounds*. Sin embargo, el abandono o la retirada de la solicitud de asilo también priva del acceso a estas vías durante un periodo de un año.

¹²² Government of Canada (2017): "Humanitarian and Compassionate Grounds": <https://www.canada.ca/en/immigration-refugees-citizenship/services/refugees/claim-protection-inside-canada/after-apply-next-steps/refusal-options/humanitarian-compassionate-grounds.html>.

¹²³ *Third Safe Country Agreement*, firmado en el año 2002 y en vigor desde 2004: <https://www.canada.ca/en/immigration-refugees-citizenship/corporate/mandate/policies-operational-instructions-agreements/agreements/safe-third-country-agreement.html>.

¹²⁴ Government of Canada (2018): "Claiming asylum in Canada – what happens?": https://www.canada.ca/en/immigration-refugees-citizenship/news/2017/03/claiming_asylum_incanadawhathappens.html.

This agreement, however, is not applicable to people who cross the border through lands that are between the designated ports of entry, since they are not covered by its jurisdiction. Thus, these people intercepted inside Canada¹²⁵ can apply for asylum in the country without being subject to the Safe Third Country Agreement with the United States¹²⁶. This legal void in applying the agreement has allowed a large number of migrants living in the United States who fear being expelled from the country after Donald Trump became president to gain irregular entry to Canada in search of protection in order to avoid being rejected at the ports of entry by application of the agreement. Thus, between January 2017 and March 2018 more than 25,000 people were intercepted on the Canadian side after having crossed the border irregularly¹²⁷, though a high percentage of them did not meet the necessary requirements to be considered refugees¹²⁸. Between January and September 2018, the number of people intercepted by the Canada Border Services Agency on crossing the border in search of international protection came to 15,726¹²⁹.

It is important to note that the numerous border crossings from the United States to Canada, mainly via the province of Quebec, have saturated the reception systems of Montreal and Toronto, the two main destination cities for those who cross the border in an attempt to request asylum and settle in Canada. This has caused tension between the provincial and federal governments in the face of a lack of sufficient material and human resources to deal with a largely federal responsibility. The Safe Third Country Agreement is currently being questioned; civil society organizations are asking for it to be repealed¹³⁰ but the Government of Canada, which is studying amending it jointly with the US, has not expressed a clear position on the matter¹³¹. The difficulty in dealing with the situation and the growing voices critical of immigration from the United States suggest a high probability that the agreement's jurisdiction will be extended to all sections of the border between the two countries in which it is currently not applicable.

Despite the xenophobic feelings that this situation is stirring up among some Canadian citizens, mainly in the province of Quebec, it should be noted that this is not a border crossing comparable to those on the European continent with a higher volume of traffic. According to the organizations that work with migrants who cross this border, the cases of human smuggling and trafficking in women are practically anecdotal¹³² and the number of unaccompanied minors intercepted is very low; nor are there records of violence used by the authorities. Some civil society organizations have reported some cases of verbal violence or abuse in exercising authority during administrative procedures, however¹³³. The border is easy to cross as it is not marked by any physical obstacle, which also makes it different from other borders in the world such as the southern border of the United States with Mexico, and Mexico with Guatemala¹³⁴, or the increasingly pronounced southern border of Europe¹³⁵. Even so, the exponential increase of people entering Canada from the United States is giving rise to a change in the

¹²⁵ The Canada Border Services Agency and the Royal Canadian Police are the authorities responsible for intercepting irregular migrants. The former is responsible for border security at ports of entry as well as security within Canada; the latter's purpose is to protect border security between official ports of entry into the country.

¹²⁶ Government of Canada (2016): "Canada-U.S. Safe Third Country Agreement": <https://www.canada.ca/en/immigration-refugees-citizenship/corporate/mandate/policies-operational-instructions-agreements/agreements/safe-third-country-agreement.html>.

¹²⁷ PARK, M. (2018): "No free ticket' Canada warns as Nigerian asylum seekers cross from US", CNN, 9 May 2018: <https://edition.cnn.com/2018/05/09/americas/canada-asylum-seekers-nigerians/index.html>.

¹²⁸ Reuters (2018): "Canada rejecting more refugee claims amid border-crossing increase under Trump", *The Guardian*, 23 May 2018: <https://www.theguardian.com/world/2018/may/23/canada-rejecting-more-refugee-claims-amid-border-crossing-influx-under-trump>.

¹²⁹ Government of Canada (2018): "Asylum Claims": <https://www.canada.ca/en/immigration-refugees-citizenship/services/refugees/asylum-claims.html>.

¹³⁰ DOMISE, A. (2018): "The US is no longer a 'safe' country for refugees – and Canada is complicit", *The Guardian*, 19 June 2018: <https://www.theguardian.com/commentisfree/2018/jun/19/canada-safe-third-country-policy-us-no-longer-safe>.

¹³¹ KESTLERS-DAMOIRS, J. (2018): "Asylum seekers may face tougher hurdles to enter Canada", *Al Jazeera News*, 3 May 2018: <https://www.aljazeera.com/news/americas/2018/05/asylum-seekers-face-tougher-hurdles-enter-canada-180503171038691.html>; AIKEN, S. and REHAAG, S. (2018): "It's time to abolish the inhumane Canada-U.S. deal on asylum-seekers", *The Conversation*, 10 May 2018: <https://theconversation.com/its-time-to-abolish-the-inhumane-canada-u-s-deal-on-asylum-seekers-96107>.

¹³² This is a relatively recent phenomenon, the approach to which does not involve any specific protection programmes for victims and so forms part of the political advocacy matters for some NGOs working with migrants.

¹³³ Personal interview with the *Table de Concertation des Organismes au Service des Personnes Réfugiées et Immigrantes* (Montreal, 23 July, 2018).

¹³⁴ See the report by CEAR in 2018, within the framework of the Observatory: *México: destino forzoso para personas refugiadas* (Mexico: obligatory destination for refugees): <http://entierradenadie.org/mexico/>.

¹³⁵ See the report by CEAR in 2017, within the framework of the Observatory: *Refugees and migrants in Spain: The invisible walls at the southern border*: <http://entierradenadie.org/informes/>.

social perception towards migrants and especially towards asylum seekers, who are considered to be people in the process of regularization and therefore lacking rights to permanent residence in the country (because they do not have access to them) until the protection is approved. And as we have seen, this “process” has been lengthening over time until it has currently reached a wait of around two years.

4. The reception system

In Canada, there is no federal reception system providing accommodation and assistance for asylum applicants and refugees; it is the cities and civil society that are responsible for housing people in need of protection. The provision of basic services such as health and education, as well as inclusion programmes are the responsibility of the country’s provinces and territories. The Canadian Government works in close collaboration with the provinces, territories and different organizations called Service Provider Organizations¹³⁶, to provide different types of services that help newcomers establish themselves in the country through settlement programmes; an objective for which it invests 1,200 million Canadian dollars a year. However, the people’s legal status, or more specifically the residence permit they hold, makes a difference in terms of their access to these services and programmes¹³⁷.

4.1. Assistance for settlement

There are several types of settlement support programmes in Canada¹³⁸, though access to them depends on the migrants’ administrative situation. In the case of refugees, it depends on the sponsorship programme via which they have been resettled in the country. In carrying out these settlement support programmes, the federal government shares responsibilities with the provinces, which in turn coordinate the Service Provider Organizations’ initiatives. Many municipalities also play key roles in the planning and “logistical support for such organizations in providing services to refugees [resettled or not] and also in creating warm and welcoming communities”¹³⁹. Due to its particular situation, the province of Quebec has full responsibility for the settlement and integration programmes in the region, unlike the other provinces.

There are three major types of support services for settling migrants in Canada¹⁴⁰: “Resettlement Assistance Programs” specifically designed for refugees resettled through different types of sponsorship; “Settlement and Integration Programs”, available to all newly arrived migrants¹⁴¹; and the classic public services, which include social assistance programmes open to everybody residing in Canada and are totally or partially subsidized, to which resettled refugees have access when the sponsorship period ends, as well as people with refugee status granted in Canada, since they hold a permanent residence permit.

¹³⁶ The Service Provider Organizations are agencies subcontracted by the federal government to provide different types of services related to life and work in Canada for foreigners who have recently arrived in the country. There are about 500 Service Provider Organizations in Canada and hundreds of organizations that depend on the provinces, municipalities or support from the community itself (personal interview with the Canadian Department of Immigration, Refugees and Citizenship Canada (Ottawa, 18 July, 2018)).

¹³⁷ See Annex I: *Public services accessible to refugees and asylum applicants in Canada*.

¹³⁸ Settlement means “establishing oneself” for life in Canada.

¹³⁹ GARCEA, J. (2017): “Canada’s Refugee Protection System”, in Korntheuer, A., Maehler, D. and Pritchard, P. (eds.) (2017): *Structural Context of Refugee Integration in Canada and Germany*, GESIS Series, Vol. 15, p. 34: https://www.gesis.org/fileadmin/upload/forschung/publikationen/gesis_reihen/gesis_schriftenreihe/GS_15_-_Refugee_Integration_in_Canada_and_Germany.pdf.

¹⁴⁰ GARCEA, J. and WILKINSON, L. (2017): *The Economic Integration of Refugees in Canada: A Mixed Record?*, Migration Policy Institute, pp. 6-8: <https://www.migrationpolicy.org/research/economic-integration-refugees-canada-mixed-record>.

¹⁴¹ These include information and guidance programmes in Canada and the local community, and training programmes for employment or support for job searches, among others. They are free and voluntary for permanent residents until they gain Canadian citizenship. In all the provinces, with the exception of Quebec, the federal government is the main fund provider for these and there is periodic monitoring and evaluation. Almost a quarter of the people who take part in these programmes are refugees (GARCEA, J. and WILKINSON, L. (2017): *The Economic Integration of Refugees in Canada: A Mixed Record?*, Migration Policy Institute, p. 8: <https://www.migrationpolicy.org/research/economic-integration-refugees-canada-mixed-record>).

