



CLEO

Community Legal Education Ontario
Éducation juridique communautaire Ontario

Options for Afghans seeking safety in Canada: Programs and Special Measures

Speakers:

Razmeen Joya, lawyer at Jackman and Associates

Debbie Rachlis, lawyer at HIV + Aids Legal Clinic Ontario
([HALCO](#))

July 7th, 12-1pm



What you can expect today

Lunch and Learn Series

1 hour in total (presentation and Q+A)

This is legal information, not legal advice.

The information is current as of today's date July 7, 2022

Recording and slides will be sent out afterward.

Subtitles (closed captioning) has been enabled.



Land Acknowledgment

CLEO's work takes place across the home and traditional territory of the Mississaugas of the Credit, the Haudenosaunee, and the Wyandot peoples, on land that many of us know as Ontario. We encourage you to take the time to understand more about the land *you* live and work on.

As we provide legal information today, we acknowledge the ongoing impact of colonization and anti-Indigenous racism, built into our laws and legal systems, resulting in devastating pain and inequality for Indigenous Peoples of every generation.

We also recognize the incredible amount of work that Indigenous Peoples contributed to the [Calls to Action in the Truth and Reconciliation Commission](#) report calling for Equity for Indigenous Peoples in the Legal System.

Resettlement options for Afghans seeking safety in Canada: Programs and Special Measures

July 7, 2022

Presenters: Razmeen Joya, lawyer at Jackman and Associates

Debbie Rachlis, lawyer at HIV & Aids Legal Clinic Ontario (HALCO)

Current Resettlement Options

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graph TD; A[Current Resettlement Options] --> B["(Special) Immigration Program for Afghans who assisted the Government of Canada (# to be resettled: 18,000)"]; A --> C["Humanitarian Program for Afghans who need resettlement (# to be resettled: 17,000)"]; A --> D["Permanent Residence Pathway for Extended Family Members of Former Interpreters resettled to Canada under the 2009/2012 public policies (# to be resettled: 5,000)"]; B --> E["To be resettled as Government Assisted Refugees (GAR) only."]; C --> F["To be resettled as GAR and Privately Sponsored Refugees (PSR)."]; D --> G["Family member in Canada applies for the extended family member."];
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(Special) Immigration Program for Afghans who assisted the Government of Canada
(# to be resettled: **18,000**)

To be resettled as Government Assisted Refugees (GAR) only.

Humanitarian Program for Afghans who need resettlement
(# to be resettled: **17,000**)

To be resettled as GAR and Privately Sponsored Refugees (PSR).

Permanent Residence Pathway for Extended Family Members of Former Interpreters resettled to Canada under the 2009/2012 public policies
(# to be resettled: **5,000**)

Family member in Canada applies for the extended family member.

1. Government Assisted Refugees (GAR)

Under the [government-assisted refugees program](#), Canada will resettle Afghan nationals to Canada and provide support for up to one year

You must be referred to the Government of Canada by one of the following referral partners:

- [United Nations Refugee Agency](#) (UNHCR)
 - Find out about the [UNHCR's process to resettle refugees](#)
- [Front Line Defenders](#) (for human rights defenders only)
- [ProtectDefenders.eu](#) (for human rights defenders only)

If you're a human rights defender, you must

- actively promote and protect human rights **and**
- face a direct risk because of this work

2. Privately Sponsored Refugees (PSR)

Under this program sponsors can be either

- a sponsorship agreement holder (an organization that helps support refugees when they resettle in Canada) OR
- an organization, or a group of 5 or more people, in Canada that has volunteered to sponsor referred refugees

Sponsor groups support you for the sponsorship period, usually up to 1 year.

Support includes

- start-up costs, like furniture and clothing
- ongoing monthly costs for necessities like housing, food and public transportation
- social and emotional support

Immigration program for Afghans who assisted the Government of Canada

Overview of program

- No fee to apply
- Only Global Affairs Canada or the Canadian Armed Forces can confirm work as eligible
- aims to resettle 18,000 people

Who Can Apply:

- To be eligible for this special program:
 - You must be an Afghan national
 - your employment involved a significant and/or enduring relationship with the Government of Canada, which could be, but is not limited to
 - interpreters who worked with the Canadian Armed Forces
 - local staff who currently or used to work at the Embassy of Canada to Afghanistan

Immigration program for Afghans who assisted the Government of Canada.

