• **June 2023**

G5 intake control options

For discussion

Background

CCR is opposed to the Refugee Status Determination (RSD) requirement for Group of Five (G5) and Community Sponsorships (see resolution adopted in 2013).[1] In collaboration with G5 sponsors and others interested, we have been exploring possible alternatives to the RSD.

IRCC is currently considering intake control options, including numerical limits – even with the RSD requirement, IRCC is receiving more G5 applications than the immigration levels allow. As long as more applications enter than sponsored people arrive, the backlog grows bigger and processing times become longer. (In November 2022, Group of Five and Community Sponsorships represented 60% of the total private sponsorship inventory – 40,500 people out of 67,500 total inventory. The 2023 Immigration Levels call for 27,505 privately sponsored refugees to arrive – only 41% of the application backlog from November 2022).

In fall 2022, CCR worked with some interested G5 sponsors and others to develop some options which were presented in March 2023 to the wider group of people interested in G5 sponsorships. The following key considerations and options reflect those discussions.

In Budget 2023, the government announced its intention to amend the Immigration and Refugee Protection Act "to improve application intake in the Private Sponsorship of Refugees Program, resulting in shorter and more predictable processing times, helping sponsors to plan and prepare for the arrival of refugee families".

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[1] The issue affects Group of Five and Community Sponsorships, and the discussion in this paper is intended to cover both types of sponsorship – for simplicity, we generally refer simply to "G5 sponsorships" (since they are much more numerous). It should be noted that sponsorships in Quebec are administered by the Quebec government, which applies its own rules to control the intake of sponsorships.

This proposed amendment[2] is presumably to allow the government to set numerical limits for G5 and Community Sponsorships.

Once the legislation is passed, the CCR expects to have an opportunity to engage with IRCC on intake control measures. It is therefore important to clarify our advocacy priorities. The CCR welcomes further input from members on the key considerations and possible options in advance of future discussions with IRCC.

Key considerations

In discussions to date, it is clear that it will be difficult to find an ideal solution. There are disadvantages to any intake control mechanism. Having no limits also comes with a major disadvantage: extremely long processing times – since there are many more people that Canadians would like to sponsor than the immigration levels allow. While we can and should continue to advocate for more levels space for resettled refugees, it is unlikely that there will ever be enough spaces for all the people to be sponsored. And it is clear that the government is looking for tighter controls on numbers, not lifting controls.

The following however are some key considerations, or principles, to guide our advocacy.

1. The **Refugee Status Determination** (RSD) requirement for Group of Five (G5) and Community Sponsorships must be abolished.

2. **Expanded family reunification** options are needed. Private sponsorship is extremely important for reuniting refugee families. A very large percentage of G5 sponsorships are family-linked. If the government expanded family class options, perhaps specifically targetting refugee families, there would be less need for private sponsorship.

3. Becoming a private sponsor must be **accessible to newcomers**. Many sponsors are people who themselves came to Canada as refugees, and may have limited resources and fluency in English or French. Sponsors should not be required to have specialist knowledge or need to rely on an expert to assist them. When a crisis emerges in a particular region, people from the affected communities should be able to respond quickly and easily. The program must be designed so that newcomers can become G5 sponsors.

4. Intake controls can be "**qualitative**" (is the application complete? do sponsors and sponsored persons meet basic eligiblity? is there a settlement plan meeting basic criteria?)

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[2] Bill C-47, Division 17 of Part 4, section 286, https://www.parl.ca/LegisInfo/en/bill/44-1/c-47.

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or "**quantitative**" (limits by numbers). If many applications meet the "quality" standard, it doesn't solve the problem of too many applications. On the other hand, quality measures, such as mandatory training or completeness checks, can help avoid having many applications refused and spaces left unused, assuming there are numerical limits.

5. Intake control measures **should not introduce extra delays**. A longstanding major concern is the long processing times: we do not want to see extra steps that add to delays.

6. The focus should be on **building the capacity of sponsors**, rather than adding additional requirements. We should be aiming to make it easier to submit a sponsorship application, and have tools to help people ensure that their application is of high quality.

7. Any measures introduced should ensure that **all available spaces are used**. If there are numerical limits, spaces allocated to sponsorships that are found not to meet the criteria should be reallocated to other sponsorships, so that no spaces are wasted.

8. Any measures should be designed as far as possible to provide sponsors and applicants with some reason for **hope**. Those being sponsored are often surviving in very difficult circumtances, with few solutions available to them. Providing some possibility of resettlement, even though the wait will be very long, is a welcome alternative to the crushing disappointment of a complete refusal.

Intake control options

Options with most support (in CCR's consultation with G5s and those interested)

1. Qualitative and quantitative check by IRCC

Description: IRCC receives all the applications, checks whether they meet the basic requirements, and accepts a limited number of those that passed the check (based on first-come).

Pros:
- Ensures that limited spaces are not used up by applications that will be rejected based on paper review.
- IRCC should be taking on these responsibilities
- This seems to be what happened with the Afghan G5s

Cons:

- o IRCC would need to hire more people (and train them adequately) and commit to processing applications in a timely way, or there would be delays.
- o Favours those represented by a lawyer or otherwise able to make sure the application is first in line (this was the experience with Parents/Grandparents)
- o Extra delays because you need to wait for the door to open

2. Mandatory training

Description: Require sponsors to undergo mandatory training by RSTP (as required for Afghan program).