The main programme *par excellence* for refugees resettled in the country is the “**Resettlement Assistance Program**”, financed and administered by Immigration, Refugees and Citizenship Canada¹⁴². Only resettled refugees can access this programme through government sponsorship and blended sponsorship. It covers two aspects: reception and guidance services on the one hand, and monthly financial support on the other, which is received once the refugees find suitable housing to settle permanently¹⁴³. In its basic form, the Resettlement Assistance Program includes 17 hours of specific services to become familiar with life in the country for six weeks, to which another five hours can be added for people in vulnerable situations or with special needs¹⁴⁴. In 2017 there were 37 Service Providers engaged in providing this programme in the country’s largest urban hubs. These organizations are responsible for: picking up refugees at the airport, managing temporary accommodation, helping in the search for a permanent home, helping to set up the home with basic items, offering guidance on life in Canada and advising on how to manage the economic support provided by the federal government well¹⁴⁵. The programme’s purpose can be summed up as boosting the refugees’ self-confidence, giving support in finding and accessing housing that can be considered a home, and attaining economic independence by getting a job. “Client Support Services” complement this programme, lasting between three and six months depending on the refugees’ degree of vulnerability. Through these, support is given for settlement and inclusion in the medium term via guidance and accompaniment, and it is progressively reduced.

Refugees resettled through the government programme, the Joint Assistance Program for highly vulnerable individuals, and the blended programme, as well as some via the private programme, can also benefit from the “Immigrant Loan Program”. This involves a loan for the person’s resettlement journey to Canada and the prior medical examinations, which has to be reimbursed to the Government of Canada within three to eight years (depending on the size of the loan) as of the first year of residence in the country¹⁴⁶. On some occasions, refugees resettled via the Joint Assistance Program for very vulnerable profiles are exempt from paying the loan.

As one can see, refugees arriving in Canada via resettlement have access to practically all the services necessary to settle in the country as of their arrival. On the other hand, asylum applicants who do not have a permanent residence permit as they wait for a decision on their application only have the right to healthcare, emergency accommodation, education for their minor children and limited legal help, though they can also apply for a work permit at any time after undergoing a medical examination. But gaining access to these services, which are not exclusively for asylum applicants, depends in practice upon the circumstances at the time and the provinces’ and territories’ basic systems for providing the services. Figure 4 shows the services available to people in situations of vulnerability in Canada, according to the different levels of government in the country. Asylum applicants can also use them.

¹⁴² Quebec has its own version of the Resettlement Assistance Program, called the “Refugee Reception and Establishment Program”, which is financed by Quebec’s Ministry of Immigration, Diversity and Inclusion, with the same benefits as the former.

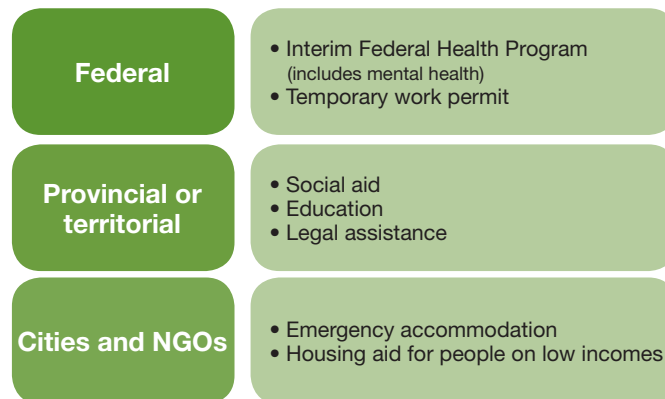
¹⁴³ The economic amount provided to cover basic needs such as food and accommodation varies depending on the size of the family and the place where the person has been resettled, since it is set in accordance with each province’s public social aid. The amount provided to cover monthly transportation expenses also varies according to the costs of transport in the host community. The aid for initial establishment and other additional amounts related to communication and housing supplements, are set according to national standards and do not vary from one province to another. The general economic amounts and those corresponding to each province are public; they can be found here: <http://www.rstp.ca/en/sponsorship-responsibilities/resettlement-assistance-program-rap-rates/>.

¹⁴⁴ ATALLAH, N. (2017): “Access to Resettlement Services in Canada”, in Korntheuer, A., Maehler, D. and Pritchard, P. (eds.) (2017): *Structural Context of Refugee Integration in Canada and Germany*, GESIS Series, Vol. 15, p. 114: https://www.gesis.org/fileadmin/upload/forschung/publikationen/gesis_reihen/gesis_schriftenreihe/GS_15_-_Refugee_Integration_in_Canada_and_Germany.pdf.

¹⁴⁵ The same support and guidance services that must be offered to refugees resettled through the private programme by their sponsors.

¹⁴⁶ GARCEA, J. and WILKINSON, L. (2017): *The Economic Integration of Refugees in Canada: A Mixed Record?*, Migration Policy Institute, pp. 6-7: <https://www.migrationpolicy.org/research/economic-integration-refugees-canada-mixed-record>. Since February 2018, interest on repayment of these loans does not apply, though people who had not yet paid theirs back to that date had to continue paying them in full.

Figure 5. Services that can be accessed by asylum applicants in Canada by the different levels of government



Source: Immigration, Refugees and Citizenship Canada (2018)

4.2. Accommodation

Refugees resettled through the public programme and those who arrive in Canada through a blended sponsorship programme are provided with temporary accommodation by the government, usually in a reception centre, until they find a permanent one that can become their home with the help of the Service Provider Organizations. Refugees resettled through the private sponsorship programme, on the other hand, have the housing that the sponsors have prepared or rented for them from the outset. The Service Provider Organizations that provide training for private sponsors emphasize raising their awareness so as to look for accommodation that the refugees can afford once the sponsorship period ends; as well as the need to involve them in the rent so that they begin to become aware of the expenses they will have to take on later.

Although resettled refugees are guaranteed accommodation paid for by sponsors, in some areas of the country it is difficult to find housing big enough to accommodate families with many members. This often means they end up being accommodated in hotels for long periods, which makes it more difficult to recuperate a certain sensation of normality and rebuilding a home¹⁴⁷.

Asylum applicants, however, do not get public support on arrival in order to search for a home, nor are they eligible for the first-time accommodation offered to resettled refugees through government and mixed sponsorship programmes or to those who benefit from the Joint Assistance Sponsorship Program. There is no specific federal reception system for them, so in general they must pay for their own accommodation. This is not easy an easy task considering the stigma they face with some landlords, since they are in an uncertain situation regarding their legal permanence in Canada. Otherwise, if they do not have the means to pay for it, they go to the reception centres and resources for the homeless in the region where they are located. The regional reception systems' accommodation, or emergency shelters, are open to all homeless people regardless of their legal status, but they seem to be becoming insufficient in the country's cities with the highest number of asylum applicants (Toronto and Montreal), with very high occupation levels¹⁴⁸. As a result, newly arrived asylum applicants often live in overcrowded conditions in low-quality housing and experience a lot of stress since they find it necessary to spend almost all of their budget on renting accommodation, leaving less to cover other

¹⁴⁷ ROSE, M. (2016): "Affordable housing for refugees is a major challenge", *Policy Options*, 20 May 2016: <http://policyoptions.irpp.org/magazines/may-2016/affordable-housing-for-refugees-is-a-major-challenge/>.

¹⁴⁸ Nevertheless, there are some centres and NGOs that reserve emergency or temporary spaces exclusively for asylum applicants and refugees, within their own services.

needs such as food, clothing and transport¹⁴⁹. Thus, many depend on food banks to get by¹⁵⁰.

Asylum applicants do not receive economic aid either, unlike resettled refugees, though they may receive provincial and territorial aid like other citizens. If protection is rejected, these social aids are not interrupted while waiting for a decision on the appeal (if there is one) or for expulsion from the country if this has been ordered¹⁵¹. These aids vary slightly from one province to another, though in general they are insufficient for the cost of city life. It has been proposed in some provinces such as Quebec to relocate the asylum applicants in smaller towns and rural areas throughout the province, where the cost of living is lower. However, this is completely ineffective due to the way the current system works. Most organisations that provide services to these people are in Montréal, the main city in the province and the second biggest in the country, and it is the only place where the asylum applicants can apply for social aid¹⁵².

In the province of Quebec there is a specific programme for receiving asylum applicants: “Regional Program for the Settlement and Integration of Asylum Seekers”. It is the only service of this nature in the province and in the country. On the first-time reception, asylum applicants are given temporary accommodation in a residence managed by the YMCA Organisation or in temporary accommodation where they can stay for one or two days (up to five for families)¹⁵³. Later, depending on the economic resources they have, they are given access to other temporary accommodation via said programme until they receive their first social cheque, which usually takes between 21 and 35 days and is paid directly by the Government of Quebec¹⁵⁴. After that, they must seek permanent accommodation. They may be supported in this task by Service Provider Organizations or NGOs engaged in such activity¹⁵⁵. Although there is no specific programme, the usual settlement services geared towards housing and inclusion for migrants in general can help in advising about rights related to housing, contact with landlords, signing the rental contract and access to housing reserves. However, the scarcity of affordable housing for the equally scarce asylum applicants’ resources means that after going from one temporary shelter to another they may find themselves with no place to stay¹⁵⁶.

