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Accepted refugees: on hold and separated from their family

This report is a submission to the Standing Committee on Citizenship and Immigration for their study of Application Backlogs and Processing Times.

A. Introduction

The Canadian Council for Refugees urges the Standing Committee on Citizenship and Immigration to focus particular attention on applications for permanent residence from Protected Persons in Canada and their family members, as part of their [study of application backlogs and processing times](#).

Protected Persons in Canada are people who have been found to be refugees by the Immigration and Refugee Board (IRB), or through the Pre-Removal Risk Assessment (PRRA). Once they have been accepted as refugees, they can apply for permanent residence for themselves, and for immediate family members, whether inside and outside Canada.

People who have been found to be a refugee in Canada, often after years of waiting in the refugee claim process, face years of further delay before they receive permanent residence. While they wait, it is difficult for them to get on with their lives in Canada, as they are still considered a foreign national in many respects and their rights as Protected Persons are limited. The delays are particularly painful if they are waiting to be reunited with their immediate family members – to be reunited with their spouse and children in Canada, a refugee must first receive permanent residence and then wait for Canada to issue permanent residence visas to the family members overseas.

These delays are partly due to inefficiencies in processing, but more importantly they result from the government's decision to set the annual immigration targets too low for the number of refugee applicants.

B. Gap between the inventory of refugees and the immigration levels

At the end of January 2022, Immigration, Refugees and Citizenship Canada had an inventory of:

- Over 43,000 applications of accepted refugees (Protected Persons) and their family members in Canada
- 26,500 applications of family members outside Canada of accepted refugees

This makes a total of nearly **70,000 applications** in the inventory at the end of January 2022.

Yet in February 2022, the government announced a target of only **24,500** for “Protected Persons in Canada and Dependents Abroad”. According to the **government’s multi-year plan**, the target goes up slightly in 2023 to **25,000**.

This means that the government is planning for some of the applicants in the inventory in January 2022 not to receive their permanent residence **until 2024!**

	Levels		
	2022	2023	2024
Protected Persons in Canada and Dependents Abroad	24,500	25,000	25,500

<https://www.canada.ca/en/immigration-refugees-citizenship/news/notices/supplementary-immigration-levels-2022-2024.html>

C. Increasing capacity at the IRB means the delays will only grow

The number of people whose refugee claims are being accepted has been increasing dramatically, as pandemic disruptions are overcome, and as the Immigration and Refugee Board (IRB) has increased its capacity, with the addition of significant numbers of new decision-makers. In 2021, over 30,000 people were accepted as refugees by the IRB, up from 16,000 in 2020.

The 2022 immigration target of 24,500 for Protected Persons is clearly far too small for the 30,000 people accepted as refugees in 2021, even before considering their family members abroad, who must be added to the 30,000.

As the gap grows between the number of people accepted as refugees and the immigration target, people will be forced to wait longer and longer.

Currently, the processing time for accepted refugees in Canada is **24 months**¹. This time is calculated based on how long it took to process most complete applications finalized in the past 6 months. The time has been increasing, and will continue to increase, given the huge gap between applications and immigration targets.

D. Impact of prolonged family separation

The most devastating impact of the long delays in granting permanent residence to accepted refugees is prolonged family separation.

Often, people forced to flee are separated from their immediate family. Their spouse and children may remain in the home country, subject in some cases to the threats from the same agents of persecution that the refugee fled. In other cases, family members have also been displaced from their home country, and are surviving in precarious circumstances in a third country. Some parents have had to leave their children behind in the care of an elderly relative, or even a neighbour.

In order for these family members to be allowed to come to Canada to reunite with their spouse or parent:

- The person in Canada must go through the refugee claim process and be accepted as a refugee (which often takes years)
- The person in Canada must then apply for permanent residence and be granted permanent residence (currently 2 years)
- The family members overseas must then complete their permanent residence processing and be granted a permanent resident visa (the government declines to publish the processing times for this category).

In early 2021, Immigration, Refugees and Citizenship Canada (IRCC) informed a journalist that for cases of family members of refugees finalized between April 2020 and March 2021 the processing time was **39 months**.² This timeline – more than three years! – is from the date at which the refugee in Canada submitted their application for permanent residence for themselves

¹ <https://www.canada.ca/en/immigration-refugees-citizenship/services/application/check-processing-times.html#immigration>

² Le Devoir, Des milliers de réfugiés reçus au Canada doivent vivre plus de trois ans sans leurs enfants, Lisa-Marie Gervais, 17 mai 2021.

and their family members. Often, there are also delays before the permanent residence application is submitted, as the refugee must gather enough money to pay the processing fees, and find someone to help them complete complex forms (in English or French).

