

IMMIGRATION HOT TOPICS

CONNECTING OTTAWA CONFERENCE

October 24, 2023



ACCESS TO LEGAL INFORMATION & SERVICES FOR THOSE WITH COMMUNICATION BARRIERS

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HOT TOPICS IN IMMIGRATION & REFUGEE LAW

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OUTLINE

KEY PROGRAMS, POLICIES, AND RESOURCES

- **REFUGEE CLAIMS – FRONT END PROCESSING**
 - **IMMIGRATION AND REFUGEE BOARD GUIDELINES**
 - GUIDELINE 4 ON GENDER-BASED CLAIMS
 - GUIDELINE 8 ON ACCESSIBILITY TO PROCEEDINGS
 - **PARENT/GRANDPARENT SPONSORSHIPS AND SUPERVISAS**
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OUTLINE

- **PERMANENT RESIDENCE FOR UKRAINIANS**
 - **FRANCOPHONE MOBILITY WORK PERMIT**
 - **HUMANITARIAN IMMIGRATION PATHWAY FOR COLOMBIANS, HAITIANS, AND VENEZUELANAS**
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REFUGEE CLAIMS PROCESSING

- MUST BE IN CANADA
- CANNOT BE SUBJECT TO A REMOVAL
- MUST BE **ELIGIBLE** TO HAVE CLAIM REFERRED TO THE REFUGEE PROTECTION DIVISION
 - NB: THE EXPANDED SAFE THIRD COUNTRY AGREEMENT

HOW TO INITIATE THE REFUGEE CLAIM?

- AT A LAND BORDER
- AT AN AIRPORT
- "INLAND", IE AFTER ARRIVAL


AT AN AIRPORT/LANDBORDER

PROCEDURE IN MOST CASES

1. INDIVIDUAL SCREENED FOR IDENTITY AND ADMISSIBILITY RISKS. THEY RECEIVE “ACKNOWLEDGEMENT OF CLAIM”
2. INDIVIDUAL MUST COMPLETE REFUGEE CLAIM PORTAL WITHIN 14 DAYS
 - A. CBSA AMENABLE TO EXTENSIONS OF TIME
 - B. BASIS OF CLAIM **NOT** REQUIRED AT THIS POINT
3. INDIVIDUAL ATTENDS ELIGIBILITY INTERVIEW. IF THEY PASS → REFERRED TO RPD AND RECEIVE REFUGEE CLAIMANT DOCUMENT. THEY MUST SUBMIT THEIR BASIS OF CLAIM TO THE RPD WITHIN 45 DAYS

IN-CANADA REFUGEE CLAIM


- INDIVIDUAL COMPLETES THE REFUGEE CLAIM PORTAL, **INCLUDING THE BASIS OF CLAIM**
- INDIVIDUAL RECEIVES THE ACKNOWLEDGEMENT OF CLAIM
- INDIVIDUAL ATTENDS ELIGIBILITY INTERVIEW. IF THEY PASS → REFERRED TO RPD AND RECEIVE REFUGEE CLAIMANT DOCUMENT.



WHEN IS THE BASIS OF CLAIM DUE IF THE INDIVIDUAL MADE THEIR REFUGEE CLAIM AT THE AIRPORT?

!POP QUIZ!

WHEN IS THE BASIS OF CLAIM DUE IF THE INDIVIDUAL IS ALREADY IN CANADA AND INTENDING TO MAKE A REFUGEE CLAIM?





IRB CHAIRPERSON'S GUIDELINE 4

GENDER CONSIDERATIONS IN IRB PROCEEDINGS



GUIDELINE 4

- **AVOIDING MYTHS, STEREOTYPES, AND INCORRECT ASSUMPTIONS**
- **FACILITATING PARTICIPATION IN A PROCEEDING**
- **JOINING OR SEPARATING PROCEEDINGS**



IRB'S GUIDELINE 8

PROCEDURAL ACCOMMODATIONS AND SUBSTANTIVE CONSIDERATIONS



GUIDELINE 8

- **MYTHS, STEREOTYPES AND INCORRECT ASSUMPTIONS**
- **REASONABLE ACCOMMODATIONS, TAKING INTO ACCOUNT:**
 - DISABILITY INCLUDING PHYSICAL, COGNITIVE, OR SENSORY DIFFERENCES, MENTAL ILLNESS, OR ALCOHOL OR SUBSTANCE USE DISORDERS,
 - NEURODIVERSITY,
 - LOW LITERACY,
 - AGE, SUCH AS MINORS AND THE ELDERLY,
 - SEXUAL ORIENTATION, GENDER IDENTITY AND EXPRESSION, AND SEX CHARACTERISTICS,
 - PAST OR CONTINUING TRAUMA INCLUDING SURVIVORS OF TORTURE, GENOCIDE AND CRIMES AGAINST HUMANITY, AND GENDER-RELATED VIOLENCE.