4.3. Saturation of the reception systems in Montreal and Toronto

In March 2018, the Montreal authorities requested help from the regional and federal governments because the vacancies for reception in the Regional Program for the Settlement and Integration of Asylum Seekers were almost completely full, while migrants continued to arrive over the border with the United States¹⁵⁷. By the summer of 2017, as a result of the flow of arrivals into the province of Quebec mainly from Haiti and Nigeria, the Olympic Stadium had to be prepared as temporary shelter¹⁵⁸. There were then 12 temporary accommodation centres to which people

¹⁴⁹ SHERREL, K. (2017): “Access to Housing in Canada”, in Korntheuer, A., Maehler, D. and Pritchard, P. (eds.) (2017): *Structural Context of Refugee Integration in Canada and Germany*, GESIS Series, Vol. 15, p. 67: https://www.gesis.org/fileadmin/upload/forschung/publikationen/gesis_reihen/gesis_schriftenreihe/GS_15_-_Refugee_Integration_in_Canada_and_Germany.pdf.

¹⁵⁰ Idem., p. 70.

¹⁵¹ CLARK-KAZAK, C. (2017): “Structural Context for Refugee Claimants in Canada”, in Korntheuer, A., Maehler, D. and Pritchard, P. (eds.) (2017): *Structural Context of Refugee Integration in Canada and Germany*, GESIS Series, Vol. 15, p. 130: https://www.gesis.org/fileadmin/upload/forschung/publikationen/gesis_reihen/gesis_schriftenreihe/GS_15_-_Refugee_Integration_in_Canada_and_Germany.pdf.

¹⁵² 211 Grand Montréal (2018): “Information for Asylum Seekers”: <https://www.211qc.ca/en/immigration-and-cultural-communities/asylum-seekers>.

¹⁵³ Idem.

¹⁵⁴ The amount of the social cheque in Quebec is the same received by other citizens in the province. This amount varies depending on the personal situation. It can be seen in 211 Grand Montréal (2018): “Information for Asylum Seekers”: <https://www.211qc.ca/en/immigration-and-cultural-communities/asylum-seekers>.

¹⁵⁵ On its website, Quebec’s Ministry of Immigration, Diversity and Inclusion lists 12 organizations that help in the search for accommodation: <http://www.immigration-quebec.gouv.qc.ca/en/immigrate-settle/humanitarian-immigration/asylum-seeker.html>.

¹⁵⁶ LOWRIE, M. (2017): “Some asylum-seekers struggling to find housing after shelters”, *CTV News*, 14 August 2017: <https://www.ctvnews.ca/canada/some-asylum-seekers-struggling-to-find-housing-after-shelters-1.3544473>.

¹⁵⁷ KASSAM, A. (2018): “Canada: Trudeau government cools on asylum seekers as numbers from US rise”, *The Guardian*, 8 May 2018: <https://www.theguardian.com/world/2018/may/08/canada-trudeau-government-migrant-asylum-seekers>.

¹⁵⁸ PARK, M. (2017): “Montreal Stadium turns into shelter for asylum seekers who’ve left US”, *CNN*, 3 August 2017: <https://edition.cnn.com/2017/08/03/americas/olympic-stadium-canada-asylum-seekers/index.html>.

crossing the border seeking asylum could be sent via the regional reception programme¹⁵⁹ (actualmente existen tres). Para ello, habían de esperar unos tres días, durante los cuales mucha gente dormía en tiendas de campaña instaladas por las Fuerzas Canadienses en Saint-Bernard-de-Lacolle¹⁶⁰. At the beginning of May 2018, in preparation for a new increase in arrivals over the summer the Government again authorised tents to be set up for 520 people¹⁶¹. This was organized by the Canada Border Services Agency, which also registered the asylum seekers' eligibility and admissibility as they passed through, after which they were transported to Montreal¹⁶².

In order to find a solution to the migration pressure on Quebec, following federal and regional negotiations it was decided to help transport willing asylum applicants to Toronto, the capital of Ontario¹⁶³. However, that same month the authorities in Toronto, the most populous city in Canada, also requested help from the federal government to handle the growing number of asylum applicants it was receiving¹⁶⁴. This increase over the previous two years had led to saturation in its already limited system of emergency accommodation, open to all homeless people. The municipal authorities indicated that, whereas in 2016 only 11.2% of the vacancies were taken up by asylum applicants, this percentage had risen to 37.6% in April 2018¹⁶⁵ and it was forecast that by November they would be the majority¹⁶⁶. Hence, towards the end of May the city announced that a contingency plan was being launched to tackle the arrival of asylum applicants predicted for the summer¹⁶⁷. With this plan, accommodation was provided in student residence dormitories for hundreds of asylum applicants over the summer, who had to go to community centres converted into temporary accommodation centres for people in need of protection. These were managed by the Red Cross after the summer¹⁶⁸.

The mayor of Toronto stated that the city wanted to receive them and they were prepared to continue doing so for everybody's benefit, but that they needed financial support to meet the costs involved¹⁶⁹. In the early months of 2018, more vacancies in motels and youth hostels were prepared and accommodation schemes were launched for new arrivals in hostels, but the limit for occupancy was soon reached¹⁷⁰. The total amount of spaces provided by Toronto's emergency accommodation system in November came to 7,057, of which 3,384 were reserved for families and 750 for women¹⁷¹. There is currently not only a problem with funding, but also with available spaces. Even so, there are not reported to be any street settlements in the city or other parts of the country.

The two Canadian provinces accommodating the greatest number of asylum applicants and refugees are faced with the challenge of receiving refugees who arrive via resettlement and with the continuous flux of people arriving over the border requesting international protection. Just as the regional reception systems are being heavily affected, there is also an impact on the asylum procedure, with delays in its deadlines as we have seen, which directly affects

¹⁵⁹ STEVENSON, V. (2017): "What refugee claimants receive from the government", *CBC*, 18 August 2017: <http://www.cbc.ca/news/canada/montreal/asylum-seekers-support-housing-1.4252114>.

¹⁶⁰ Idem and RIDER, D. (2018): "Facing refugee influx, Toronto triggers emergency shelter plan", *The Star*, 23 May 2018: <https://www.thestar.com/news/canada/2018/05/23/facing-refugee-influx-toronto-triggers-emergency-shelter-plan.html>.

¹⁶¹ LE COUTER, M. (2018): "Feds ordering tents for the border in anticipation of more illegal migrants", *Global News*, 4 May 2018: <https://globalnews.ca/news/4188268/feds-tents-border-anticipation-illegal-migrants/>.

¹⁶² Faced with the increase in arrivals from the United States, as of August 2018 people who have entered the country by irregular means are taken to the Montreal Immigration Offices for an eligibility interview (211 Grand Montréal (2018): "Information for Asylum Seekers": <https://www.211qc.ca/en/immigration-and-cultural-communities/asylum-seekers>).

¹⁶³ WOODS, A. (2018): "Asylum-seekers will be fast-tracked to Ontario starting next week", *The Star*, 20 April 2018: <https://www.thestar.com/news/canada/2018/04/20/asylum-seekers-will-be-fast-tracked-to-ontario-starting-next-week.html>.

¹⁶⁴ DESJARDINS, L. (2018): "Toronto seeks "urgent help" with increasing refugee claimants numbers", *Radio Canada International*, 26 April 2018: <http://www.rcinet.ca/en/2018/04/26/canada-asylum-seekers-u-s-services-housing/>.

¹⁶⁵ SHUM, D. (2018): "Toronto's shelter system struggling to cope with influx of refugee claimants", *Global NEWS*, 26 April 2018: <https://globalnews.ca/news/4169193/toronto-refugee-claimants-shelter-system/>.

¹⁶⁶ MEHLER, A. (2018): "Canada's largest city to open emergency housing for asylum seekers", *Reuters*, 24 May 2018: <https://www.reuters.com/article/us-canada-immigration-toronto/canadas-largest-city-to-open-emergency-housing-for-asylum-seekers-idUSKCN1103FU>.

¹⁶⁷ RIDER, D. (2018): "Facing refugee influx, Toronto triggers emergency shelter plan", *The Star*, 23 May 2018: <https://www.thestar.com/news/canada/2018/05/23/facing-refugee-influx-toronto-triggers-emergency-shelter-plan.html>.

¹⁶⁸ Idem.

¹⁶⁹ SHUM, D. (2018): "Toronto's shelter system struggling to cope with influx of refugee claimants", *Global NEWS*, 26 April 2018: <https://globalnews.ca/news/4169193/toronto-refugee-claimants-shelter-system/>.

¹⁷⁰ Idem.

¹⁷¹ City of Toronto (2018): "Daily Shelter & Overnight Service Usage": <https://www.toronto.ca/city-government/data-research-maps/research-reports/housing-and-homelessness-research-and-reports/shelter-census/> (seen on 7 November 2018).

the asylum applicants with least resources. NGOs and civil society denounce the asylum applicants' extremely precarious conditions while they await a decision on their application¹⁷², but this situation worsens as the duration of the process lengthens.

5. The inclusion process

The model for inclusion in Canada is based on the concept of mutual adaptation between migrants and Canadian society, defined as the multicultural model¹⁷³. One of the country's identifying hallmarks is its tradition of accepting and welcoming people of different nationalities throughout its history. This has given rise not only to a multicultural society but also the implementation of a policy of multiculturalism in 1971 whose intention was to acknowledge and support the population's demographic change over the previous decades¹⁷⁴. Later, this was enshrined in the Canadian Multiculturalism Act in 1988¹⁷⁵.

Diversity is more significant and visible in the big urban hubs, where significant percentages of the populace are from ethnic minorities. In this context, the segregation and different kinds of social marginalisation that we see in many European countries are practically non-existent. It is therefore unlikely for refugees and asylum applicants to become isolated merely due to their status¹⁷⁶ even if, as we have shown, there are some difficulties for the latter to completely integrate, given the limitations in access to housing and some settlement services.