The years of separation have enormous costs:

- Family members are often at risk – targeted by agents of persecution or living in countries at war or where violence is widespread. Women and girls may be at risk of sexual assault, children may be unable to go to school, healthcare may be minimal, youth may be liable to forced recruitment in gangs.
- Families grow apart. Relationships between spouses become fragile. Children grow up in the absence of one or both parents.
- Those in Canada and their family members suffer health challenges as a result of separation. The accepted refugee is often working to support both themselves here in Canada as well as sending money to support their family back home, while lacking the emotional benefits of family support. This results in huge stresses and potential mental or physical breakdown.
- The costs of the long separation are enormous both for the families and for Canadian society: family ties and trust have been weakened, children enter Canadian schools at an older age, and often having missed out on education, and mental and physical health is often affected.

A mother describes her experience of separation from her husband and two of her children

I had to leave my spouse and two of my kids behind. I travelled because I had to – it was the only choice and I was crying a lot, but I was pushed by my family to leave.

In 2018 I started my refugee journey in Canada. I had no family, no friends and I didn't know anything about the system in Canada or life in Canada. The only thing I knew is that Canada is a country of human rights and it welcomes refugees. I won't deny that I found here lots of human rights but the refugee journey is so long that it's something the government can change.

It's so stressful to wait for a hearing and then wait for your permanent residence and then wait until your overseas family get their permanent residence. It has taken almost four years to be at the point of being reunited with my family.

My kids and I lost four years from our lives together. We suffered a lot; I went through severe depression; I was thinking of suicide a lot. I couldn't handle life without my kids, and my kids at the same time were suffering. They stopped going to school; they lived in constant fear. No healthcare, no school, their lives and my life stopped.

I was always wondering and asking myself "how is a big, developed country like Canada able to allow such a thing that families be separated for that long, especially if kids are involved?" I applied for Temporary Resident Visas three times and I applied for Temporary Residence Permits twice and all were rejected (I see that as something against humanity).

My daughter was affected, I left her when she was 6, she was still in SK (Kindergarten). My daughter now is 10, and you know what she doesn't know how to read or write.

My son here in Canada is severely autistic – he became more aggressive, screaming, hitting himself and biting his wrist. He wasn't like that before. I think being away from his siblings and father has impacted his behaviour.

My other son was always an outstanding student and got A+. He was always chosen by the school to participate in competitions outside his school. Now he hasn't been to school for 4 years and he missed the whole middle school stage. Imagine moving from elementary to secondary!!

I think these four years will always have an impact on us. It will never be forgotten, the pain we had will never go away. I think when my kids come to Canada we will all have to undergo mental health therapy.

Another mother describes her experience of separation from her husband, father of their two girls

I arrived in Canada with my two daughters, then aged 11 and 6 – my husband could not join us at the time. I submitted my refugee claim in January 2019, and waited until August 2021 for a hearing. My claim was accepted in September 2021 and that same month I applied for permanent residence online including my husband's application.

I am still waiting with nothing happening. I am losing hope and can barely continue my days waiting and waiting. I know it has been less than a year for our permanent residence application but we have been separated for 42 months! My girls are growing up with no father! They are now aged 14 and 10.

If every stage of the process takes 40 months then we are doomed. What is happening is inhumane on so many levels. We are refugees, yes, but we are still humans and our family is like any other family – we cannot tolerate the separation anymore.

The separation, the fear of losing my husband, the struggle of surviving alone with my children, the anxiety to make it every day without knowing our future, the stress that we live every moment cannot be described, all this is breaking us with every passing day.

You can never imagine the guilt a separated family feels to leave their loved ones. You wake up with pain in your heart every morning and you are expected to function normally and you go to sleep in tears. The same question I hear every morning from my girls: any news about Dad's papers? EVERY morning! Whenever we see a family together my girls cannot hold their tears. We did no harm and we respect and appreciate us being in Canada, but please there should be a path for separated families.