Eligible Family Member(s)

Eligible Family Members include:

- a spouse or common-law partner
- a dependent child who is
 - under 22 years of age and
 - not married or in a common-law relationship
- a dependent child of a dependent child (a grandchild) who is:
 - under 22 years of age and
 - not married or in a common-law relationship
- **De facto dependants** will also be eligible under this special program. A de facto dependant is someone who
 - depends on a specific family for emotional or financial reasons (or both)
 - may live with the family as a member of their household

Immigration
program for
Afghans who
assisted the
Government of
Canada.
How to Apply:

How to Apply for Immigration Program:

Step 1: To submit your information

1. Go to our [web form](#) (see link in Resources slide)
2. Choose "Situation in Afghanistan" from first drop-down menu
3. Choose "Ask about the special immigration measures for Afghans who helped the Government of Canada" from second drop-down menu

Immigration program for Afghans who assisted the Government of Canada. How to Apply: Continued

4. Complete the form. Include details about your work, such as
 - job title or position
 - identification number, if you had one
 - Name(s) of your Canadian contacts (if possible)
5. Upload copies of
 - any documents that show you worked with the Government of Canada
 - your passport and the passport for each eligible family member travelling with you (if possible)
6. Review and submit your request. Link to [Webform](#)

Step 2: Wait for IRCC to contact you

Humanitarian program for Afghans who need resettlement

The Government of Canada is working with **'trusted international and Canadian partners'** to implement this **'new'** humanitarian program.

You can't apply directly to this program.

To be eligible, you must:

- be an Afghan national
- be outside of Afghanistan
- don't have a durable solution in a third country and
- be part of one of the following groups:
 - women leaders
 - human rights defenders
 - persecuted religious or ethnic minorities
 - LGBTI individuals
 - journalists and those who helped Canadian journalists

Humanitarian program for Afghan nationals in need of resettlement. How to apply:

What to do if you think you might be eligible

Register for refugee status with

- United Nations Refugee Agency (UNHCR) OR
- The government of the country in which you now live

The program will resettle Afghan nationals in 2 ways.

- 1. government-assisted refugee or
- 2. a privately sponsored refugee

You need to be:

- referred by one of the following
 - the United Nations Refugee Agency (UNHCR)
 - the government of the country in which you now live
 - one of the other organizations IRCC is working with for this program
- identified by a private sponsor

Permanent Residence Pathway for Extended Family Members of Former Interpreters

About the program/public policy:

This updated temporary public policy creates a pathway to permanent residence for **extended family members** of former Afghan interpreters. The former interpreters must have previously immigrated to Canada under the 2009 and 2012 public policies.

- **In 2009 and 2012**, Canada introduced special programs for Afghan nationals who served **in direct support of Canada's combat mission in Kandahar**, such as interpreters.
- Family member in Canada is expected to help the applicant/refugee settle here

PR Pathway for Extended Family Members of Former Interpreters. *Eligibility Continued*

Eligibility:

You're related to the former Afghan interpreter as their:

- child (**age doesn't matter**)
- grandchild
- parent or grandparent
- sibling (brother or sister, including half-brothers and half-sisters)
- sibling-in-law (brother-in-law or sister-in-law) if
 - the former Afghan interpreter's sibling is missing and presumed dead, or deceased, **and**
 - you were married or in a common-law relationship with the sibling when they disappeared or died, **and**
 - you don't have another spouse or common-law partner
- you and any family members coming with you have
 - a valid passport or travel document **or**
 - a valid identity document or statutory declaration (as described under [Immigration and Refugee Protection Regulations](#)), if you don't have a passport or travel document

Other Special Measures

MENU ▾

[Canada.ca](#) > [Immigration and citizenship](#) > [Refugees and asylum](#) > [Canada's response to the situation in Afghanistan](#)
> [Find out what special measures for Afghanistan apply to you](#)

Find out what special measures for Afghanistan apply to you

You selected

- you're in a country other than Canada or Afghanistan
- you're an Afghan national
- you're an immediate family member of a Canadian citizen, permanent resident or person registered under the Indian Act

We're prioritizing temporary residence applications

We put in place a special measure to [prioritize applications for temporary residence](#) as a temporary worker, student or visitor.

You must let us know that you're eligible to have your application prioritized. Find out how to [tell us about your application](#).

If you already contacted us about prioritizing your application

You don't need to do anything else at this time. We'll respond to your request as soon as we can. If you're eligible, we'll let you know the next steps. You don't need to contact us again to check in, unless you have new information or documents that may affect your eligibility.

We may also waive fees and other requirements

Under another special measure, we may also waive fees and other requirements for your temporary resident application. You must meet the eligibility requirements to have these waived.

[Find out if we may waive your fees or other requirements](#).

Your family in Canada may be able to sponsor you

You may be eligible to be sponsored by your family in Canada. You and the family member sponsoring you must meet the eligibility requirements. If you're eligible, your family sponsorship application may also be prioritized.

Learn more about our

- [family sponsorship programs](#)
- [special measure to prioritize some sponsorship applications](#)

[← Previous question](#)

[↻ Start over](#)

IRCC Website Determining Eligibility

 Government of Canada / Gouvernement du Canada

Français

Search IRCC 

MENU 

[Canada.ca](#) > [Immigration and citizenship](#) > [Refugees and asylum](#) > [Canada's response to the situation in Afghanistan](#)

Find out what special measures for Afghanistan apply to you

The Government of Canada is committed to welcoming at least 40,000 Afghan refugees to Canada. We also put in place a number of special measures to help Afghans in Canada and abroad.