The low unemployment rate¹⁷⁷, a strong social security system and the involvement of civil society all make it possible in a way for refugees to be successfully welcomed and included. This favourable socio-economic context, together with support networks based on a community vision of society, means that refugees can more easily find opportunities to rebuild their lives. Nevertheless, in order to assess the success in integrating migrants in the country, not only economically but also socially, it is essential to pay special attention to the role played by the ethnic and religious communities in the process. In addition to being responsible for a high percentage of private sponsorships, religious and ethnic organisations play a very important role in the integration process for refugees and asylum applicants in Canada, supporting their institutional adaptation in sectors such as education, healthcare and social services¹⁷⁸. This is why one of the reasons both groups stay in the big cities is to be able to have access to organizations with whom they have common ethnic or religious affinities.

However, some Canadian researchers and academics highlight a significant difference in society's perception of refugees depending on whether they have been resettled via a sponsorship programme or are in the country because they have been granted international protection by Canada after arriving spontaneously in the country instead of via resettlement. Whereas the former are viewed with understanding and compassion, the latter are viewed as almost illegitimate¹⁷⁹.

¹⁷² ROSE, M. (2016): "Affordable housing for refugees is a major challenge", Policy Options, 20 May 2016: <http://policyoptions.irpp.org/magazines/may-2016/affordable-housing-for-refugees-is-a-major-challenge/>.

¹⁷³ PALMER, J.R.B. and ZAPATA-BARRERO, R. (2017): *Reception and inclusion of refugees. Insights for Catalonia from Canada, Portugal and Sweden*, GRITIM-UPF Policy Series, N. 6, p. 15: <https://zenodo.org/record/835003#.WzsfPPZuJIY>.

¹⁷⁴ AMSSA (2015): "Diversity and Inclusion", *Migration Matters Info Sheets*, Issue 24: <https://www.amssa.org/wp-content/uploads/2015/04/AMSSA-Info-Sheet-Issue-24-Diversity-and-Inclusion.pdf>.

¹⁷⁵ See: <http://laws-lois.justice.gc.ca/eng/acts/C-18.7/>.

¹⁷⁶ DIB, K. (2017): "Refugee Integration and Canadian Multiculturalism", in Korntheuer, A., Maehler, D. and Pritchard, P. (eds.) (2017): *Structural Context of Refugee Integration in Canada and Germany*, GESIS Series, Vol. 15, p. 100: https://www.gesis.org/fileadmin/upload/forschung/publikationen/gesis_reihen/gesis_schriftenreihe/GS_15_-_Refugee_Integration_in_Canada_and_Germany.pdf.

¹⁷⁷ The unemployment rate in Canada is practically structural, at 5.7% in January 2018, the lowest in the last 42 years. In the province of Quebec it is under 5% (SEVUNTS, L. (2018): "Canada's unemployment falls to lowest in 40 years", RCI: <http://www.rcinet.ca/en/2018/01/05/canadas-unemployment-falls-to-lowest-in-40-years/>).

¹⁷⁸ Dib, K. (2017): "Refugee Integration and Canadian Multiculturalism", in Korntheuer, A., Maehler, D. and Pritchard, P. (eds.) (2017): *Structural Context of Refugee Integration in Canada and Germany*, GESIS Series, Vol. 15, p. 99: https://www.gesis.org/fileadmin/upload/forschung/publikationen/gesis_reihen/gesis_schriftenreihe/GS_15_-_Refugee_Integration_in_Canada_and_Germany.pdf.

¹⁷⁹ EPP, M. (2017): "Refugees in Canada: A brief history", *The Canadian Historical Association Immigration and Ethnicity in Canada*, Series No. 35, Ottawa, p. 3: <https://www.cha-shc.ca/download.php?id=2488>.

In general, the inclusion of migrants and refugees is considered to be a great success in Canada. The numerous surveys and studies carried out among Canadian citizens not born in the country reveal high levels of a feeling of belonging, social trust and active citizenship. There is substantial investment by the government in settlement policies, in collaboration with a broad network of Service Provider Organizations, which are aimed at all newly arrived migrants in the country and not just those under international protection. There are also a multitude of social inclusion support programmes that help build the community, which is a key concept in Canadian society. Some examples of this are the “Local Immigration Partnerships”, which connect municipal governments with public institutions, the Service Provider Organizations, employers and other interested parties to plan and coordinate the services for recent arrivals; and the “school Settlement Worker”, which encourages public schools to use a social worker known as a “settlement worker” to help newly arrived students in their process of inclusion in the school, showing them the facilities beforehand, explaining how it works and advising them on any query or concern. All of this, deriving from personalised attention to each person’s needs, means that migrants in general and many refugees in particular find a safe, favourable atmosphere in Canadian society that helps them build and develop a new life.

One of the most important inclusion programmes, which is part of the “Settlement and Integration Programs”, is the one for teaching language (French in Quebec and English in the rest of Canada). The English and French classes are free via the “Language Instruction Newcomers to Canada”, funded by Immigration, Refugees and Citizenship Canada (and the Ministry for Quebec’s Immigration, Diversity and Inclusion in that province). There is an “Early Childhood Education and Care” programme so that parents can attend these classes. They provide free care for the families’ children in a multicultural environment that also concentrates on learning the language while the parents are attending the classes¹⁸⁰.

Even so, despite all of these good practices it should be noted that although there has been an increase in funding from Immigration, Refugees and Citizenship Canada for inclusion policies as a result of receiving Syrian refugees in 2016 and 2017, there are still limitations in refugees’ access to services. One deficiency found in the system of programmes is the lack of interpreters, above all for less frequent languages, and a lack of preparation among workers, particularly as regards dealing with trauma and referring people to culturally and linguistically suitable mental health services¹⁸¹. Faced with the great number of resettlements over these last two years, there is growing concern about these people’s inclusion process¹⁸².

5.1. Access to healthcare

Access to healthcare is also funded by the government via the “Interim Federal Health Program”, which provides temporary healthcare coverage for refugees and asylum applicants until they get provincial or territorial health insurance¹⁸³. When they have the provincial insurance, which usually takes about three months after they apply for it, the Interim Federal Health Program continues to cover complementary services for resettled refugees via government sponsorship and blended sponsorship until their public support ends.

There are three types of coverage within the Interim Federal Health Program: basic coverage, which is similar to provincial health insurance¹⁸⁴; supplementary coverage, also similar to the one provided by provinces

¹⁸⁰ KATSIAFICAS, C., McHUGH, M. and M. PARK (2018): *Responding to the ECEC needs of children of refugees and asylum seekers in Europe and North America*, Migration Policy Institute, p. 23: <https://www.migrationpolicy.org/research/responding-ecec-needs-children-refugees-asylum-seekers-europe-north-america>.

¹⁸¹ *Ibid.*, p. 24.

¹⁸² MEHLER, A. (2017): “Canada to take immigrants at ‘gradual’ pace amid integration concerns”, Reuters, 2 November 2017: <https://www.reuters.com/article/us-canada-immigration/canada-to-take-in-migrants-at-gradual-pace-amid-integration-concerns-idUSKBN1D22N3?feedType=RSS&feedName=worldNews>.

¹⁸³ Canada also has a universal healthcare system that works through provincial and territorial health insurance programmes. In order to be eligible for provincial coverage, some provinces like Ontario and Quebec require previous residence in the territory for at least three consecutive months.

¹⁸⁴ The basic coverage in the programme includes hospital and health centre services; visits to doctors, nurses and other licensed healthcare professionals in Canada; pre- and post-natal care; laboratory, diagnosis and ambulance services (Government of Canada (2018): “Interim Federal Health Program: Summary of Coverage”: <https://www.canada.ca/en/immigration-refugees-citizenship/services/refugees/help-within-canada/health-care/interim-federal-health-program/coverage-summary.html>).

and territories for those receiving social aid¹⁸⁵; and coverage for medical prescriptions and medical tests for migrants.

The healthcare coverage for migrants in Canada, including refugees and asylum applicants, is quite wide-ranging on the whole, though it should be noted that this situation depends very much on the political swings in the migration control programmes¹⁸⁶. Recently, in some areas of the country such as the province of Quebec the medical community has refused to attend to asylum applicants in protest at the bureaucratic problems it entails: difficulty in proving their identity, delays in reimbursement of fees by the federal government, loss of money, etc. This has a direct impact on the most vulnerable people and makes it extremely difficult for them to gain access to healthcare¹⁸⁷.

5.2. Access to education

According to the Immigration and Refugee Protection Act: “Every minor child in Canada, other than a child of a temporary resident not authorized to work or study, is authorized to study at the pre-school, primary or secondary level.”¹⁸⁸. However, there is no federal policy regulating access to education¹⁸⁹. However, there is no federal policy regulating access to education¹⁹⁰. In every one of the ten Canadian provinces and territories, the competences over development and implementation of education policy are shared between the central government and locally elected school boards. As a result, each province and territory has its own education policy and structure. Hence, the different provinces and territories have gradually adapted their education systems so that said access to education may be possible for children of refugees and asylum applicants, with Quebec being the last to do so in 2017.

Generally, there must be documents proving the parents’ residency in the province for asylum applicants’ children to be able to be schooled. The local school boards have developed different formulas to help enrol children of asylum applicants and refugees. One example are some school boards’ “reception centers” in the province of Ontario to help pupils and their families take decisions about enrolling and choosing secondary school courses¹⁹¹. In post-secondary education, both the children of asylum applicants as well as the applicants themselves are deemed to be international students and thus have to pay the fees for their studies¹⁹². Although asylum applicants and refugees have been able to access the “Canadian Student Loan Program” since 2003, payment of the fee remains a barrier for many of these people to access further education¹⁹³.