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PARENT/GRANDPARENT SPONSORSHIPS

PARENT/GRANDPARENT SPONSORSHIPS

- PROGRAM REOPENED, **BUT**,
 - MUST HAVE SUBMITTED “INTEREST TO SPONSOR FORM” IN 2020
 - FROM OCT 10 TO OCT 23, IRCC WILL RANDOMLY SELECT **24,200** INTERESTED SPONSORS TO SUBMIT APPLICATIONS
- KEY CRITERION, IF SELECTED:
 - ELIGIBLE SPONSOR, INCLUDING SUFFICIENT INCOME
 - FOR EXAMPLE, IF FAMILY OF 4 WANTS TO SPONSOR ONE PARENT, THEN THE SPONSOR NEEDS TO HAVE EARNED \$73,000 IN 2022; \$56,000 IN 2021; AND \$55,000 IN 2020.

PARENT/GRANDPARENT SUPERVISAS

- ALLOWS VISIT FOR UP TO 5 YEARS AT A TIME
- CRITERIA
 - CHILD/GRANDCHILD IN CANADA IS A PERMANENT RESIDENT OR CITIZEN
 - SUFFICIENT INCOME
 - PRIVATE HEALTH INSURANCE
 - CRITERIA GENERALLY RELATED TO TEMPORARY RESIDENT VISAS

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PERMANENT RESIDENCE FOR UKRAINIANS

WITH FAMILY MEMBERS IN CANADA

CATEGORY 1 CRITERIA

- YOU ARE A UKRAINIAN NATIONAL
- YOU HAVE ONE OF THE FOLLOWING FAMILY MEMBERS IN CANADA:
 - SPOUSE OR COMMON-LAW PARTNER
 - ADULT CHILD OR GRANDCHILD
 - PARENT OR GRANDPARENT
 - SIBLING (OR HALF-SIBLING)
 - THESE FAMILY MEMBERS MUST BE (1) OVER 18 YEARS OLD; (2); A CANADIAN CITIZEN OR PR; AND (3) DIDN'T GET PR THROUGH THIS PROGRAM
- YOU HAVE TEMPORARY RESIDENT STATUS, OR HAVE APPLIED TO RESTORE YOUR TEMPORARY STATUS

CATEGORY 2 CRITERIA

- YOU ARE IN CANADA
- YOU ARE THE SPOUSE OR COMMON-LAW PARTNER OF A UKRAINIAN NATIONAL
- YOU HAVE NOT REMARRIED OR ENTERED INTO A NEW COMMON-LAW RELATIONSHIP
- YOUR SPOUSE/COMMON-LAW PARTNER
 - IS UNABLE TO LEAVE UKRAINE, BE MISSING, HAVE PASSED AWAY, OR HAVE PRESUMED TO HAVE PASSED WAY
 - HAS AN EXTENDED FAMILY MEMBER IN CANADA (SEE PREVIOUS SLIDE)
- YOU HAVE TEMPORARY RESIDENT STATUS, OR HAVE APPLIED TO RESTORE YOUR TEMPORARY STATUS

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FRANCOPHONE MOBILITY WORK PERMIT

CRITERIA

- GENERAL CRITERIA RELATED TO WORK PERMIT
- CRITERIA THAT YOU CAN APPLY INSIDE CANADA
- PROVE FRENCH PROFICIENCY (NCLC LEVEL 5 OR HIGHER)
- HAVE OFFER OF EMPLOYMENT UNDER **ANY** TRAINING, EDUCATION, EXPERIENCE AND RESPONSIBILITIES (TEER) CATEGORY, EXCEPT PRIMARY AGRICULTURAL OCCUPATIONS

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**HUMANITARIAN IMMIGRATION
PATHWAY FOR COLOMBIANS,
HAITIANS, AND VENEZUELAN**

HUMANITARIAN AND IMMIGRATION PATHWAY

- 11,000 SPOTS ALLOCATED FOR COLOMBIANS, HAITIANS, AND VENEZUELANES LOCATED IN CENTRAL AND SOUTH AFRICA OR THE CARIBBEAN
- PRINCIPAL APPLICANT MUST BE A CHILD (REGARDLESS OF AGE), GRANDCHILD, SPOUSE, COMMON-LAW PARTNERS, PARENT, GRANDPARENT OR SIBLING OF A CANADIAN CITIZEN OR PERMANENT RESIDENT
- NO EXACT PROGRAM DETAILS YET

HANDS ON WORKSHOPS

Immigration Status with: Nadine Edirmansinghe and Liz
Majic

Sponsorship with: Heather Neufeld and Dana El-
Chammaa

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- Thank you for attending
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