



CANADIAN COUNCIL FOR REFUGEES
CONSEIL CANADIEN POUR LES RÉFUGIÉS

table de concertation
des organismes au service
des personnes réfugiées et immigrantes



In collaboration with the refugee communities from the following countries, on which Canada has imposed a moratorium on removals: Afghanistan, Burundi, Democratic Republic of Congo, Haiti, Iraq, Liberia, Rwanda and Zimbabwe.

Fact sheet for nationals of Burundi, Liberia and Rwanda without permanent status in Canada

Who is affected?

On 23 July 2009, the Government of Canada lifted the temporary suspension of removals for people from Burundi, Liberia and Rwanda. Formerly, people from these three countries who did not have permanent status in Canada were protected from imminent removal (with some exceptions, such as cases involving criminality, accusations of crimes against humanity).

What should they do?

Individuals from Burundi, Liberia and Rwanda, who are not waiting for a decision on their refugee claim, and who wish to remain in Canada, should apply for permanent residence in Canada on humanitarian and compassionate (H&C) grounds.

APPLICATIONS MUST BE SUBMITTED BEFORE 23 JANUARY 2010.

What is an application for permanent residence on humanitarian or compassionate (H&C) grounds? Who can make an H&C application?

People from moratoria countries, like any other person, can apply at any time for permanent residence on humanitarian or compassionate (H&C) grounds. The application fees are \$550 per adult (\$150 for each dependent child under the age of 22).

H&C applications are a discretionary measure and there are no clear and transparent rules that state plainly who should be accepted. For some of the factors to include in your application see: **“Which factors should be emphasized?”** below.

Citizenship and Immigration Canada provides information about how to complete the forms, (there is no information about the substance) as well as the forms themselves, on their website:

<http://www.cic.gc.ca/english/information/applications/handc.asp>

Who can fill in the forms?

Anyone can prepare their own H&C application. However, in addition to filling in the forms, the person needs to back up their application with submissions (written arguments) and supporting documents (letters, attestations, medical reports where necessary, etc.) to show the aspects of their situation that deserve humanitarian considerations.

If at all possible, the application should be prepared with the assistance of experienced legal counsel or a community worker who has experience preparing H&C applications.

Which factors should be emphasized?

Immigration officers must take into account all information submitted in order to determine if there are enough humanitarian factors to grant permanent residence. A positive decision can be based on several factors, such as:

- Establishment (integration) in Canada – including work history, volunteer activity, having close family (spouse or children) or extended family (brothers, sisters, parents) who are Canadian citizens or permanent residents;
- The interests of any minor children – having children who have been in school for several years and are well-integrated, speak English and/or French, and who would suffer from being uprooted from Canada;
- Any risks of persecution or torture or risk to your life you would face in your country of citizenship;
- Any medical condition or special need (eg. serious illness or child's learning disability) which would not receive proper treatment or attention in your country of citizenship.

The immigration manual IP5 “Immigrant Applications in Canada made on Humanitarian or Compassionate Grounds” sets out the criteria which officers must follow when making a decision. Paragraph 13.9 is especially relevant for nationals of moratoria countries. The guide is available at: <http://www.cic.gc.ca/english/resources/manuals/ip/ip05-eng.pdf>

What happens to me in Canada while my application is in process?

- People from Burundi, Liberia and Rwanda who have applied for permanent residence in Canada on humanitarian and compassionate grounds will be allowed to stay in Canada while their applications are being processed.
- Those who have made H&C applications are eligible to work and study while waiting for the outcome of their applications.
- Persons in Quebec (those who were living in the province on 23 July 2009 and continue to live there) will have their applications considered also by the Government of Quebec.

I am still waiting for the results of my refugee hearing. Should I still apply for H&C?

No, wait for the outcome of your refugee hearing. Hopefully, you will be accepted. If not, individuals who have applied for refugee protection from Burundi, Liberia and Rwanda on or before 23 July 2009 and who then receive a negative decision have up to six months to apply for permanent residence on H&C grounds following this decision.

What can be done if an H&C application is refused?

When an application is refused, the applicant receives a letter that simply says the answer is negative. However, everyone has the right to request the reasons for the decision. To obtain the reasons, a written request should be sent to Citizenship and Immigration Canada.

Most people who have their H&C applications refused are eligible for a pre-removal risk assessment (PRRA). For more information on the PRRA, see:

<http://www.cic.gc.ca/english/refugees/inside/prra.asp>

If I have a spouse who is a Canadian citizen or permanent resident, can they sponsor me?

Yes. Your spouse or common law partner can file a sponsorship undertaking as part of the H&C application. They must fill out sponsorship forms IMM1344A and B, which can be found at:

<http://www.cic.gc.ca/english/pdf/kits/forms/IMM1344EA.pdf>

<http://www.cic.gc.ca/english/pdf/kits/forms/IMM1344EB.pdf>

There are certain criteria for eligibility to sponsor, which are set out in the first form. You and your sponsor may later be asked to fill out additional forms.

Note: It is also possible for your spouse to sponsor you in the Spouse or Common-law partner in Canada Class. However, such an application does not suspend removal proceedings. Only an H&C application, filed within the above-mentioned six month deadline, will have the effect of suspending removal proceedings.

If your spouse has already submitted a spousal sponsorship for you, you may need to apply also for H&C in order to ensure that you are not removed while the spousal sponsorship is being processed.

Practical resources

- Measures for people affected by the lifting of the temporary suspension of removals to Burundi, Liberia and Rwanda. *Citizenship and Immigration Canada*.
<http://www.cic.gc.ca/english/department/media/notices/notice-suspension.asp>
- Procedures for Humanitarian and Compassionate Applications as a Result of Lifting the Temporary Suspension of Removals on Burundi, Liberia and Rwanda. Operational Bulletin No. 136.
<http://www.cic.gc.ca/english/resources/manuals/bulletins/2009/ob136.asp>
- Immigration Guide IP5 “Immigration Applications in Canada made on Humanitarian or Compassionate Grounds” sets out the criteria that officers must follow when making a decision. Paragraph 13.9 is especially pertinent for nationals of moratoria countries. See:
<http://www.cic.gc.ca/english/resources/manuals/ip/ip05-eng.pdf>
- Application forms for permanent residence on humanitarian and compassionate grounds, on the Citizenship and Immigration Canada website at:
<http://www.cic.gc.ca/english/information/applications/handc.asp>
- For more information about applying for permanent residence in Canada as a spouse or common-law partner of a Canadian citizen or permanent resident, consult:
<http://www.cic.gc.ca/english/information/applications/spouse.asp>
- Web page for the campaign *Lives on Hold*: <http://www.ccrweb.ca/livesonhold.htm>

Where can I go for more information?

From government sources

- Citizenship and Immigration Canada - <http://www.cic.gc.ca>
- Canada Border Services Agency - <http://www.cbsa-asfc.gc.ca>

For questions about the “Lives on Hold” campaign

- Canadian Council for Refugees – (514) 277-7223

For legal questions (community workers only)

- Comité d’aide aux réfugiés – (514) 272-6060, ext. 5
- FCJ Refugee Centre – (416) 469-9754