¹⁸⁵ The programme’s supplementary aid includes urgent dental and ophthalmologic care, care at home and in the long-term, associated professional health services (including clinical psychologists, psychotherapists, teachers, physiotherapists and others) and aid devices, medical supplies and equipment (orthopaedics and prosthetics, mobility aids, hearing aids, supplies for diabetics, supplies for incontinence and oxygen apparatus) (Government of Canada (2018): “Interim Federal Health Program: Summary of Coverage”: <https://www.canada.ca/en/immigration-refugees-citizenship/services/refugees/help-within-canada/health-care/interim-federal-health-program/coverage-summary.html>).

¹⁸⁶ These changes led to a series of cutbacks in healthcare for refugees between 2012 and 2016, distinguishing them by categories, which gave rise to confusion in the public administrations (government) themselves and a lack of clarity within the health companies. This also led to negative attitudes towards refugees from healthcare staff and the citizens (for more information about changes in healthcare coverage for asylum applicants and refugees in those years. See: Das, M., Hynie, M. and K. Qasim (2017): “Access to Health Care in Canada”, in Korntheuer, A., Maehler, D. and Pritchard, P. (eds.) (2017): *Structural Context of Refugee Integration in Canada and Germany*, GESIS Series, Vol. 15, pp. 83-4).

¹⁸⁷ Interview with Montreal West Island Integrated University Health and Social Services Center (Montreal, 24 July 2018).

¹⁸⁸ Immigration and Refugee Protection Act (2001): Article 30(2): *Minor Children*: <https://laws-lois.justice.gc.ca/eng/acts/i-2.5/FullText.html>. The length of time for the three levels of education varies from one province to another, beginning at 5 or 6 years of age and ending at 16, 18 or in some cases 14.

¹⁸⁹ VANDERPLAAT, M. (2017): “Refugee Access to Education in Canada”, in Korntheuer, A., Maehler, D. and Pritchard, P. (eds.) (2017): *Structural Context of Refugee Integration in Canada and Germany*, GESIS Series, Vol. 15, p. 53: https://www.gesis.org/fileadmin/upload/forschung/publikationen/gesis_reihen/gesis_schriftenreihe/GS_15_-_Refugee_Integration_in_Canada_and_Germany.pdf.

¹⁹⁰ VANDERPLAAT, M. (2017): “Refugee Access to Education in Canada”, in Korntheuer, A., Maehler, D. and Pritchard, P. (eds.) (2017): *Structural Context of Refugee Integration in Canada and Germany*, GESIS Series, Vol. 15, p. 53: https://www.gesis.org/fileadmin/upload/forschung/publikationen/gesis_reihen/gesis_schriftenreihe/GS_15_-_Refugee_Integration_in_Canada_and_Germany.pdf.

¹⁹¹ GIAMBRONE, A. (2017): “The Educational System in Canada”, in Korntheuer, A., Maehler, D. and Pritchard, P. (eds.) (2017): *Structural Context of Refugee Integration in Canada and Germany*, GESIS Series, Vol. 15, p. 45: https://www.gesis.org/fileadmin/upload/forschung/publikationen/gesis_reihen/gesis_schriftenreihe/GS_15_-_Refugee_Integration_in_Canada_and_Germany.pdf.

¹⁹² Idem.

¹⁹³ Ibid, p. 46.

Furthermore, it should be noted that following the arrival of numerous Syrian families with children in 2016, the education systems' capacities in Canada were overwhelmed in attending to the Syrian children's psychosocial and linguistic needs. To tackle this, additional provincial funds were used to improve the programmes and hire educational psychologists, language specialists and educational assistants¹⁹⁴.

5.3. Access to jobs

Refugees resettled in Canada can access the job market as soon as they arrive in the country, just as asylum applicants can apply for a work permit online once they have executed their asylum application.

In 2017 the delay in basic processes such as determining the eligibility to apply for asylum in the country and delays in approving work permits gave rise to long waiting times to get work permits. The calls for approval of work permits to be streamlined¹⁹⁵, gave rise to them now being issued in under a month¹⁹⁶, thus enabling asylum applicants to sustain themselves and their families economically if they find a job. To do so, the asylum applicants can gain access to public employability programmes funded by regional governments, except if they are in Quebec, where they are not allowed to opt for these programmes considering the uncertainty as to what the outcome of their asylum application will be¹⁹⁷.

Different studies on the integration of refugees in Canada come to common conclusions in some areas such as employment. Refugees resettled via the private sponsorship programme tend to find a job before those resettled through the public programme, and also achieve greater income in their first years in the country¹⁹⁸. Indeed, studies on Syrian refugees resettled in Canada showed that those resettled through the government programme have lower employment levels (around 10%) than those resettled through the private programme (over half of whom have a job)¹⁹⁹. This is partly explained by the low educational and language levels of refugees resettled via the government programme. It is also related to the fact that those resettled through the private programme can usually count on family and friends, building social circles of support earlier than those resettled through the governmental and blended programmes thanks to their sponsors, which leads to contacts to help in the job search.

Even so, accessing the job market is generally difficult for most refugees in Canada and their unemployment rates are significantly higher than those of other migrants in Canada five years after their arrival²⁰⁰. On average, it takes refugees from 12 to 15 years to reach employment and income levels comparable to people of Canadian origin²⁰¹. The main problems detected, which help explain this situation, are related to learning the language and recognition and ratification of their certificates of study²⁰².

¹⁹⁴ VANDERPLAAT, M. (2017): "Refugee Access to Education in Canada", in Korntheuer, A., Maehler, D. and Pritchard, P. (eds.) (2017): Structural Context of Refugee Integration in Canada and Germany, GESIS Series, Vol. 15, p. 54: https://www.gesis.org/fileadmin/upload/forschung/publikationen/gesis_reihen/gesis_schriftenreihe/GS_15_-_Refugee_Integration_in_Canada_and_Germany.pdf.

¹⁹⁵ In the summer of 2017, asylum applicants began to call for streamlining of the issuance of work permits in order to be able to thus contribute to the country's economy and be able to pay their cost of living there. CBC (2017): "We want to work: Asylum seekers, groups call on Ottawa to issue work permits", CBC News, 18 August 2017: <http://www.cbc.ca/news/canada/montreal/quebec-asylum-seekers-work-permits-1.4251960>.

¹⁹⁶ Government of Canada (2018): "Irregular border crossings - What is Canada doing?": <https://www.canada.ca/en/immigration-refugees-citizenship/news/2018/07/irregular-border-crossings--what-is-canada-doing.html>.

¹⁹⁷ 211 Grand Montréal (2018): "Information for Asylum Seekers": <https://www.211qc.ca/en/immigration-and-cultural-communities/asylum-seekers>.

¹⁹⁸ AMSSA (2017): "Integration Outcomes of Resettled Refugees in Canada", *Migration Matters Info Sheets*, Issue 38: <https://www.amssa.org/resources/migration-matters-info-sheet-series/>.

¹⁹⁹ LOWRIE, M. (2017): "Integration still a challenge for Syrian refugees one year later: researchers", *CTVNews*, 16 March 2017: <https://www.ctvnews.ca/canada/integration-still-a-challenge-for-syrian-refugees-one-year-later-researchers-1.3328739>.

²⁰⁰ GARCEA, J. and WILKINSON, L. (2017): *The Economic Integration of Refugees in Canada: A Mixed Record?*, Migration Policy Institute, p. 9: <https://www.migration-policy.org/research/economic-integration-refugees-canada-mixed-record>.

²⁰¹ AMSSA (2017): "Integration Outcomes of Resettled Refugees in Canada", *Migration Matters Info Sheets*, Issue 38: <https://www.amssa.org/resources/migration-matters-info-sheet-series/>. For more information on the economic impact on immigrants in Canada, via the following link one can see the Longitudinal Immigration Database Technical Report published in January 2018 by Statistics Canada (the national statistics office), with information available as of 1980: <https://www150.statcan.gc.ca/n1/en/pub/11-633-x/11-633-x2018011-eng.pdf?st=5XIQAR3e>.

²⁰² The accreditation process for degrees can take longer than five years, and afterwards complementary training or further work experience may be required in Canada in order to be able to work in the profession.

5.4. Refugees and asylum applicants in a vulnerable situation

Both the Immigration and Refugee Protection Act and inclusion policies drawn up by Immigration, Refugees and Citizenship Canada take into account personalised treatment and an individual approach for people with special needs. These groups include human trafficking and torture victims, unaccompanied minors, women at risk and LGBT people²⁰³, for whom there are special inclusion programmes developed and carried out by Service Provider Organizations and NGOs. The Immigration and Refugee Board assigns cases of people in these groups to officers with specific training in the kind of vulnerability in question²⁰⁴. If necessary, they may also designate a representative to protect the person's interests, guide and help them during the process.

It should be noted that Canada is a pioneering country in granting international protection and resettlement for LGBT people, a social group whose name has more initials in this country: LGBTQ+, to include “queer” and “two-spirits”. *The Rainbow Refugee Society*, founded in Vancouver nearly two decades ago, is one of the Canadian organizations with the longest track record in supporting this broad group. *Together with Immigration, Refugees and Citizenship Canada*, it coordinates the “Rainbow Refugee Assistance Project”, a nationwide blended sponsorship programme to resettle asylum applicants belonging to this group, which has come to include 14 Canadian cities²⁰⁵. Other NGOs like Capital Rainbow Refuge, in Ottawa, and Rainbow Railroad and the Metropolitan Community Church in Toronto, are some of the partner organizations promoting sponsorship through the programme. The Rainbow Refugee Society has also signed another agreement with Immigration, Refugees and Citizenship Canada, which has enabled a pilot project to be launched to foster the resettlement of LGBTQ+ refugees through the blended programme²⁰⁶. It should also be noted that staff in the Immigration and Refugee Board also receive specific training to deal with asylum applications from people facing violence and persecution related to sexual orientation and gender identity.