Answer a few questions to find out what special measures you may be eligible for.

Where are you?

in Canada

in Afghanistan

in a country other than Canada or Afghanistan

IRCC Website Determining Eligibility, Cont'd:

MENU

[Canada.ca](#) > [Immigration and citizenship](#) > [Refugees and asylum](#) > [Canada's response to the situation in Afghanistan](#)
> [Find out what special measures for Afghanistan apply to you](#)

Find out what special measures for Afghanistan apply to you

You selected

- you're in a country other than Canada or Afghanistan
- you're an Afghan national

Do any of the situations below describe you?

I helped the Government of Canada in Afghanistan.

I'm part of a **vulnerable group**.

I'm an **extended family member** of someone who helped the Government of Canada.

I'm an **immediate family member** of a Canadian citizen, permanent resident or person registered under the Indian Act.

My application for permanent residence in Canada has been approved.

None of these apply to me.

Extended family members include children, grandchildren, parents, grandparents, siblings and siblings-in-law (in some cases).

Immediate family members include spouses, partners, dependent children and orphaned relatives under the age of 18.

[← Previous question](#)

IRCC Website Determining Eligibility, Cont'd:



Government
of Canada

Gouvernement
du Canada

Search IRCC



MENU

[Canada.ca](#) > [Immigration and citizenship](#) > [Refugees and asylum](#) > [Canada's response to the situation in Afghanistan](#)
> [Find out what special measures for Afghanistan apply to you](#)

Find out what special measures for Afghanistan apply to you

You selected

- you're in a country other than Canada or Afghanistan
- you're an Afghan national
- you're part of a vulnerable group

You may be eligible for a humanitarian program to resettle in Canada

You may be eligible for a new [humanitarian program](#) to resettle in Canada. Vulnerable groups include:

- women leaders
- [human rights defenders](#)
- persecuted religious and ethnic minorities
- LGBTI individuals
- journalists and those who helped Canadian journalists

You can't apply directly to this program. You must be

- referred to us by a referral partner or
- sponsored as a refugee by a private group or organization

We'll continue to update our website as we have more details to share. You can also [follow us on twitter](#) for regular updates.

[← Previous question](#)

[↺ Start over](#)

Live Q+A

Questions?

One-Year Window Program

What is the One-Year Window (OYW) Program?

- OYW allows a permanent resident who arrived in Canada as a resettled refugee to reunite with immediate family members who were **declared** (listed) on their application but couldn't travel with them to Canada

Eligibility

- Family member in Canada must have come to Canada as a GAR or PSR
- Must apply **within one year** of being resettled in Canada
- Family members abroad **do not** have to meet the refugee definition
- Family members abroad must meet the definition of a family member under Canadian immigration law
- Cannot be inadmissible to Canada
- Must undergo medical examination, security, and police checks before coming to Canada

One-Year Window Program cont'd

Eligible Family Members include:

- a spouse or common-law partner
- a dependent child who is
 - under 22 years of age and
 - not married or in a common-law relationship
- a dependent child of a dependent child (a grandchild) who is:
 - under 22 years of age and
 - not married or in a common-law relationship

Ineligible Family Members:

- De facto dependents
- Non-immediate family members (parents, grandparents, aunts, uncles, siblings, nieces, nephews)
- Second spouses

Tips for Successful Applications

Forms

- Names
 - should match what is on passport or travel document
 - Generic Application Form [IMM 008] asks if applicant has been known by any other name. Sometimes identity documents include different names or spellings.
- Don't leave any part of the Additional Family Information or Schedule A forms blank. If something doesn't apply, enter N/A for "not applicable"
- Schedule A form asks for personal information for ten years. There can be **no gaps**. Any periods where applicant was not employed must be accounted for "unemployed," "studying," "caring for children."

Tips for Successful Applications cont'd

Schedule A (IMM 566g) – Question 6

6. Have you, or, if you are the principal applicant, any of your family members listed in your application for permanent residence in Canada, ever:

	YES	NO
a) been convicted of a crime or offence in Canada for which a pardon has not been granted under the <i>Criminal Records Act of Canada</i> ?	☐	☐
b) been convicted of, or are you currently charged with, on trial for, or party to a crime or offence, or subject of any criminal proceedings in any other country or territory?	☐	☐
c) made previous claims for refugee protection in Canada or at a Canadian visa office abroad, in any other country(ies) or territory(ies), or with the United Nations High Commissioner for Refugees (UNHCR)?	☐	☐
d) been refused refugee status, an immigrant or permanent resident visa (including a <i>Certificat de sélection du Québec</i> (CSQ) or application to the Provincial Nominee Program) or visitor or temporary resident visa, to Canada or any other country or territory?	☐	☐
e) been refused admission to, or ordered to leave, Canada or any other country or territory?	☐	☐
f) been involved in an act of genocide, a war crime or in the commission of a crime against humanity?	☐	☐
g) used, planned or advocated the use of armed struggle or violence to reach political, religious or social objectives?	☐	☐
h) been associated with a group that used, uses, advocated or advocates the use of armed struggle or violence to reach political, religious or social objectives?	☐	☐
i) been member of an organization that is or was engaged in an activity that is part of a pattern of criminal activity?	☐	☐
j) been detained, incarcerated or put in jail?	☐	☐
k) had any serious disease or physical or mental disorder?	☐	☐

If your answer to any of these questions is YES, provide details below.

Each yes or no question must be answered for the person completing the form and anyone in their family that is applying with them under the OYW

- 6(b) – convicted of a crime or committed a crime. Must answer yes even if it was politically motivated, they are not guilty.
- 6(c) – made a refugee claim in any country or with UNHCR
- 6(d) ever denied asylum or any kind of visa for any country
- 6(e) – refused entry (turned back at border or airport) or order to leave any country
- 6(j) – if ever detained or put in jail. Detained means kept somewhere by the police for a short time. It can also refer to an illegal detention, such as being held by the Taliban.
- 6(k) – diagnosed with any serious physical or mental condition

Tips for Successful Applications cont'd

- Make sure the contact information you provide is not going to change soon
 - Mailing address where IRCC will send letters can be different from residential address
 - If you provide an e-mail address, make sure someone will be checking it regularly, and knows to check the junk/spam folders

Tips for OYW Applications

- Can be submitted online or by mail (but not both!)
- Try to submit the application ***before*** the one-year deadline

Live Q+A

Questions?



Resources and supports:

CLEO's Steps to Justice [Refugee Law](#) and [Immigration Law](#)

[How can I tell if my legal representative is reliable?](#) available in Dari and Pashto
[CLEO's Guided Pathway](#) for an open Work Permit

[Rainbow Railroad](#) is a global not-for-profit organization that helps **LGBTBQI+** people facing persecution based on their sexual orientation, gender identity and sex characteristics.

National Newcomer Navigation Network

Resources for health and settlement professionals working with Afghan newcomers to Canada [Afghan Resettlement Toolkit](#)

World Education Services

[WES Gateway Program](#) assesses the educational credentials of individuals who have been displaced as a result of adverse circumstances in their country and have limited proof of academic achievements.



Resources and supports: Gov't assisted refugees

Government of Canada

[Supporting Afghan nationals: 3 special programs](#)

Canada will resettle Afghan nationals and support for up to 1 year under the: [Government-Assisted Refugees Program \(GAR\)](#)

You must be referred to the Government of Canada by one of the following referral partners:

- [United Nations Refugee Agency](#) (UNHCR)
- Find out about the [UNHCR's process to resettle refugees](#)
- [Front Line Defenders](#) (for human rights defenders only)
- [ProtectDefenders.eu](#) (for human rights defenders only)



Resources and supports: Private sponsorships

Under this program private refugee sponsors can be either:

- [a sponsorship agreement holder](#) (an organization that helps support refugees when they resettle in Canada) OR
- an organization, or a group of 5 or more people, in Canada that has volunteered to sponsor referred refugees

For more information contact the [Refugee Sponsorship Training Program](#)

[Private sponsorship program](#): For those interested in sponsoring a refugee

How to apply for an Immigration Program

Immigration, Refugees and Citizenship Canada (IRCC) [Webform](#)



Resources and supports:

How to Apply: [PR Pathway for Extended Family Members of Former Interpreters](#).

A detailed Guide for this program can be found in this [link](#)

All applications for permanent residence under this public policy *must be sent directly to the Centralized Intake Office in Sydney, Nova Scotia, Canada.*

By mail: Immigration, Refugees and Citizenship Canada (IRCC)
Centralized Intake Office – EFPP – Afghanistan
PO Box 12152
Sydney, NS, B1P 0K3, Canada

By Courier: Immigration, Refugees and Citizenship Canada (IRCC)
Centralized Intake Office – EFPP – Afghanistan
49 Dorchester Street
Sydney, NS, B1P 5Z2, Canada



Resources and supports: Gov't assisted refugees

UNHCR: United Nations Refugee Agency

[Information on the Asylum Process](#) (in Dari and Pashto)

Contact your Member of Parliament (MP) to demand:

- That the UNHCR requirement be removed for Afghans
- More spots for Afghans seeking safety in Canada
- A quicker application process

[Find your MP here](#)



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Steps to Justice – [Steps to Justice](#)

Contact me! Karen Dick at CLEO
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