

New program to provide permanent residence to certain foreign nationals affected by the conflict in Sudan with family in Canada

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This handout is solely for informational purposes. We urge you to consult with us at info@connectingottawa.com if you have any specific legal questions about a client's situation.

PROGRAM DESCRIPTION

For a copy of the full public policy and all requirements, visit:

<https://www.canada.ca/en/immigration-refugees-citizenship/corporate/mandate/policies-operational-instructions-agreements/public-policies/sudan-family-pr-2023.htm>

This new public policy aims to provide a family-based humanitarian pathway to permanent residence for certain foreign nationals directly affected by the conflict in Sudan who have family in Canada. The new program makes it possible for Canadian permanent residents and citizens who have certain close family members who were living in Sudan on April 15 2023 to apply for their family member to become a permanent resident of Canada.

The Canadian permanent resident or citizen must live in Canada (outside Quebec), must be over age 18 and agree to sign a statutory declaration as an "anchor" for their relative seeking permanent residence. In their statutory declaration, they must pledge to provide various forms of support to the family members coming to Canada.

The Canadian citizen or permanent resident can serve as an anchor for their children of any age, parents, grandparents, grandchildren and siblings to receive permanent resident status. Spouses are not included in the program likely since they can be sponsored through a regular spousal sponsorship.

If the qualifying family member is unable to leave Sudan, their spouse or common law partner may gain permanent residence through this program. For example, if the anchor's sister cannot leave Sudan, her husband may still receive permanent residence through the program. Furthermore, if the qualifying family member is missing or dead, their spouse may receive permanent residence. For example, if an anchor's brother was killed in the conflict, his wife and dependent children could still qualify to immigrate. However, aunts, uncles and cousins do not qualify for this program.

The family member coming to Canada as a permanent resident, such as a sibling of the anchor for example, is permitted to also include their own spouse and dependent children under age 22 on their permanent residence application. However, the individual receiving permanent residence may not include their children over age 22 on their application unless the child depends on their parent due to a mental or physical condition.

In addition, a Canadian permanent resident or citizen may also serve as an anchor for a family member on the list of family members mentioned above who is already in Canada. As long as the individual applying for permanent residence has temporary resident status in Canada and is physically present in Canada both when they apply for permanent residence and at the time it is granted, they may qualify, assuming they meet all the other general program requirements.

Family members receiving permanent residence may currently be inside Sudan or in another country, but must not have a durable solution, such as resettlement or permanent residence outside Sudan. In addition, there is no requirement that the Canadian citizen or permanent resident anchor relative or the family members coming to Canada be Sudanese citizens; what matters is that the individual receiving permanent residence was living in Sudan on April 15, 2023. Therefore, a permanent resident of Canada who is originally from Eritrea, for example, could serve as an anchor for their Eritrean parent residing in Sudan.

Unlike several other recent family reunification programs, the anchor in Canada must meet financial requirements for their family members abroad to become permanent residents. One option is for the anchor to meet minimum necessary income requirements determined by their family size in Canada plus the number of family members immigrating (as well as their accompanying or non accompanying dependents). For a copy of the 2023 income table used to calculate the minimum necessary income an anchor must meet, see <https://www.canada.ca/en/immigration-refugees-citizenship/services/application/application-forms-guides/guide-5482-instruction-fill-financial-evaluation-form-1283.html> Note that the form discussed at this link is not applicable to this program but the page provides a good explanation of the table used to calculate minimum necessary income with a copy of the 2023 table that must be used.

The second option is for the anchor to provide documentation to prove that they have put a certain amount of money in a trust account in a Canadian bank on behalf of each family member migrating (plus any non accompanying dependents). This money could come from anyone.

The third option is to demonstrate a combination of income and funds in trust which must equal an amount described in the public policy. It is critical to read the entire IRCC public policy to fully understand the financial requirements the anchor in Canada must meet. In addition, an individual does not qualify to act as an anchor in several specific circumstances, including if they are receiving social assistance, even if they could have put sufficient money in trust for the family member immigrating.

Important: although individuals may begin to gather documentation they will need to complete their application, the online application does not open until February 27, 2024. However, slots will fill very quickly as the program is for only 3,250 individuals.