5.4.1. Unaccompanied children

Unaccompanied minors in Canada²⁰⁷, regardless of their nationality, are considered to be a particularly vulnerable group and there is a Guardianship Protocol for them which aims to care for the child in the long-term, prioritising “the best interests of the child”²⁰⁸. This care must be guaranteed as much as possible through a family relationship in a safe atmosphere until the child reaches the age of majority (which varies between provinces and territories from 16 to 19 years of age). Said relationship may be provided by an adult who becomes their legal guardian. Even so, the minors are consulted during the process and are allowed to express their point of view about the procedures carried out for their care.

When unaccompanied migrant children arrive in Canada across the border with the United States by their own means and are intercepted by the Canada Border Services Agency, the Guardianship Protocol is activated²⁰⁹. The person assigned to take charge of the minor must notify them of their right to apply for international protection. If they wish to do so, then the Immigration and Refugee Board designates a representative to them²¹⁰, who must

²⁰³ Hereinafter, LGBT is understood to mean lesbian and gay people, transsexuals, bisexuals, transgender, intersexual and other forms of sexual-affective diversity.

²⁰⁴ LThe Immigration and Refugee Board has different internal guidelines concerning noncombatant civilians fleeing persecution in situations of civil war, minors, women fleeing persecution for reasons of gender, cases related to sexual orientation, identity and gender expression, and other vulnerable people: <https://irb-cisr.gc.ca/en/legal-policy/policies/Pages/chairperson-guideline.aspx>.

²⁰⁵ Rainbow Refugee (2018): <https://www.rainbowrefugee.com/>.

²⁰⁶ Within this special agreement, the blended programme's period of public support lasts three months, whereas the private support from the sponsorship community, which should be associated with a Sponsorship Agreement Holder organization, lasts for nine months if that is not the case (Rainbow Refugee (2018): <https://www.rainbowrefugee.com/>).

²⁰⁷ The age of minority varies among the country's provinces and territories. It may end at 16, 18 or 19 years of age (Government of Canada (2013): “Provincial definitions of a minor”: <https://www.canada.ca/en/immigration-refugees-citizenship/corporate/publications-manuals/operational-bulletins-manuals/refugee-protection/canada/processing-provincial-definitions-minor.html>).

²⁰⁸ Government of Canada (2016): “Dependent minors – Guardianship protocol”:

²⁰⁹ If the minor is not carrying any identity documents, their age is determined based on statements by the minor him/herself, without using medical examinations (physical or psychological).

²¹⁰ Civil servants or independent lawyers with specific training.

assist them throughout the asylum procedure, helping them to gather the relevant evidence and to prepare for the asylum hearing²¹¹. This representative must accompany the minor throughout the procedure, even in the appeal period if applicable.

Occasionally, unaccompanied children also arrive in Canada through resettlement programmes. They are always at least 10 years of age. Apart from a few exceptions, those under 10 years of age can only travel to Canada through one of these programmes accompanied by an adult, with responsibility for all costs associated with the minor's journey lying with members of the immediate family or other relatives in Canada²¹². However, unaccompanied minors with no family ties in the country are not eligible for resettlement due to a moratorium excluding them that has been in force for over a decade²¹³.

Each province's social services are responsible for launching the Guardianship Protocol and attending to minors' special needs, so in practice the care received may vary from one place to another.

5.4.2. Victims of human trafficking and women victims of violence

Canada has a "program for women at risk" by which it arranges for protection and assistance for women refugees in critical situations. The expression "women at risk" comes from a support program launched by UNHCR in 1988 to improve resettlement opportunities for women in vulnerable situations. When assessing the profile of refugees susceptible to resettlement, this programme has helped give greater consideration to the circumstances they are suffering from, especially in the case of women, who in addition face special situations.

Canada considers women at risk to be "women without the normal protection of a family unit who find themselves in precarious situations where the local authorities cannot ensure their safety"²¹⁴. These women are given priority to be resettled by the Canadian government and channelled through the public resettlement programme designed for refugees in seriously precarious situations. The programme includes a sponsorship period of two years, during which the person may complement their inclusion process with specialised treatment, but only in certain cities in the country. By channelling them through this programme after arrival in Canada, it is possible that a greater level of vulnerability is detected for the person than initially reported.

Once in Canada, there are organisations such as *Immigrant Women Services Ottawa*²¹⁵, with funding from Immigration, Refugees and Citizenship Canada and the provincial government, that attend to migrant and women refugees' special needs in detail (though not for asylum applicants), in this case in the city of Ottawa. There is a wide array of support ranging from settlement and inclusion services such as education in language and other basic skills to psychological support and assistance for mothers and children with functional diversity, as well as social activities, help with care and education for children, translation and interpreting services, legal advice, and eventually accommodation in the case of abuse or gender violence (also available for asylum applicant women). In fact, all of the Service Provider Organizations and NGOs working with migrants in Canada's main cities (notably entities such as COSTI in Toronto and the regions of York and Peel) offer services across the board for women.²¹⁶

²¹¹ Personal interview with the Immigration and Refugee Board of Canada (Toronto, 19 July 2018).

²¹² Government of Canada (2016): "Dependent minors – Guardianship protocol": <https://www.canada.ca/en/immigration-refugees-citizenship/services/refugees/canada-role/guardianship.html>.

²¹³ Citizenship and Immigration Canada (2009): *OP 5. Overseas Selection and Processing of Convention Refugees Abroad Class and Members of the Humanitarian-protected Persons Abroad Class*, pág. 101: <https://www.canada.ca/content/dam/ircc/migration/ircc/english/resources/manuals/op/op05-eng.pdf>; UNHCR (2018): "Canada. By the Government of Canada", *Country Chapters – UNHCR Resettlement Handbook*, pág. 11: <http://www.unhcr.org/protection/resettlement/4a2ccf4c6/unhcr-resettlement-handbook-country-chapters.html>.

²¹⁴ Citizenship and Immigration Canada (2009): *OP 5. Overseas Selection and Processing of Convention Refugees Abroad Class and Members of the Humanitarian-protected Persons Abroad Class*, p. 30: <https://www.canada.ca/content/dam/ircc/migration/ircc/english/resources/manuals/op/op05-eng.pdf>

²¹⁵ Immigrant Women Services Ottawa: <https://www.immigrantwomenservices.com/>.

²¹⁶ Personal interview with the organization *Immigrant Women Services Ottawa* (19 July 2018).

It should also be mentioned that victims of human trafficking, torture and violence are also susceptible for resettlement in Canada via the Joint Assistance Program. According to the Service Provider Organizations with whom the CEAR team met during the mission, there are very few cases of victims of serious situations of violence, torture or human trafficking. This is due to the country's geographical location, its particular migratory context and the strong legislation in this regard, which can apply life sentences for those responsible for human trafficking²¹⁷, though there may be a lack of appropriate identification of such cases, which may also be a reason. That would explain the scarce identification of these kinds of victims in Canada.

5.5. Family reunification: OYW and sponsoring families

The key aspects for measuring the success of the inclusion process for refugees in society are usually access to the job market, to the private housing market and to the education and healthcare systems. Nevertheless, we cannot forget the importance of family reunification and these people's right to live as a family, since this is often what enables them to begin a new life far from their home countries, as opposed to finding themselves languishing in their attempt to do so or else fraught with worry about the situation of their loved ones from whom they have been obliged to separate.

The Immigration and Refugee Protection Act's aim is to "support the self-sufficiency and the social and economic well-being of refugees by facilitating reunification with their family members in Canada"²¹⁸. This is why the refugee resettlement programmes in Canada include and encourage resettlement for families and not just individuals. When this is not possible, there is a programme to help speed up family reunification. It is called One-Year Window (OYW)²¹⁹, and it allows refugees who have been resettled, as well as those who have attained international protection after applying for asylum in Canada, to bring their immediate families: spouses, partners, dependent children²²⁰ and the latter's children. If said family members have not been able to accompany the person in their resettlement as a refugee in Canada, within one year of arrival the latter may apply for resettlement of their family members. At the same time, their family members may also apply for the programme in an Immigration, Refugees and Citizenship Canada office abroad, within one year of their family member arriving in the country. The applications are processed as relatives dependent on said person. It is therefore not necessary for them to meet the definition of refugees themselves, since they obtain the same status as the main relative resident in Canada, although they must meet the basic criteria to be admitted in the country²²¹. If the procedures for the relatives' arrival in Canada begin within the period of sponsorship, the sponsors of the refugee applying for family reunification through the One-Year Window programme then become responsible for financing the resettlement needs of the relatives to be reunited²²².

Refugees whose protection has been granted in Canada after also applying for asylum may join this programme when they have obtained the permanent resident permit. It is on applying for the latter when resettled refugees and people who have been granted protection in Canada must state who the immediate members of their family are, even if they are not accompanying them in Canada. This step is crucial for determining the subsequent eligibility of

²¹⁷ Immigration and Refugee Protection Act (2001): Articles 117 to 120: <https://laws-lois.justice.gc.ca/eng/acts/i-2.5/FullText.html>.

²¹⁸ Ibid.: Article 3 (2)(3).

²¹⁹ The application for the programme can be seen here: <https://www.canada.ca/en/immigration-refugees-citizenship/services/application/application-forms-guides/request-process-family-members-under-year-window-opportunity-provisions.html>.