Pros:

- o Addresses quality of applications
- o Would improve post-arrival support
- o Would probably need more training than required for Afghan program to be meaningful
- o Could be combined with a better designed form (and one that automatically checks completeness) in order to have better quality applications and reduce need for checks of applications

Cons:

- o Would likely not make much impact on numbers (see experience with Afghans) – would need to be combined with other measures
- o On the other hand, if in-depth training is required, with certification, even before submitting an application or expression of interest, this would slow things down and contribute to capping interest, but add delays to the overall process
- o Unless carefully designed, it could make sponsorship less accessible to newcomers

3. Combination of numerical limit, qualitative check, lottery or order of arrival, and queue

An option combining several of options under consideration. The following is one example, but other hybrids are also possible.

Description:

- IRCC does a qualitative check and excludes applications that do not meet the requirements, providing reasons for doing so.

- A certain percentage of the numerical limit for the year (say 50%) are selected by lottery (or by order of arrival) from among applications that passed the quality check.

- The rest of the numerical limit (50% in this example) is allocated to applicants that were not selected in the lottery in past years (by order of application date)

Pros:

o Includes qualitative check
o Provides for relatively quick processing for some applicants, while not closing the door on applicants not selected in lottery
o Allows applicants not selected in lottery to estimate processing times (based on size of backlog, and number of non-lottery applicants expected to be processed each year)
o Offers a glimmer of hope to more people

Cons:

o Quite complicated to understand
o Any model with qualitative checks involves expenses and extra time
o If a lottery, there are delays while waiting for the lottery
o Backlog of applications not selected could easily become very large, and might be hard to keep updated (as applicants might find other solutions, increase their family, etc). On the other hand, the system could require applicants to confirm continuing interest each year in order to retain a place in the backlog.

4. Family-linked priority

[Note equal numbers of people thought this was not a good option as thought it was a good option.]

Description: Applications with a specified family relationship with someone in Canada would get priority (perhaps combined with one of the other options)

Pros:

o Would recognize the importance of family reunification

Cons:

o Most G5 applications are family-linked so it would probably not make much impact on numbers
o It would raise a new requirement to prove the family relationship

o There would be challenges to fairly identify the relationships that would be counted (for example cousins may have a closer personal/social relationship than siblings)
o LGBTQ populations are disproportionately disadvantaged since they may have broken relationships with their family

Options with some support

5. Numerical limit via expression of interest

Description: Rather than submitting a full application, sponsors submit an "expression of interest". Those that are accepted (either by lottery, or first-come) then submit a full application. (Note: this process has been used in Quebec)

Pros:

o Avoids people spending a lot of time on, and raising funds for, applications that are not going to be accepted due to numerical limits
o Less discouraging for sponsors to have only an expression of interest rejected

Cons:

o Extra delays involved in a two step application process
o Potential to lose spaces because some applications are not actually submitted after the expression of interest is accepted
o Same disadvantages as any model using lottery or first-come for numerical limits

6. Numerical limit – first-come

Description: Each year there is a maximum number of applicants that can be accepted. Applications will be accepted for processing until the maximum number of applicants is reached (this was the method for special Afghan G5 measures)

Pros:

o Simple to understand and implement
o Numerical limits are also used in the SAH part of the PSR program and across other immigration programs, so it's a mechanism that is understood by the public

Cons:

o Favours those represented by a lawyer or otherwise able to make sure the application is first in line (this was experience with Parents/Grandparents)
o Extra delays because you need to wait for the door to open

    o   Does not screen out ineligible applications (unless there is a separate process) (Could allow other applications to fill the spots if some are ineligible. Or have two times during the year when IRCC accepts applications so that spaces not used the first time can be used the second time)

    o   Would need to clarify whether an application returned by IRCC due to missing information loses the spot, or is given opportunity to remedy the issues.

7. Qualitative and quantitative check by an organization outside government (with overall numerical limit)

Description: A single organization (perhaps an existing organization, perhaps a new organization for G5s) receives all the applications, checks whether they meet the basic requirements, and then forwards eligible applications, up to a fixed number, to IRCC for processing.

Pros:

    o   Could combine qualitative and quantitative controls

    o   Could integrate priority factors (e.g. most vulnerable)

    o   Would allow applications year round

    o   The organization can act as an advocate for the applicants and assist them in ensuring they have the strongest possible application

Cons:

    o   It would be a huge amount of work that would need to be funded by IRCC

    o   Organization might not want to have the role of gatekeeper

    o   The extra step of the qualitative check would add to overall processing time

Options with least support

8. Numerical limit – lottery

Description: Each year there is a maximum number of applicants that can be accepted. A deadline is set for applications and then a lottery is held to choose the required number of applicants that will go forward.

Pros:

    o   Equal chance for all

    o   Simple to understand and implement

- o Numerical limits are also used in the SAH part of the PSR program and across other immigration programs, so it's a mechanism that is understood by the public

Cons:

- o Risk of separating families that are divided between applications (this has been the experience in Quebec) – although there could be ways to limit this problem by allowing linked applications
- o Extra delays because you need to wait for the lottery (perhaps only once a year?)
- o Does not screen out ineligible applications (unless there is a separate process)

9. Other types of priority

Description: A priority is given to applications that meet certain criteria (perhaps changing over time and combined with one of the other options) – for example, responding to a current crisis (e.g. Afghans currently) or vulnerable population (Women at Risk, LGBTQ), length of time person is in camp/ host country and condition of country, regions that are neglected

Pros:

- o Would give priority to most vulnerable

Cons:

- o It is challenging to have criteria that cover all the situations of vulnerability that are also easy to evaluate
- o Changing the criteria frequently would be confusing and potentially controversial
- o Risk of manipulation – people would have an incentive to place themselves in one of the categories (which then could lead to increased demands for proof that the person met the criteria)