Four years! And starting year 5 soon. I managed to hold myself so far, but I do not know how much longer I can keep this up with no hope, no answers to our request, and no definite timelines. I call IRCC, and have never been able to speak to any officer since I arrived in Canada. I am pleading for help from IRCC to look into family separation.

E. Other reasons for delays in family reunification

While most families face excruciatingly long delays to reunite, some must deal with additional barriers created by the immigration system that add significant expenses and delays:

- Some visa offices impose excessive document requirements – for example, treating refugee family reunification like a Family Class Sponsorship and demanding proof that there is a genuine spousal relationship, even though the spouse has been declared throughout the process and a marriage certificate has been submitted.
- Some families, particularly those from Africa and families of African descent, are required to undergo DNA testing to establish the family relationship. DNA tests are costly and getting the samples taken can be extremely challenging, especially where family members are in regions where there is armed conflict and political instability.³

³ See the CCR report, [DNA Tests: A barrier to speedy family reunification](#), October 2011.

F. Impact of delays for persons in Canada

In addition to grave problems caused by family separation, people in Canada waiting for permanent residence face serious challenges as they try to get on with their lives:

- **Employment:** Protected Persons face discrimination in employment as many employers still view their status in Canada as only temporary. Employers are therefore often reluctant to hire them for more senior, long-term positions, or to offer them promotions or access to training opportunities. Without permanent residence, Protected Persons face significant challenges in travelling outside Canada, which is necessary for some jobs. While waiting for permanent residence Protected Persons must keep renewing their work permit – due to government processing delays, the renewal is often late arriving. Although in principle, the Protected Person retains the right to work, employers are often confused about this, leading in some cases to people losing their jobs.
- **Financial:** Protected Persons without permanent residence regularly face systemic barriers in accessing bank loans, lines of credit, or even credit cards. As a result, despite a Protected Person’s initiative, expertise, and financial literacy, they are often unable to start their own businesses or own their own home.
- **Access to citizenship:** The longer the wait for permanent residence, the longer the delay until Protected Persons can apply for Canadian citizenship. Acquiring citizenship is particularly important for refugees, since they are effectively stateless – they have no State that they can call on to protect them fully, or to issue them a passport, until they become Canadians.

All of these factors compromise the ability of accepted refugees to contribute to Canadian society – a loss not only for them and their families, but for all Canadians.

G. Recommendations

Given that the Minister’s mandate letter distinctly requires him to speed up family reunification, we recommend the following:

a. Ensure that the mandate also applies to refugees and not only Family Class.

The [mandate letter for Minister Sean Fraser](#) includes the commitment to “work to strengthen family reunification by introducing electronic applications for family reunification and implementing a program to issue temporary resident status to spouses and children abroad while they wait for the processing of their permanent residency application.

We urge that this commitment be applied to refugee family reunification, and not only Family Class. Refugees have already endured forced displacement and often long periods in the refugee claim process: their need for rapid family reunification is at least as great as for non-refugees.

b. Increase immigration targets for Protected Persons in Canada and Dependants Abroad

It is crucial that the immigration targets for Protected Persons in Canada and Dependents Abroad be increased, for 2022 and subsequent years, to match the numbers of applications.

c. Publish the processing times for dependants abroad of refugees

In the name of transparency and accountability, it is crucial that the government regularly publish the processing times for dependants abroad of refugees. The failure to do so only reinforces the impression that the times are exceedingly long, and that the government is not committed to addressing the delays.

d. Automatic permanent residence

For a more durable solution to the problem of long delays, we urge that the Immigration and Refugee Protection Act be amended so that, barring any inadmissibility issues raised by the Canada Border Services Agency or IRCC, accepted refugees acquire permanent residence by operation of law, without the need for an application. This would avoid the issue of needing to provide space in the immigration levels, and would free up IRCC time and resources.⁴

H. Conclusion

By the time they are accepted as refugees in Canada, people have already faced numerous challenges in their home country and in flight, as well as often years of waiting before their refugee claim hearing. The detrimental impact of long additional waits for reunion with their family members is huge – and even potentially fatal for family members who are living in a situation of war or where they are targeted by persecutors. It is unacceptable that permanent residence and family reunification should be further delayed because the government chose to impose further years of waiting by setting immigration targets too low.

⁴ See CCR resolution: <https://ccrweb.ca/en/res/automatic-permanent-residence-convention-refugees>