²²⁰ Dependent children are deemed to be those under 22 years of age, not married and with no common law partner, or else 22 or older with a physical or mental condition that means they cannot be economically self-sufficient and thus can be treated as dependents (Government of Canada (2018): "Dependent children": <https://www.canada.ca/en/immigration-refugees-citizenship/corporate/publications-manuals/operational-bulletins-manuals/permanent-residence/non-economic-classes/dependent-children.html>).

²²¹ Government of Canada (2017): "Procedure: One-year window of opportunity provision": <https://www.canada.ca/en/immigration-refugees-citizenship/corporate/publications-manuals/operational-bulletins-manuals/refugee-protection/resettlement/processing-procedure-year-window-opportunity-provision.html>; Catholic Crosscultural Services (2018): "Family Reunification & One-Year Window", *Refugee Sponsorship Training Program*: <http://www.rstp.ca/en/refugees/family-reunification-one-year-window/>.

²²² However, the Government of Canada contacts sponsors to notify them who the family members are that are going to be resettled, even if they are not registered as accompanying persons at the beginning of the sponsorship, and to verify that the sponsors can give them support and take charge of the costs entailed. If they cannot, there is the possibility of seeking other sponsors, or Immigration, Refugees and Citizenship Canada may consider issuing an immigration permit on Human and Compassionate Grounds, or else the application may be rejected.

the family members for the One-Year Window of opportunity²²³. However, this programme has significant limitations on applying it in practice such as the time limit, the high fees²²⁴, the limited definition of an immediate family, the requirement to prove the authenticity of family ties and delays in processing the procedure²²⁵. In addition to the lengthy process there are also other protracted processes such as the resettlement itself, the cases of families whose members are obliged to be separated for years then multiply.

Together with this limited programme, Immigration, Refugees and Citizenship Canada provides another called “Sponsorship of Parents and Grandparents”, access to which is not exclusively for refugees²²⁶. The period for applying for this programme begins every January, and usually lasts a few days. The applications admitted for processing are quite restricted and the applicant must prove a minimum income. It is also possible for refugees in Canada to sponsor the resettlement of their family members through the private programme. To do so, the relatives must meet the same requisites as any other person susceptible to be resettled in Canada as a refugee through this programme.

In the case of Quebec, family reunification can only be carried out via sponsorship: refugees in the province that wish to bring their relatives must sponsor their resettlement. To do so, Quebec’s Ministry of Immigration, Diversity and Inclusion demands a series of requirements such as a certain level of income²²⁷ and the means to pay for the programme’s fees²²⁸, as well as for all costs arising from it during a specific period of time²²⁹, and to have no record of sexual abuse or other crimes. Relatives that can be sponsored in this case include not only those in the immediate family (spouse, common-law partner and dependent children), but also parents, grandparents, siblings and grandchildren, who may be orphans, minors, unmarried or without a common-law partner²³⁰. However, the application for sponsorship must be made through the federal government, specifically through Immigration, Refugees and Citizenship Canada, the only institution with authority to approve the admission of foreigners into the country and to determine who may sponsor their entry. If the application is approved, then the process may continue through Quebec’s Ministry of Immigration, Diversity and Inclusion, though the final decision about it is made by Immigration, Refugees and Citizenship Canada, which is responsible for approving the permanent residence permit requested for the sponsored person, who must also pass the medical and security screenings applied to any national from another country arriving in Canada. Once approved, the main practical obstacle is the long time taken for resettlement (from months to years).

In any case, the permanent residence permits granted to families resettled in Canada are not included in the annual migration levels for “Refugees and Protected Persons”, but are found in an independent category called “Family”. The number forecast to be reached for 2018 is 86,000 permits²³¹.

²²³ Catholic Crosscultural Services (2018): “Family Reunification & One-Year Window”, *Refugee Sponsorship Training Program*: <http://www.rstp.ca/en/refugees/family-reunification-one-year-window/>.

²²⁴ DARGY, T. (2016): “Family Reunification in Canada: Towards Authentic Humanitarianism”, *Canadian Association for Refugee and Forced Migration Studies*: <http://carfms.org/research-and-papers/carfms-student-essay-contest/graduate/>.

²²⁵ Idem

²²⁶ The application for the programme can be seen here: <https://www.canada.ca/en/immigration-refugees-citizenship/services/application/application-forms-guides/sponsorship-parents-grandparents.html>.

²²⁷ The financial means required in 2018 can be seen here: <http://www.immigration-quebec.gouv.qc.ca/en/immigrate-settle/family-reunification/requirements-sponsor/specific-requirements/financial-standards/index.html>.

²²⁸ In 2018, the fee to be paid to sponsor a person was C\$279, plus C\$112 per additional person.

²²⁹ The sponsorship may last from three years to resettle partners and children of 16 years or more to ten years for children younger than 16 and other relatives.

²³⁰ Gouvernement du Québec (2017): “Exigences particulières”: <http://www.immigration-quebec.gouv.qc.ca/fr/immigrer-installer/regroupement-familial/information-parrainage/exigences-particulieres/index.html>.

²³¹ Government of Canada (2017): “Notice – Supplementary Information 2018-2020 Immigration Levels Plan”: <https://www.canada.ca/en/immigration-refugees-citizenship/news/notices/supplementary-immigration-levels-2018.html>.

6. Exploring new ways of protection

As an alternative to the traditional paths that lead to protection for people seeking refuge (guaranteeing that the right to asylum may be exercised and resettlement policies), Canada is exploring other ways to provide opportunities for people in need of protection who do not meet the criteria defined to opt for the traditional ways, yet who do not have sufficient means to resort to other alternatives, either.

6.1. Student Refugee Program

The “Student Refugee Program”, put forward as a lasting solution for young refugees, is an example of a consolidated, successful initiative based on which other alternatives may be reconsidered that may be susceptible to be channelled through education, family reunification and job mobility. The programme was launched by the NGO World University Service of Canada in 1978 in the province of Ontario in order to foster resettlement, giving training opportunities in higher education²³². There have been 83 Canadian universities and further studies institutions in its long history, educating over 1,800 young refugees from different countries²³³. Although the programme is funded by the Ministry of Trade in Ontario together with the provincial government and the universities and institutions, other associated costs are paid for by the students themselves and staff at the institutions, who voluntarily form local boards on campus or faculties to mobilise resources and coordinate the necessary support.

The students are resettled through the PSR (private sponsorship), so they arrive in Canada with a permanent resident permit, which allows them access to most of the settlement services seen above. Furthermore, they may seek employment on arrival: two out of three find work during their first year of sponsorship (63% on the campus itself and 37% outside it)²³⁴. As a result, on finishing their studies eight out of ten send money to their family or friends in their home country, 90% get Canadian citizenship²³⁵ and 29% privately sponsor the resettlement of family members in subsequent processes²³⁶.

In addition to the direct impact this programme has on young refugees, who it gives the opportunity to resettle in Canada to follow higher studies, it also has huge potential to raise awareness in the student community and its social circles: relatives, friends, study and work colleagues, and others.

6.2. Other forms of resettlement

There are many refugees in the world with high professional qualifications who are not eligible for resettlement because they are considered more independent than other more vulnerable ones. However, sometimes they do not have the possibility to emigrate in search of work either, because they do not meet the necessary requirements such as travel documents or sufficient economic resources to pay the fees demanded, nor do they have any way to contact employers to get a job offer. The United States NGO *Talent Beyond Boundaries*²³⁷ has drawn up a catalogue of talents with 10,000 refugees in Libya and Jordan to be put in touch with employers in Canada and Australia. This initiative is bringing about a shift in the narratives towards refugees: not only is there talk of protection, but also economic potential and the possibility of a win-win situation when they are able to integrate into

²³² It is implemented by this NGO (<https://wusc.ca/>) in collaboration with Immigration, Refugees and Citizenship Canada, the Government of Quebec, Windle Trust Kenia and the Jesuit Refugee Services.

²³³ Student Refugee Program (2018): <https://srp.wusc.ca/>.

²³⁴ WUSC (s.a.): “The Student Refugee Program”.

²³⁵ As of five years as a permanent resident in Canada.

²³⁶ WUSC (s.a.): “The Student Refugee Program”.

²³⁷ Talent Beyond Boundaries: <https://talentbeyondboundaries.org/index.html>

a country's economy²³⁸. For this reason, based on this initial premise and inspired by the work of the NGO together with the need for foreign workers in the Canadian job market, institutions are trying to create formulas to enable highly qualified refugees to arrive through other channels. To do so, a pilot project has been set up in Kenya to try to identify the barriers faced by the most qualified refugees to access federal or provincial Canadian economic immigration programmes. The results of the project will be obtained in 2019.

If refugees' special needs are not dealt with in a personalised way, then setting up these kinds of formulas could lead to a loss of basis for states' obligation to provide effective protection for these people, regardless of their profile and personal or professional merits, recognizing them as refugees by virtue of the reasons why they are seeking asylum.

7. Conclusions

- Canada's migration policy mainly concentrates on pre-selecting and managing migrants before they arrive from their home or transit country, as well as on integrating them as a way of strengthening the economy and society.
- In addition to planning the population needs annually, Canada has a planned strategy to set up secure legal channels for people in need of protection, which has made the country exemplary in migration matters. This strategy is fundamentally based on the option of resettlement, through which 600,000 people were resettled in the country from 1980 to 2015.
- Since the summer of 2017, there has been a noticeable increase in arrivals of refugees and asylum applicants over the frontier between Canada and the United States. This fact, coupled with the growth in the number of asylum applicants already registered in 2016, means that the number of applications pending a decision has continued to rise, reaching 55,567 applications pending a decision by mid-2018. Moreover, this increase in arrivals has led to a lot of pressure on the provincial reception systems.
- As for the international protection procedure, it is important to point out that asylum applicants have the right to legal aid, but it is only free for cases covered by the public programme of legal assistance for people in disadvantaged situations, which currently does not have sufficient resources to cover the existing cases.
- Asylum applications from people in a vulnerable situation such as unaccompanied children, women victims of violence, people in the LGBT community and human trafficking victims are examined by officers specialising in each situation of vulnerability. Furthermore, there are public agencies and NGOs specialising in attending to these people's special needs during the settlement and inclusion process.
- The resorts to appeal against rejection of protection during the asylum procedure have the effect of suspending the expulsion order. However, not all asylum applicants have the right to lodge this appeal, though they may request a review of the decision in the Federal Court. There is currently a delay in decisions on appeals. By mid-2018 there were 5,289 pending a decision.
- In Canada, it is the provinces, territories and cities that have the authority and responsibility for refugees' accommodation and inclusion. However, asylum applicants do not have access to this accommodation system or specific benefits. This situation raises a significant challenge in terms of accommodation and inclusion since although the asylum applicants can turn to institutions and resources for the homeless, which answer to the provinces and territories, such spaces are often not the most suitable for people in their situation. Nevertheless, it is important to note that in Quebec there is a pioneering accommodation programme for asylum applicants.

²³⁸ Personal interview with the department of Immigration, Refugees and Citizenship Canada (Toronto, 17 July 2018).

- The low unemployment rate in the country (under 6%), together with a strong social security system and the involvement of civil society all make it largely possible for the refugees' accommodation and inclusion process to be successful.
- Canada's commitment to a strategic, structured integration policy with resources has a positive impact in terms of social acceptance. Migrants in general and refugees in particular find Canada to be a safe, favourable place to rebuild their lives. However, the rise in arrivals over the border with the United States is leading to a shift in social perception towards migrants and asylum applicants that may end up in racist and xenophobic attitudes.
- The concept of community is essential for the Canadian policies and programmes of integration for migrants and refugees to work well. Community, in its widest sense, is the basis upon which inclusion activities are launched, whether public or private, while at the same time providing and permitting a reception more suited to people's needs. This is only possible within a model of inclusive social organization that fosters mutual benefits, as happens in Canada.

S.W.O.T. analysis of Canada's asylum system

<p>STRENGTHS</p> <ul style="list-style-type: none"> • Planned strategy and a long track record in resettlement programmes for refugees. • Active participation from civil society in accommodating and including refugees under its concept of community as a model of social organization. • Administrative court responsible for examining and taking a decision on asylum applications (Immigration and Refugee Board) independently. • Officers on the Immigration and Refugee Board specialising in vulnerable people. • Possibility for asylum applicants to have immediate access to the job market. • Permanent resident permits for refugees and protected people²³⁹. • Appeals have the effect of suspending expulsion orders. • Alternative legal options if international protection is denied (Pre-Removal Risk Assessment and permanent resident permit on <i>Human and Compassionate Grounds</i>). • Well established integration policies (education, healthcare, employment and languages). • Very comprehensive general social services. 	<p>OPPORTUNITIES</p> <ul style="list-style-type: none"> • Exploration of new ways to resettle refugees. • Reduction in applications and cases pending a decision. • Reduction in the duration of resettlement processes. • Implementation of the "One-Year Window of Opportunity" family reunification programme. • Initiatives for the inclusion of asylum applicants in the country. • Response to the growing arrival of people across the border with the United States in search of protection.
<p>WEAKNESSES</p> <ul style="list-style-type: none"> • Lack of a specific accommodation and inclusion system for asylum applicants throughout the country to guarantee accommodation and specific aids for people with the least resources (except in Quebec). • Weak procedure for detecting vulnerabilities and special needs. • Lack of a structured monitoring and assessment mechanism for private sponsorship. • Free legal aid during the asylum procedure subject to availability in the provinces and resources. • Application of the Designated Countries of Origin ("safe countries of origin") list. • Accumulation of asylum applications and appeals pending a decision. • Possibility of limitless custodial detainment of people not eligible as asylum applicants. 	<p>THREATS</p> <ul style="list-style-type: none"> • Reinforcement of border control and restriction of the right to asylum by legal extension of the Safe Third Country Agreement with the United States. • Rise in racism and xenophobia towards immigrants and asylum applicants due to uncertainty about their future permanence in the country. • Abuse of custodial detention of migrants without documents considered to be valid to adequately identify them.

Source: the author.

²³⁹ They are granted protection in keeping with the Immigration and Refugee Protection Act.

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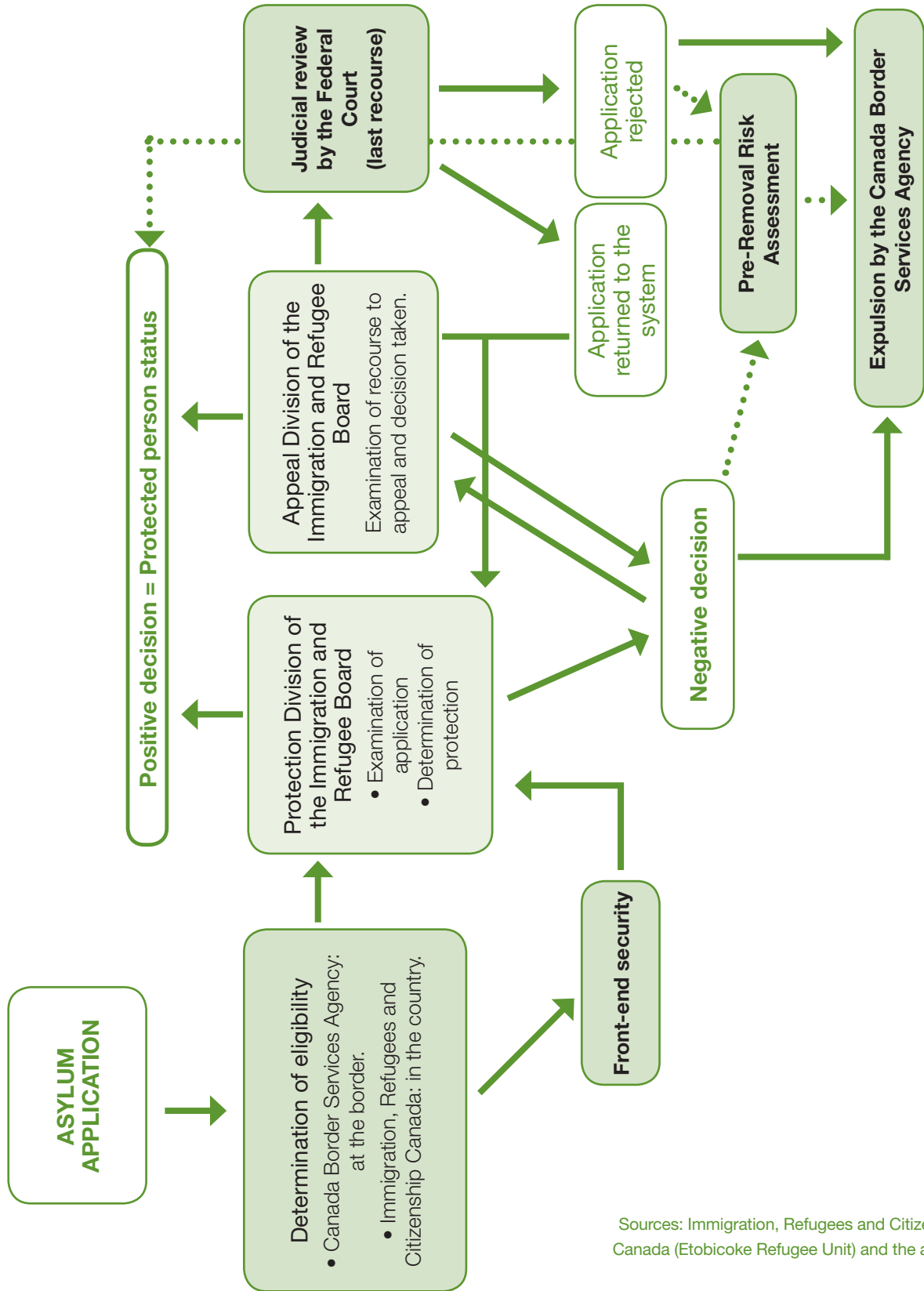
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Annex I: Stages of the in-Canada Asylum System



Sources: Immigration, Refugees and Citizenship Canada (Etobicoke Refugee Unit) and the author.

Annex II: Public services accessible to refugees and asylum applicants in Canada

	Permanent residents (PRS)	Refugees in the public programme (GARs)	Refugees in the blended programme	Refugees in the private programme	People with protection in Canada	Asylum applicants
Temporary accommodation	No	Yes (2-3 weeks)	Yes (2-3 weeks)	No	No (emergency accommodation)	No (emergency accommodation)
Resettlement Assistance Program	No	Yes (6 weeks)	Yes (6 weeks)	Some	No	No
Income support	No	Yes (12 months). Joint Assistance Sponsorship Program: 24 months.	Yes (6 months)	No	No	No
Client Support Services (CSS)	No	Yes (12 months or more)	Yes (6 months)	No	No	No
Settlement services	Yes	Yes	Yes	Yes	Yes	Yes
Work/Study	Yes	Yes	Yes	Yes	Yes	Yes
Health coverage	Yes (provincial)	Interim Federal Health Program and provincial insurance	Interim Federal Health Program and provincial insurance	Yes (provincial)	Interim Federal Health Program and provisional healthcare	Interim Federal Health Program and provisional healthcare
Social services	Yes	After the sponsorship period	After the sponsorship period*	Yes*	Yes	Yes

* The government may claim back the costs from the sponsor if the refugee needs support from the social services before the sponsorship period ends.

Source: Immigration, Refugees and Citizenship Canada and the author.

